



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

June 5, 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 9:00 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: May 8, 2025 Special Master Hearing. Special Master Branz approved the minutes.

Item 5: NEW BUSINESS:

Case # 25-000121 Owner: QCI HOLDING 4 LLC

Location: 1888 S PALMETTO AV , SOUTH DAYTONA Parcel Number: 534416000431

VIOLATION(S): International Property Maintenance Code Section 704.1 Inspection, testing and maintenance. Fire protection and life safety systems

Status: Non-Compliance

Findings of Fact, Conclusions of Law and Order

Paul Nelson, Fire Marshal, 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 finds based on the testimony and evidence provided 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 704.1 Inspection, testing and maintenance. Fire protection and life safety systems shall be maintained in accordance with the International Fire Code in an operative condition at all times, and shall be replaced or repaired where defective.

Based on the testimony and evidence provided, the Special Master found that the property did not come into compliance in a timely manner (by the compliance date of April 1, 2025), but was in compliance as of the date of the hearing. 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 # 25-000166 Owner: SOUTH RIDGEWOOD LLC / VEE JOE OPERATING CO INC

Location: 1635 S RIDGEWOOD AVE, SOUTH DAYTONA FL 32119 Parcel: 534416000588

VIOLATION(S):

1. City of South Daytona Code of Ordinances 16-11, Business Tax Receipt required

Status: Non-Compliance

Findings of Fact, Conclusions of Law and Order

Matt Miavez, Code Compliance Officer requested the case be dismissed as the property is now in compliance.

Old Business:

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: Order of Compliance

Matt Miavez, Code Compliance Officer, presented that the case was found in violation at the hearing on May 8, 2025 where the Special Master issued a Findings of Fact, Conclusion of Law and Order. Mr. Miavez said the property did come into compliance by the date of May 23, 2025.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master finds that the property was in compliance by May 23, 2025 at 4:00pm of the following:

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 of 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.

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.

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/ Order of Fine/Lien

Matt Miavez, Code Compliance Officer, presented that the case was found in violation at the hearing on May 8, 2025 where the Special Master issued a Findings of Fact, Conclusion of Law and Order. Mr. Miavez said the property is still out of compliance past the compliance date of May 23, 2025.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master finds that the property was not in compliance by May 23, 2025 at 4:00pm. The property remains in violation of the following:

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 said that a fine of \$150.00 per day shall be imposed, and these fines shall begin May 24, 2025, and continue to accrue against the property until said property is brought into compliance. In addition, a \$125 administration fee will be imposed.

NEXT MEETING: July 10, 2025

ADJOURNMENT. Hearing adjourned at 9:16 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk