



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

**Minutes**

December 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 9:00 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: November 21, 2024 Special Master Hearing.** Special Master Branz approved the minutes. *Note: the October 10, 2024 meeting was canceled due to Hurricane Milton.*

**Item 5: REPEAT VIOLATION:**

**Case:** 24-000301 **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: Repeat Violation**  
**Order**

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

Josh McEnany, Economic Development Director, presented the case and requested the property be found as a repeat violation. He explained that the property was previously found in violation of the City of South Daytona Code of Ordinances 10-33 (5), as well as 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 on September 12, 2024, Case 24-000212.

Josh McEnany called Karen Ledbetter (630 Olive Street, South Daytona) as a witness who provided testimony.

Respondent Kristen Keresztes (633 Olive Street – tenant of property) was in attendance and provided testimony.

Josh McEnany recommended a \$100 fine for each violation based on the complainant testimony.

Special Master Branz found based on the testimony presented the property is found in **repeat 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 found the property owner in violation of the above on September 20, November 2, November 9, and November 28. A Fine of \$100 for each day, plus an Administrative Fee of \$125. The property is now in compliance.

**Item 6: OLD BUSINESS:**

**Case:** 24-000245 **Owner:** McCuskey, George

**Address:** 625 Aurora Street, South Daytona, FL 32119

**Parcel Number:** 532801030100

**VIOLATION(S):**

1. City of South Daytona Code of Ordinances 13.21, Vehicles, vessels, etc. must be operational and registered

**Status: Request Order of Compliance**

Robert Kuhn, Code Compliance Officer, said this case came on for public hearing on November 21, 2024, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated November 21, 2024, where the property was found in violation.

Special Master Branz found based on the testimony presented that the property was in compliance by December 6, 2024 for following:

1. City of South Daytona Code of Ordinances Section 13-21. - Unregistered or inoperable motor vehicles, vessels, trailers, etc., prohibited. It shall be unlawful to locate, store or otherwise place any motor vehicle, vessel, trailer or any other item of personal property which is capable of being licensed or registered under the laws of the State of Florida and which does not bear a current license plate or registration; or which is not capable of being operated because of damage, disassembly or deterioration, provided, however, that no such item of personal property located on private property shall be considered in violation if the item is kept within a garage or similar enclosed structure.

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.

**Case:** 24-000233    **Owner:** Johnson, Nils A & Johnson, Treichelle

**Address:** 151 Sea Isle Circle, South Daytona FL 32119    **Parcel Number:** 532108000540

**VIOLATION(S):**

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

**Status: Non-compliance**

Matt Miavez, Code Compliance Officer, said this case came on for public hearing on November 21, 2024, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated November 21, 2024, where the property was found in violation. He said the property remains in violation.

Respondent was not in attendance.

Special Master Branz found that the property was not in compliance by December 6, 2024 at 4:00pm. 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 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 Branz said that a fine of \$100.00 per day for violations, plus a \$125 Administrative Fee shall be imposed. These fines shall begin December 7, 2024 and continue to accrue against the property until said property is brought into compliance.

**NEXT MEETING:** January 9, 2025

**ADJOURNMENT.** Hearing adjourned at 9:40 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk