



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

**Minutes**

April 10, 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: March 13, 2025 Special Master Hearing.** Special Master Branz approved the minutes.

**Item 5: NEW BUSINESS:**

**Case # 25-000091 Owner:** South Daytona Apartments LLC

**Location:** 1648 S. Palmetto Avenue, South Daytona, FL 32119

**Parcel Number:** 5344-16-00-0570

**VIOLATION(S):**

1. International Property Maintenance Code 302.1 Sanitation

**Status: Non-Compliance**

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

Robert Kuhn, Code Compliance Officer, presented the case and requested the property be found in violation.

Respondent Patricia Taylor (Property Manager) and Earl McCrary (Property Management Company Owner) was in attendance and provided testimony. Respondent agreed that the property was in violation.

The Special Master hereby finds based on the above Findings of Fact the property is found in violation of:

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.

Based on the above Findings of Fact and Conclusions of Law, the Special Master finds the property did not come into compliance in a timely manner (by the compliance date of March 3, 2025) but at the date of the hearing was in compliance. Therefore, if the Respondent repeats the violation within the next five (5) years, the City may request that a Repeat Violation Order be signed by the Special Master at the Special Master Hearing following the occurrence of the repeat violation. Repeat violations can result in a fine as outlined and provided for by law.

The Special Master ordered that a \$125 administrative fee will be imposed.

**Case # 25-000093      Owner: Smith Ray EST**

**Location: 2336 Florida Blvd, South Daytona, FL 32119**

**Parcel Number: 5328-04-09-0080**

**VIOLATION(S):** City of South Daytona Land Development Regulations Section 5.6(E)(5)(a). Design and maintenance. All fences shall be maintained in their original upright condition.

**Status: Non-Compliance**

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

Robert Kuhn, Code Compliance Officer, presented the case and requested the property be found in violation.

Respondent was not in attendance.

The Special Master hereby finds based on the above Findings of Fact the property is found in violation of:

1. City of South Daytona Land Development Regulations Section 5.6(E)(5)(a). Design and maintenance. All fences shall be maintained in their original upright condition.

Special Master Branz ordered that the Respondent correct the violation on or before April 28, 2025 at 4:00pm. If the Respondent fails to comply with this Order, a fine of \$50.00 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 determine whether the Respondent has complied is set for May 8, 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 March 13, 2025 where the property was found in violation.

Respondent (Josh Suda, Management Company) was in attendance and had nothing additional to add.

Based on the testimony and evidence received, the Special Master finds that the property was not in compliance by March 25, 2025 at 4:00pm. The property remains in 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 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. 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

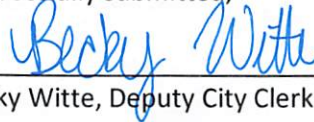
302.7: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

The Special Master declared the property to be in compliance and that pending violation proceedings before the Special Master are concluded with no fines due.

**NEXT MEETING:** May 8, 2025

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

Respectfully submitted,



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Becky Witte, Deputy City Clerk