



**CITY OF SOUTH DAYTONA
SPECIAL MASTER CODE ENFORCEMENT
Minutes**

April 13, 2023 at 9:00 AM
CITY COUNCIL CHAMBERS
1672 S. Ridgewood Avenue, South Daytona, Florida

SPECIAL MASTER: Attorney Matthew Branz, Esquire

STAFF:

Josh McEnany, Code Compliance Manager, Matt Miavez, Code Compliance Officer, Becky Witte, Deputy City Clerk

I. **CALL TO ORDER:** Special Master Matthew Branz called the City of South Daytona's Special Master Code Enforcement Hearing to Order at South Daytona's City Hall, City Council Chambers, 1672 S. Ridgewood Ave, South Daytona, Florida at 9:01 am.

II. PLEDGE OF ALLEGIANCE.

Special Master Branz welcomed those in attendance to the City of South Daytona Code Enforcement Special Master hearing. He said that today's proceedings are quasi-judicial in nature. Formal rules of evidence do not apply, but fundamental due process will be observed and govern all proceedings, he explained. Mr. Branz said that all testimony is under oath and will be recorded. There is no "public comment" portion of these proceedings, and all participants must have an active role in the case such as staff, respondent, and/or a witness, he said.

Special Master Branz continued to explain that at the conclusion of each hearing, he shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with the powers granted to the Code Enforcement Special Master. The order may include a notice that it must be complied with by a specified date, and that a fine may be imposed, he said.

Special Master Branz advised that if any party decides to appeal any decision made at this meeting, they will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based, per section 286.0105, Florida Statutes.

III. **APPROVAL OF MINUTES FOR: March 9, 2023.** Attorney Branz approved the minutes with minor corrections as provided by Deputy City Clerk.

IV. OATHS OF THE CITY OFFICIAL, RESPONDENTS AND WITNESSES:

Executed by Deputy City Clerk, Becky Witte

V. NEW BUSINESS:

Case # 23-000036 Owner: RIDGE APTS LLC

Location: 2050 S RIDGEWOOD AVE, SOUTH DAYTONA FL 32119

VIOLATION(S):

1. International Property Maintenance Code 302.7, Accessory structures

Comments: fencing along property line near ACE and Big Tree Plaza, dilapidated. Please remove or repair

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent was not in attendance.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.7: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Special Master Branz ordered that the Respondent correct the violation on or before May 8, 2023 at 5:00 pm. If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for May 11, 2023.

Case # 23-000052 Owner: CARNER TIM
Location: 340 FERNDAL, SOUTH DAYTONA FL 32119

VIOLATION(S):

1. Florida Building Code 5-21 Model administrative code - Permit Required, Permit Required
Comments: Permit Required for Renovations

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent, Tim Carner, was in attendance and provided testimony.

Special Master Branz continued the case until the May 11, 2023 Hearing.

Case # 23-000053 Owner: GINDER RICKY LYNN
Location: 2821 SAULS ST, SOUTH DAYTONA FL 32119

VIOLATION(S):

1.5.6. A (1) City of South Daytona Land Development Code Section 5.6 A, Accessory Structure on lot without permitted principal use
Comments: Accessory Structure must be removed from the property.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager asked to continue the case.

Case # 23-000054 Owner: GINDER RICKY LYNN
Location: 2821 SAULS ST, SOUTH DAYTONA FL 32119

VIOLATION(S):

1. Florida Building Code 5-21 Model administrative code - Permit Required, Permit Required
Comments: An Issued Building Permit is Required.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager asked to continue the case.

Case # 23-000057 Owner: WENZ TIMOTHY
Location: 917 DUNCAN RD , SOUTH DAYTONA FL 32119

VIOLATION(S):

1.International Property Maintenance Code 302.7, Accessory structures

Comments: fence is dilapidated and needs removed or repaired with appropriate permits

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent, Timothy Wenz, was in attendance and provided testimony.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.7: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Special Master Branz ordered that the Respondent correct the violation on or before May 8, 2023 at 5:00pm. If the Respondent fails to comply with this Order, a fine of \$100.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for May 11, 2023.

Case # 23-000069 Owner: GSK 661 BEVILLE ROAD LLC
Location: 661 BEVILLE RD, SOUTH DAYTONA FL 32119

VIOLATION(S):

1.City of South Daytona Code of Ordinances 16-11, Business Tax Receipt required

Comments: Business Tax Receipt Required to operate a business

2.City of South Daytona Code of Ordinances 5-217 (1), Minimum standards: Fresh appearance

Comments: exterior property should be painted to reflect a neat and fresh appearance

3.City of South Daytona Code of Ordinances 5-217 (2), Minimum standards: Structurally sound

Comments: second floor stairwell (east) has a hole in ceiling; leaking door on hatch

4.City of South Daytona Code of Ordinances 5-217 (8), Minimum standards: Parking areas and Vacant lots

Comments: Parking area must be kept free of weeds, trash and debris

5.City of South Daytona Code of Ordinances 5-217 (9), Minimum standards: Landscaping

Comments: Landscaping shall be kept in a neat and well-maintained condition

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager asked to dismiss the case as the property was in compliance this morning.

Case # 23-000072 Owner: STRAMONDO PATRICIA W
Location: 2285 COLFAX DR , SOUTH DAYTONA FL 32119

VIOLATION(S):

1.City of South Daytona Code of Ordinances 5-201, Finding and notice requiring correction.

Comments: Property Unfit for Human Habitation- no power, no water

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Chief Building Official John Boden was in attendance.

Respondents, Dean Stramondo, Tricia Stramondo and Dina Oliva (1210 Eddy Drive, Port Orange), were in attendance and provided testimony.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 111.1.3, Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

City of South Daytona Code of Ordinances 5-200, Prohibited. It shall be unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe condition.

Special Master Branz ordered that the Respondent correct the violation on or before May 1, 2023 at 5:00pm. If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for May 11, 2023.

Case # 23-000073 Owner: JOHN T SELF TRUST

Location: 1777 NOVA ROAD, SOUTH DAYTONA FL 32119

VIOLATION(S):

1.City of South Daytona Code of Ordinances 5-201, Finding and notice requiring correction.

Comments: Rotten and dilapidated structure, siding and apparent failure of the roof system;

Lack of electric power to the structure

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent was not in attendance.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 111.1.3, Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and

contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

2. City of South Daytona Code of Ordinances 5-200, Prohibited. It shall be unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe condition.

3. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.2, Protective Treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.

4. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.13, Windows, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Special Master Branz ordered that the Respondent correct the violation on or before May 1, 2023 at 5:00pm. If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for May 11, 2023.

Old Business:

Case # 23-000001 Owner: SPACE CONCEPTS INC
Location: 2281 CARMEN DR, SOUTH DAYTONA FL 32119

VIOLATION(S):

1. City of South Daytona Code of Ordinances 5-217 (7), Minimum standards: Neat and fresh appearance

Comments: EXTERIOR WALLS NEED PRESSURE WASHED AND PAINTED

2. City of South Daytona Code of Ordinances 5-217 (8), Minimum standards: Parking areas and Vacant lots

Comments: PARKING LOT SHOULD BE MAINTAINED AND BE FREE OF POTHoles AND BROKEN PAVEMENT

Status: ORDER IMPOSING FINE / LIEN

Josh McEnany, Code Compliance Manager presented that the case came on for public hearing before the Special Master on March 9, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated March 9, 2023, where the property was found in violation.

Respondent, Mary Sicilian, owner of Space Concepts, was in attendance and provided testimony.

Based on the testimony and evidence received, the Special Master extended the compliance date to April 27, 2023 at 5:00pm.

A hearing to impose fine will be scheduled for May 11, 2023.

Case # 23-000003

Owner: GASCON DAVID A

Location: 2261 KENILWORTH , SOUTH DAYTONA FL 32119

VIOLATION(S):

1.City of South Daytona Code of Ordinances 4-47, Animal License

Comments: dog(s) on premises must be licensed by visiting the South Daytona Police Department to begin the process

2.International Property Maintenance Code 302.1, Sanitation

Comments: PROPERTY SHOULD BE CLEAR OF JUNK, DEBRIS AND TRASH. EXTERIOR PROPERTY SHOULD REFLECT A NEAT AND FRESH APPEARANCE.

Status: Request Order of Imposing Fine/Lien

Josh McEnany, Code Compliance Manager presented that the case came on for public hearing before the Special Master on March 9, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated March 9, 2023, where the property was found in violation. A continuance was issued on March 9, 2023.

Respondent, David Gascon, was in attendance and provided testimony.

David Gascon called Daniel Levesque, 385 Gobblers Lodge Road, Osteen, was in attendance and provided testimony.

Based on the testimony and evidence received, the Special Master found that the property was not in compliance by March 5, 2023. The property remains in violation of the following:

1. City of South Daytona, Code of Ordinances, Chapter 4, Animals and Fowl, Article II. Licenses, Division 2. Licenses to Keep Dogs and Cats. Sec. 4-47. Required. Any person owning, keeping, harboring or having custody of any dog or cat over six (6) months of age within this city must obtain a license as herein provided.

2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.1: Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

Special Master Branz said accordingly, a fine of \$250.00 per day for violations listed above shall be imposed. These fines shall begin March 6, 2023 and continue to accrue against the property until said property is brought into compliance.

Case # 23-000020 Owner: ELSOBKY AMR M
Location: 2938 OAK LEA DR , SOUTH DAYTONA FL 32119

VIOLATION(S):

1. International Property Maintenance Code 302.7, Accessory structures
Comments: remove dilapidated structure

Status: Request Order of Imposing Fine/Lien

Josh McEnany, Code Compliance Manager presented that the case came on for public hearing before the Special Master on March 9, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated March 9, 2023, where the property was found in violation.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master found that the property was not in compliance by April 4, 2023. The property remains in violation of the following:

1. City of South Daytona Code of Ordinances Section 5-217. Minimum standards. The minimum standards for the maintenance of commercial properties are as follows: (7) All retaining walls, seawalls, nonstructural walls, dumpster enclosures, fences, lighting devices and supports, outdoor service and seating areas, and signs and their supporting elements shall be structurally sound and kept free of graffiti, overgrowth, trash and debris, and shall be maintained to present a painted, rust-free, neat and fresh appearance.
2. City of South Daytona Code of Ordinances Section 5-217. Minimum standards. The minimum standards for the maintenance of commercial properties are as follows: (8) All parking areas and vacant lots shall be kept free of overgrowth, weeds, trash and debris. Potholes and broken pavement shall be repaired. Paving and striping shall be maintained to a neat and clean condition with a fresh appearance. All dead tree limbs and dead trees shall be removed from parking areas and vacant lots.

Special Master Branz said accordingly, a fine of \$250.00 per day for violations listed above shall be imposed. These fines shall begin April 5, 2023 and continue to accrue against the property until said property is brought into compliance.

Case # 23-000031 Owner: KID CITY USA ENTERPRISES INC
Location: 1952 S RIDGEWOOD AVE, SOUTH DAYTONA FL 32119

VIOLATION(S):

1. South Daytona Code of Ordinances 5-12, Permit Required For Restriping
Comments: Permit and Site Plan Required for Parking lot repairs and enhancements

Status: Non-compliance Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager presented that the case came on for public hearing before on March 9, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated March 9, 2023, where the property was found in violation.

Josh McEnany, Code Compliance Manager testified that the property was in Compliance by April 4, 2023 for violation of the following:

1. City of South Daytona Code of Ordinances Section 5-12 Permit Required. Before any parking lot may be restriped, resealed, or resurfaced, a proper permit therefor shall be obtained from the community development department of the city. However, parking areas at single-family detached dwellings shall be exempt from this requirement.

Special Master Branz declared the property to be in compliance and that pending violation proceedings before the Special Master are concluded with no fine due.

Case # 23-000033

Owner: BARNETTE PAUL E

Location: 2640 ANASTASIA DR, SOUTH DAYTONA FL 32119

VIOLATION(S):

1. International Property Maintenance Code 302.1, Sanitation
Comments: outside of home is stained and does not reflect a fresh and neat appearance
2. International Property Maintenance Code 305.3, Interior surfaces
Comments: interior surfaces shall be maintained in a good, clean and sanitary condition
3. City of South Daytona Code of Ordinances 16-19(13)(a), Rental dwellings BTR required
Comments: RENTAL LICENSE REQUIRED TO RENT PROPERTY

Status: Request Order of Imposing Fine/Lien

Josh McEnany, Code Compliance Manager presented that the case came on for public hearing before the Special Master on March 9, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated March 9, 2023, where the property was found in violation.

Tenant Susan O'Laughlin, was in attendance and provided testimony.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master found that the property was not in compliance by April 4, 2023. The property remains in violation of the following:

1. City of South Daytona Code of Ordinances Section 16-19 (13) Rental dwellings. a. Local business tax receipt required: It shall be unlawful for any owner of residential property to rent or lease, or offer to rent or lease (throughout this subsection (13) the terms "rent" and "lease" are synonymous; as are the terms "to rent or lease" and "to offer to rent or lease") therein any dwelling or dwelling unit(s), whether single-family, duplex, triplex, multi-family, apartment, condominium, or more than one (1) room, etc., unless a current local business tax receipt therefore has been issued by the city, a copy of which is to be available at the structure in which the dwelling unit(s) is located. There is no requirement for there to be a written lease or any evidence on monetary payment to establish a rental arrangement. A rental arrangement shall be presumed to exist when someone is residing in a residential structure who is not the owner of the property and someone with an ownership interest is also not residing in said structure at the same time.
2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 305.3 Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. Window coverings not manufactured specifically as window treatments, including, but not

limited to; fabric/material, sheets, blankets, paper, cardboard, plastic, aluminum, garbage bags, trellis, wood, wire, etc are prohibited.

3. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.1: Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

Special Master Branz said accordingly, a fine of \$250.00 per day for violations listed above shall be imposed. These fines shall begin April 5, 2023 and continue to accrue against the property until said property is brought into compliance.

Case # 23-000035

Owner: FIGGINS SCOT ALAN

Location: 608 RIDGE BLVD , SOUTH DAYTONA FL 32119

VIOLATION(S):

1. International Property Maintenance Code 302.4, Weeds
Comments: GRASS MUST BE MOWED, EDGED, AND TRIMMED. BUSHES AND VEGETATION MUST BE TRIMMED BACK
2. International Property Maintenance Code 302.8, Motor vehicles
Comments: VEHICLE MUST BE REGISTERED WITH A VALID TAG
3. City of South Daytona Code of Ordinances 4-47, Animal License
Comments: ANIMALS ON PROPERTY MUST REGISTERED WITH THE CITY

Status: Request Order of Imposing Fine/Lien

Josh McEnany, Code Compliance Manager presented that the case came on for public hearing before the Special Master on March 9, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated March 9, 2023, where the property was found in violation.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master found that the property was not in compliance by April 6, 2023. The property remains in violation of the following:

1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.4: Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.8, Motor Vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

3. City of South Daytona, Code of Ordinances, Chapter 4, Animals and Fowl, Article II. Licenses, Division 2. Licenses to Keep Dogs and Cats. Sec. 4-47. Required. Any person owning, keeping, harboring or having custody of any dog or cat over six (6) months of age within this city must obtain a license as herein provided.

Special Master Branz said accordingly, a fine of \$250.00 per day for violations listed above shall be imposed. These fines shall begin April 7, 2023 and continue to accrue against the property until said property is brought into compliance.

Rehearing of:

Case # 23-000036 **Owner:** RIDGE APTS LLC

Location: 2050 S RIDGEWOOD AVE, SOUTH DAYTONA FL 32119

VIOLATION(S):

1. International Property Maintenance Code 302.7, Accessory structures

Comments: fencing along property line near ACE and Big Tree Plaza, dilapidated. Please remove or repair

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent, Stephanie Lynch (Property Manager) was in attendance and provided testimony.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.7: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

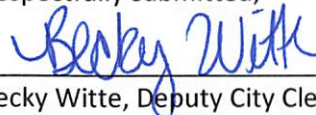
Special Master Branz ordered that the Respondent correct the violation on or before May 8, 2023 at 5:00 pm. If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for May 11, 2023.

VIII. NEXT MEETING: May 11, 2023

IX. ADJOURNMENT. Hearing adjourned at 10:27 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk