



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

September 12, 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, Matt Miavez, 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: July 11, 2024 Special Master Hearing.** Special Master Branz approved the minutes with minor modifications.

**NEW BUSINESS:**

**Case:** 24-000212      **Owner:** Labosco, Lynda M TR

**Address:** 633 Olive Street, South Daytona FL 32119  
532900000019

**Parcel**

**Number:**

**VIOLATION(S):**

1. South Daytona Code of Ordinances 10-33 (5), Radios, television sets, musical instruments, and similar

Comments: Noises from Radio and Television are being heard across property lines, and they have become a disturbance.

**Status: Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Josh McEnany, Economic Development Director, presented the case and requested the property be found in violation.

Josh McEnany called witness Karen Ledbetter (630 Olive Street) provided testimony as the neighbor living across the street.

Josh McEnany, Economic Development Director presented six videos provided by Karen Ledbetter (Composite A). Ms. Ledbetter submitted emails to the Special Master for the record (Composite B). A letter from the neighbor Robert and Tambria Beaty was also submitted to the Special Master.

Josh McEnany called witness Tambria Beaty (1864 Golfview Blvd), who presented a letter from her and her husband (Composite C) and provided testimony.

Respondent, Lynda Labosco, owner of 633 Olive Street, (1788 Earhart Court, Port Orange) provided testimony.

Lynda Labosco called witness Glen Mortellito (623 Olive Street) to provide testimony.

Lynda Labosco called witness Jennifer Gentry (625 Olive Street) to provide testimony.

Lynda Labosco called witness Ryan Roessler (618 Olive Street) to provide testimony.

Lynda Labosco called witness Becky Roessler (624 Olive Street) to provide testimony.

Lynda Labosco called witness Christan Keresztes (633 Olive Street) to provide testimony.

Josh McEnany recalled witness Karen Ledbetter (630 Olive Street) to provide additional testimony.

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, South Daytona Code of Ordinances 10-33 (5), Radios, television sets, musical instruments, and similar devices. It shall be a violation of this section to use, operate, or permit to be played, used, or operated any radio receiving set, musical instrument, television set, stereo set, cassette player, compact-disc player, sound amplifier, loudspeaker or other machine or electronic

device for the production or reproduction of sound in a manner which creates a noise disturbance which is plainly audible across any real property line

Special Master Branz said the property was in violation but is currently in compliance. The Special Master concluded with no fines due and no subsequent hearing to be required.

**Case:** 24-000190     **Owner:** Ridge Apt LLC

**Address:** 2050 S. Ridgewood Avenue, South Daytona FL 32119

**Parcel Number:** 534416000521

**VIOLATION(S):**

1. International Property Maintenance Code 305.3, Interior surfaces  
Comments: All 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.
2. International Property Maintenance Code 304.13, Windows, skylight and door frames  
Comments: Every windows, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
3. INTERNATIONAL PROPERTY MAINTENANCE CODE 605.2, RECEPTACLES  
Comments: All receptacle outlets shall have the appropriate faceplate cover for the location
4. International Property Maintenance Code 304.12, Handrails and guards  
Comments: Every hand rail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**Status:** Non-compliance

**Findings of Fact, Conclusions of Law and Order**

Matt Miavez, Code Compliance Officer, presented the case and requested the property be found in violation.

Respondent, Christina Noske (Regional Manager of Ridge Apartment) provided testimony.

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 305.3, Interior surfaces, All 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.
2. 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 windows, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
3. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. INTERNATIONAL PROPERTY

MAINTENANCE CODE 605.2, RECEPTACLES, All receptacle outlets shall have the appropriate faceplate cover for the location

4. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.12, Handrails and guards, Every hand rail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Special Master Branz ordered that the Respondent correct the violation on or before September 30, 2024 at 4:00pm. 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 plus a fine of \$125.00 for administrative costs.

A hearing to impose fine will be scheduled for October 10, 2024.

**Case:** 24-000211    **Owner:** Beninati, Bart A

**Address:** 2916 Lantern Drive, South Daytona FL 32119    **Parcel Number:** 533314010090

**VIOLATION(S):**

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

**Status:** Non-compliance

**Findings of Fact, Conclusions of Law and Order**

Josh McEnany, Economic Development Director, said the property came into compliance and the City withdrew the complaint.

**OLD BUSINESS:**

**Case:** 24-000168    **Owner:** Grand 2311 LLC

**Address:** 644 Northern Road, South Daytona FL 32119    **Parcel Number:** 532913190011

**VIOLATION(S):**

1. 1. City of South Daytona Code of Ordinances 16-19(13)(b), Rental dwellings Inspection required.
2. City of South Daytona Code of Ordinances 16-19(13)(a), Rental dwellings BTR required

**Status:** Order of Compliance

Josh McEnany, Economic Development Director, said this case came on for public hearing on July 11, 2024, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated July 11 2024, where the property was found in violation.

Special Master Branz found based on the testimony presented that the property was in compliance by July 25, 2024 for 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 Section 16-19 (13) Rental dwellings. b. Annual inspection required: Each dwelling unit licensed [permitted] for rental must pass an annual inspection by a city code inspector(s). The singular for the term "code inspector" or "inspector" includes the plural for purposes of this subsection (13), and the term is gender neutral. The purpose of the annual inspection shall be to determine compliance with the International Property Maintenance Code, other applicable codes, and the supplemental provisions of this subsection (13). Annual inspection of such properties shall be accomplished in a systematic manner according to administratively determined plans and schedules.

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

**NEXT MEETING:** October 10, 2024

**ADJOURNMENT.** Hearing adjourned at 10:26 am.

Respectfully submitted,



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Becky Witte, Deputy City Clerk