



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

June 6, 2024 at 9:00 AM
CITY COUNCIL CHAMBERS
1672 S. Ridgewood Avenue, South Daytona, Florida

SPECIAL MASTER: Attorney Matthew Branz, Esquire

STAFF: Josh McEnany, Economic Development Director, Robert Kuhn, Code Compliance Officer, Ben Elkinton, Code Compliance Officer, and Becky Witte, Deputy City Clerk.

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.

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.

OATHS OF THE CITY OFFICIAL, RESPONDENTS AND WITNESSES: Executed by Deputy City Clerk, Becky Witte

APPROVAL OF MINUTES FOR: May 9, 2024 Special Master Hearing. Special Master Branz approved the minutes with a minor modification.

OLD BUSINESS:

Case: 24-000045 **Owner:** VERSO SUB III LLC

Address: 2739 S. Ridgewood Avenue, South Daytona FL 32119 **Parcel Number:** 533306000010

VIOLATION(S):

1. International Property Maintenance Code 302.4, Weeds

Comments: 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, , excluding trees or shrubs (but including invasive trees or shrubs) provided; however, this term shall not include cultivated flowers and gardens

2. Land Development Code 5.6(e)(5)(a), Fence Condition

Comments: All fences shall be maintained in their original upright condition.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Rob Kuhn, Code Compliance Officer, said this case came on for public hearing on May 9, 2024, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated May 9, 2024, where the property was found in violation.

Respondent was not in attendance.

Special Master Branz found based on the testimony presented that the property was not in compliance by May 24, 2024 at 4:00pm. 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 Land Development Regulations Section 5.6(E)(5)(a). Design and maintenance. All fences shall be maintained in their original upright condition.

Special Master Branz said that a fine of \$100.00 per day for violations listed above shall be imposed. These fines shall begin May 25, 2024 and continue to accrue against the property until said property is brought into compliance. There will also be an administrative fine of \$125.00 imposed.

Case: 24-000046 **Owner:** VERSO SUB III LLC

Address: 2737 S. Ridgewood Avenue, South Daytona FL 32119 **Parcel Number:** 533306000012

VIOLATION(S):

1. International Property Maintenance Code 302.4, Weeds

Comments: 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, , excluding trees or shrubs (but including invasive trees or shrubs) provided; however, this term shall not include cultivated flowers and gardens

2. Land Development Code 5.6(e)(5)(a), Fence Condition

Comments: All fences shall be maintained in their original upright condition.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Rob Kuhn, Code Compliance Officer, said this case came on for public hearing on May 9, 2024, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated May 9, 2024, 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 **May 24, 2024** and 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 Land Development Regulations Section 5.6(E)(5)(a). *Design and maintenance*. All fences shall be maintained in their original upright condition.

Special Master Branz said that a fine of \$100.00 per day for violations listed above shall be imposed. These fines shall begin May 25, 2024 and continue to accrue against the property until said property is brought into compliance. There will also be an administrative fine of \$125.00 imposed.

Case: 24-000103 **Owner:** Covington, Sylvester & Garrette

Address: 13 Sandusky Circle, South Daytona FL 32119

Parcel Number: 533406000050

VIOLATION(S):

1. International Property Maintenance Code 304.2, Protective Treatment

Comments: Exterior surfaces, including but not limited to, doors, door and windows frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition.

2. International Property Maintenance Code 302.7, Accessory structures

Comments: Garages, fences and walls must be maintained and in good repair.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Rob Kuhn, Code Compliance Officer, said this case came on for public hearing on May 9, 2024, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated May 9, 2024, 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 in Compliance by **May 31, 2024** for the following:

City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 304.2: Exterior surfaces, including but not limited to, doors, door and windows 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 statins shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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 302.7: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Special Master Branz said that although the respondent was not compliant by May 24, 2024, it was in compliance by May 31, 2024. The City requested due to certain circumstances (not the cause of the property owner), the City requested there would be no fine due.

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

NEXT MEETING: July 11, 2024

ADJOURNMENT. Hearing adjourned at 9:15 am.

Respectfully submitted,


Becky Witte, Deputy City Clerk