



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

March 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 9:03 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: February 13, 2025 Special Master Hearing. Special Master Branz approved the minutes with minor modifications.

Item 5: NEW BUSINESS:

Case # 25-000078 **Owner:** AMNL ASSET CO 1 LLC
Location: 568 LAMBRIGHT RD , SOUTH DAYTONA FL 32119
Parcel Number: 5328-06-00-0090

VIOLATION(S):

1. International Property Maintenance Code 304.1.1, Unsafe conditions.
2. International Property Maintenance Code 304.4, Structural members
3. International Property Maintenance Code 304.2, Protective Treatment
4. International Property Maintenance Code 302.7, Accessory structures
5. International Property Maintenance Code 305.3, Interior surfaces

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.

Respondent Joshua Suda (area manager for the Property Management Company) was in attendance and provided testimony.

The Special Master hereby finds based on the above Findings of Fact 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 304.1.1 Potentially unsafe conditions. The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the International Existing Building Code, the International Residential Code or the International Building Code:

1. Structural members have deterioration or distress that appears to reduce their load-carrying capacity.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations has deterioration or distress that appears to reduce its load-carrying capacity.
3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.
5. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
6. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
7. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
8. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.

9. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

10. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

11. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and hand-rails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

12. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 304.4 Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

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

4. 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 ordered that the Respondent correct the violation on or before March 28, 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 in addition to a \$125 administrative fee.

A hearing to impose fine will be scheduled for April 10, 2025.

Old Business:

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 – Request Order of Fine/ Lien

Matt Miavez, Code Compliance Officer (Rental Housing), presented the case , as this case came on for public hearing before the Special Master on February 13, 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 not in compliance by February 28, 2025 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.

Accordingly, a fine of \$100.00 per day for violations listed above shall be imposed (in addition to an Administration Fee of \$125.00). These fines shall begin March 1, 2025 and continue to accrue against the property until said property is brought into compliance.

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 asked that the case be dismissed and that they have come into compliance.

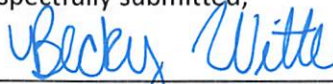
Special Master Branz announced and holds that the property was not in violation of the City of South Daytona Code of Ordinances, Land Development Regulation 5.6(A)(9)(8)(4).

He dismissed the case per the City's request.

NEXT MEETING: April 10, 2025

ADJOURNMENT. Hearing adjourned at 10:02 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk