



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

February 13, 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: January 9, 2025 Special Master Hearing.** Special Master Branz approved the minutes with minor modifications.

**Case # 24-000324     Owner: LEGACY STORAGE LLC**

**Location: 1777 S. NOVA ROAD, SOUTH DAYTONA FL 32119**  
**1130**

**Parcel Number: 5344-16-00-**

**VIOLATION(S):**

1. International Property Maintenance Code 302.4, Weeds
2. City of South Daytona Code of Ordinances 5-216(14), Conditions constituting public nuisance. Vegetation/Debris

**Status: Order of Compliance with Fines Due**

Economic Development Director Josh McEnany said that this case came on for public hearing before the Special Master on January 9, 2025, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated January 9, 2025, where the property was found in violation.

James Pickens was in attendance as Attorney on behalf of Legacy Storage and stated he had nothing to add.

Based on the testimony and evidence received, the Special Master finds that the property was in Compliance by **January 24, 2025** for 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 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 said that the Respondent is declared to be in compliance and that pending violation proceedings before the Special Master are concluded with no fines due.

**Item 5:            NEW BUSINESS:**

**Case # 25-000050     Owner: LEGACY STORAGE LLC**

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

**VIOLATION(S):**

- 1.Land Development Regulation 5.6(A)(9)(B)(1), Outside Storage

- 2.Land Development Regulation 5.6(A)(9)(B)(2), Outside Storage
- 3.Land Development Regulation 5.6(A)(9)(B)(3), Outside Storage
- 4.Land Development Regulation 5.6(A)(9)(B)(4), Outside Storage
- 5.Land Development Regulation 5.6(A)(9)(B)(5), Outside Storage

**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.

James Pickens was in attendance as Attorney on behalf of Legacy Storage. Attorney Pickens addresses the code violations.

Special Master Branz discussed the notice requirements.

James Pickens stated an objection to the Notice of Violation (OV) then waived the same.

James Pickens presented the 2021 City Code regarding industrial zoning.

The Special Master made inquiries of each violation with responses from James Pickens, Attorney on behalf of Legacy Storage and Josh McEnany, Economic Development Director.

Special Master Branz dismissed City of South Daytona Land Development Regulations Section 5.6(A)(9)(B)(1), *Outside storage*: Outside storage of new and used equipment and materials shall be regulated as follows: b. *Industrial zones*: No outside storage shall be allowed in industrial zones, except under the following conditions: [4] Screening shall not be required around storage areas for landscape plant material.

Special Master Branz stated that he will continue the case until the March 13, 2025, hearing. He agreed to accept written clarification and argument regarding nonconforming uses and requested definitions distinguishing walls from fences. He also asked for details on fencing materials, landscaping plans, and any additional supporting arguments. Additionally, he requested more information and evidence regarding the expanded use or structures.

**Case # 24-000316      Owner: KOLAROVSKI ADRIAN**

**Location: 910 BIG TREE ROAD, UNIT 1104 , SOUTH DAYTONA FL 32119**

**Parcel Number: 5344-35-11-0040**

**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**  
**Order**

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

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 February 28, 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 in addition to a \$125 administrative fee.

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

**Item 6: OLD BUSINESS:**

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

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

**Parcel Number:** 5321-08-00-

0540

**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: Order of Compliance**

Matt Miavez, Code Compliance Officer (Rental Housing),said that this case came on for public hearing before the Special Master 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.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master finds that the property was in Compliance by **December 6, 2024** for 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 the Respondent is declared to be in compliance and that pending violation proceedings before the Special Master are concluded with no fines due.



**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: Order of Compliance with Fines Due**

Ben Elkington, Code Compliance Officer said that this case came on for public hearing before the Special Master on January 9, 2025, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated January 9, 2025, where the property was found in violation.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master finds that the property was in Compliance by **February 9, 2025** for violation of the following:

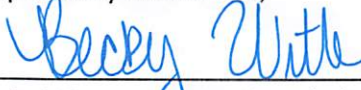
1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.1: Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall 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 said that the Respondent is declared to be in compliance and that pending violation proceedings before the Special Master are concluded. A fine of 4,625.00 is due for 18 days of non-compliance including a \$125.00 administrative fee.

**NEXT MEETING:** March 13, 2025

**ADJOURNMENT.** Hearing adjourned at 10:02 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk