



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

May 8, 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: April 10, 2025 Special Master Hearing. Special Master Branz approved the minutes with minor modifications.

Item 5: APPEAL:

Case: 250300027 **Owner:** Cecere, Carolyn

Address: 2853 Regent Crescent, South Daytona **Parcel Number:** 533322000170

VIOLATION(S): City of South Daytona Code of Ordinances Section 4-47. Required. Any person owning, keeping, harboring or having custody of any dog or cat over six (6) months of age within this city must obtain a license as herein provided.

Request to Appeal Citation

Josh McEnany presented the request for appeal of City of South Daytona Code of Ordinances Section 4-47. He said the owner immediately came in to compliance after receiving the citation. The City has no objection to the appeal.

Carolyn Cecere was in attendance and provided testimony.

Based on the recommendation by the City, the Special Master granted the appeal of the citation with no fine due.

Item 6: NEW BUSINESS:

Case # 25-000122 **Owner:** DOMBROWSKI JOHN EST

Location: 2111 BRIAN AVE, SOUTH DAYTONA **Parcel Number:** 534211000150

VIOLATION(S): INTERNATIONAL PROPERTY MAINTENANCE CODE 5-189 (a), IPMC adoption. Section 109.1.3 - Structure unfit for human occupancy.

Status: Non-Compliance

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

Respondent Joseph Dombrowski (2111 Brian Ave – son of deceased owner) was in attendance and provided testimony.

Economic Development Director Josh McEnany and Chief Building Official John Boden provided testimony. Chief Building Official Boden explained that pursuant to the Florida Building Code, utilities must be provided to the home.

Special Master Branz said that, based on the provided testimony and evidence, 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 109.1.3 - Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or at infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential

equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or the public.

Special Master Branz ordered that the Respondent correct the violation on or before June 8, 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 well as an additional \$125 administrative fee.

A hearing to determine whether the Respondent has complied is set for July 10, 2025.

Case # 25-000125 Owner: QCI HOLDING 4 LLC
Location: 1890 S PALMETTO AV , SOUTH DAYTONA Parcel Number: 534416000431
VIOLATION(S): 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 Mary Chernati (Property Manager) 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:

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 found that the property did not come into compliance in a timely manner (by the compliance date of March 31, 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 be imposed.

Case # 25-000128 Owner: QCI HOLDING 4 LLC
Location: 201 KOST RD , SOUTH DAYTONA Parcel Number: 534416000423
VIOLATION(S): 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 Mary Chernati (Property Manager) 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:

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 found that the property did not come into compliance in a timely manner (by the compliance date of March 31, 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 be imposed.

Case # 25-000132 Owner: HUYNH VU T AND ANH T TRINH

Location: 138 CORAL CIR , SOUTH DAYTONA Parcel Number: 532107000460

VIOLATION(S): City of South Daytona Code of Ordinances 16-19(13)(a), Rental dwellings BTR required

Status: Non-Compliance

Findings of Fact, Conclusions of Law and Order

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

Respondent was not in attendance.

The Special Master found, based on the testimony and evidence provided, that the property is in violation of:

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.

Special Master Branz ordered that the Respondent correct the violation on or before May 23, 2025 at 4:00pm. If the Respondent fails to comply with this Order, a fine of \$150.00 per day will be imposed for each day the violation continues past the date, as well as an additional \$125 administrative fee.

A hearing to determine whether the Respondent has complied is set for June 5, 2025.

Case # 25-000136 Owner: HUGHES JOHN PATRICK III

Location: 569 LAMBRIGHT RD , SOUTH DAYTONA Parcel Number: 532806000110

VIOLATION(S): City of South Daytona Code of Ordinances 16-19(13)(a), Rental dwellings BTR required

Status: Non-Compliance

Findings of Fact, Conclusions of Law and Order

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

Respondent was not in attendance and provided testimony.

The Special Master found, based on the testimony and evidence provided, that the property is in violation of:

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.

Special Master Branz ordered that the Respondent correct the violation on or before May 23, 2025 at 4:00pm. If the Respondent fails to comply with this Order, a fine of \$150.00 per day will be imposed for each day the violation continues past the date, as well as an additional \$125 administrative fee.

A hearing to determine whether the Respondent has complied is set for June 5, 2025.

Old Business:

Case # 25-000093 Owner: Smith Ray EST

Location: 2336 Florida Blvd, South Daytona

Parcel Number: 5328-04-09-0080

Parcel Number: 532804090080

VIOLATION(S):

1. Land Development Code 5.6(e)(5)(a), Fence Condition

Status: Non-Compliance / Order of Fine/Lien

Robert Kuhn, Code Compliance Officer (Rental Housing), presented the case , as this case came on for public hearing before the Special Master on April 10, 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 April 28, 2025 at 4:00pm. The property remains in violation of the following:

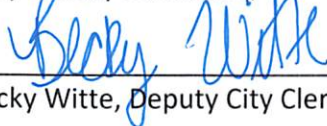
City of South Daytona Land Development Regulations Section 5.6(E)(5)(a). Design and maintenance. All fences shall be maintained in their original upright condition.

Special Master Branz said that a fine of \$50.00 per day shall be imposed and these fines shall begin April 29, 2025 and continue to accrue against the property until said property is brought into compliance.

NEXT MEETING: June 5, 2025

ADJOURNMENT. Hearing adjourned at 10:04 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk