



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

Minutes

January 9, 2025 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 9:02 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: December 12, 2024 Special Master Hearing. Special Master Branz approved the minutes.

Item 5: NEW BUSINESS:

Case # 24-000324 Owner: LEGACY STORAGE LLC

Location: 1777 S NOVA RD , SOUTH DAYTONA FL 32119 Parcel Number: 5344-16-00-1130

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.

2. International Property Maintenance Code 302.8, Motor vehicles

Comments: GARBAGE TRUCKS STORED ON PROPERTY ARE INOPERABLE AND MUST BE REMOVED

3. City of South Daytona Code of Ordinances 5-216(14), Conditions constituting public nuisance. Vegetation/Debris

Comments: All yards, swale areas, walkways, driveways, parking areas, vacant lots, landscape areas, and open space areas shall be properly maintained

4. City of South Daytona Code of Ordinances 5-216 (17), Conditions constituting public nuisance: Care of premises

Comments: CONCRETE BEING STORED ON EAST SIDE OF PROPERTY

5. South Daytona Code of Ordinances 5.5(N)(4), Special Exceptions

Comments: Special Exception has never been obtained for Storage of Recreational Vehicles. These vehicles must be removed from the property

6. City of South Daytona Code of Ordinances 5-216 (2), Conditions constituting public nuisance: Health and Safety

Comments: PROPERTY SHOULD BE FREE OF DEBRIS, INCLUDING VEHICLE PARTS STORED ON EAST SIDE OF PROPERTY.

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 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 and City of South Daytona Code of Ordinances Section 5-216 (14). He noted the other violations have reached compliance.

James Pickens was in attendance as Attorney on behalf of Legacy Storage and stated that the property would be brought into compliance.

James Craig Foley, General Contractor and Development Consultant representing Legacy Storage was also in attendance.

Special Master Branz found based on the testimony presented 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 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 Section 5-216 (14). All yards, swale areas, walkways, driveways, parking areas, vacant lots, landscape areas, and open space areas shall be properly maintained consistent with the following standards: they shall be free of refuse and debris; all paved areas shall be maintained reasonably free of holes and cracks; all landscaped material shall be maintained reasonably free of weeds and foreign matter and shall be kept in reasonably healthy condition at all times; and all dead material, including trees, shall be replaced consistent with the requirements of the landscaping code.

Special Master Branz ordered that the Respondent correct the violation on or before January 26, 2025 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.

A hearing to impose fine will be scheduled for February 13, 2025.

Case # 24-000299 Owner: GRAND 2311 LLC

Location: 408 BANANA CAY DR B, SOUTH DAYTONA FL 32119

Parcel Number: 5333-28-00-408B

VIOLATION(S):

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

Comments: Obtain a BTR

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

Comments: Schedule a rental inspection.

Status: Non-Compliance

Findings of Fact, Conclusions of Law and Order

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

Respondent was not in attendance.

Special Master Branz found based on the testimony presented the property is found in **violation** of:

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 ordered that the Respondent correct the violation on or before January 23, 2025 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.

A hearing to impose fine will be scheduled for February 13, 2025.

Case # 24-000304 Owner: STRAMONDO MICHAEL W, STRAMONDO TRICIA A

Location: 2075 OAK MEADOW CIR, SOUTH DAYTONA FL 32119

Parcel Number: 5344-29-00-020B

VIOLATION(S):

1. International Property Maintenance Code 302.1, Sanitation

Comments: store all items located in front and side yard

2. International Property Maintenance Code 308.1, Accumulated rubbish or garbage

Comments: Remove all trash and debris from front and side yard

Status: Non-Compliance

Findings of Fact, Conclusions of Law and Order

Ben Elkington, Code Compliance Officer, presented the case and requested the property be found in violation.

Respondent was not in attendance.

Special Master Branz found based on the testimony presented 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 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.
2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code

308.1, Accumulated rubbish or garbage. *Exterior property and premises*, and the interior of every *structure*, shall be free from any accumulation of *rubbish* or garbage.

Special Master Branz ordered that the Respondent correct the violation on or before January 21, 2025 at 4:00pm. 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 February 13, 2025.

Case # 24-000325 Owner: CLARK CATHERINE

Location: 1039 SHERI BLVD , SOUTH DAYTONA FL 32119

Parcel Number: 5344-16-00-140G

VIOLATION(S):

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

Comments: ANIMAL LICENSE HAS NOT BEEN OBTAINED FOR ANIMALS ON PROPERTY

2. South Daytona Code of Ordinances 4-11, Duty of all animal owners to be responsible owners

Comments: It shall be the duty of every owner of any animal, or anyone having animal in his possession or custody, to take all necessary steps and precautions to prevent such animals from becoming a nuisance and to protect other persons, property and animals from injuries or damage which might result from their animals' behavior, regardless of whether such behavior is motivated by mischievousness, playfulness or ferocity

3. South Daytona Code of Ordinances 4-14, Duty to keep animal under restraint.

Comments: It shall be the duty of every owner of any animal, or anyone having any animal in his possession or custody, to ensure that the animal is kept under restraint to prevent the animal from leaving, while unattended, the real property limits of its owner, possessor or custodian.

4. City of South Daytona Code of Ordinances 4-15, Confinement of dogs, cats in heat.

Comments: Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

5. South Daytona Code of Ordinances 4-78, Mandatory Spay and Neuter

Comments: No person may harbor a dog or cat six (6) months of age or older within the city limits that has not been spayed or neutered unless such person holds an unaltered animal permit for each unaltered dog or cat, unless the dog or cat is otherwise exempt under this section.

**Status: Non-Compliance
Order**

Findings of Fact, Conclusions of Law and

Josh McEnany, Economic Development Director, requested the case be dismissed as the property is now compliant.

Respondent was not in attendance.

Item 6: **OLD BUSINESS: None**

NEXT MEETING: February 13, 2025

ADJOURNMENT. Hearing adjourned at 9:30 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk