



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

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

Item 5: NEW BUSINESS:

Case # 25-000193 Owner: SMITH JEFFREY

Location: 330 OLIVE ST , SOUTH DAYTONA FL 32119

Parcel: 534404000310

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 finds based on the testimony and evidence provided 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.

Special Master Branz ordered that the Respondent correct the violation on or before July 25, 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 August 14, 2025.

Case # 25-000206 Owner: ABIDIN ROBERT, ABIDIN CAROLYN

Location: 1976 BIG OAK DR, SOUTH DAYTONA FL 32119

Parcel: 534426000880

VIOLATION(S):

1. International Property Maintenance Code 302.1, Sanitation
2. Land Development Code 5.6(e)(5)(a), Fence Condition

Status: Non-Compliance

Findings of Fact, Conclusions of Law and Order

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

Attorney Laura Klossner (Peterson Law Group, PLLC) represented the respondent, Robert and Carolyn Abidin. She requested additional time for compliance (August 1).

The Special Master finds based on the testimony and evidence provided 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 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 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 August 1, 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 August 14, 2025.

Item 6: REPEAT VIOLATIONS:

Case # 25-000203 Owner: LABOSCO LYNDIA M TR

Location: 633 OLIVE ST, SOUTH DAYTONA FL 32119

Parcel: 532900000019

Status: Repeat Violation/ Non-Compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Economic Development Director, presented the case and requested the property be found as a repeat violation. He explained that the property was previously found in violation of the City of South Daytona Code of Ordinances 10-33 (5), as well as radios, television sets, musical instruments, and similar devices. It shall be a violation of this section to use, operate, or permit to be played, used, or operated any radio receiving set, musical instrument, television set, stereo set, cassette player, compact-disc player, sound amplifier, loudspeaker or other machine or electronic device for the production or reproduction of sound in a manner which creates a noise disturbance which is plainly audible across any real property line on December 12, 2024, Case 24-000212.

Josh McEnany called Karen Ledbetter (630 Olive Street, South Daytona) as a witness who provided testimony with recording with audible music.

Ms. Ledbetter testified that she heard music played by a stereo or other electronic device coming from the Respondent's property on several occasions. Additionally, Ms. Ledbetter provided video with audio in which the music could be heard for incidents occurring on April 20, 2025, April 25, 2025 and May 17, 2025.

Christian Keresztes, on behalf of the Respondent (633 Olive Street – tenant of property) was in attendance and provided testimony. Mr. Keresztes testified that he placed a speaker in the road and admitted that he played the music.

Although Mr. Keresztes argued that she turned the volume up on her recording device at hearing, Ms. Ledbetter testified that she did not have an amplification device and that she recorded the videos from her phone while on her property. Ms. Ledbetter further testified that she was able to hear where the music was coming from.

Special Master Branz found based on the testimony presented the property is found in **repeat violation** of:

1. City of South Daytona, Code of Ordinances, South Daytona Code of Ordinances 10-33 (5), Radios, television sets, musical instruments, and similar devices. It shall be a violation of this section to use, operate, or permit to be played, used, or operated any radio receiving set, musical instrument, television set, stereo set, cassette player, compact-disc player, sound amplifier, loudspeaker or other machine or electronic device for the production or reproduction of sound in a manner which creates a noise disturbance which is plainly audible across any real property line.

Special Master Branz found the property owner in violation of the above on April 20, 2025, April 25, 2025, and May 17, 2025. A Fine of \$200 for each day, plus an Administrative Fee of \$125. The property is now in compliance.

Old Business:

Case # 25-000093 Owner: Smith Ray EST

Location: 2336 Florida Blvd, South Daytona

Parcel Number: 532804090080

Parcel Number: 5328-04-09-0080

VIOLATION(S): Land Development Code 5.6(e)(5)(a), Fence Condition

Status: Order of Compliance

Robert Kuhn, Code Compliance Officer, said this case came on for public hearing 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.

Special Master Branz found based on the testimony presented that the property was in compliance by December 6, 2024 for 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 said the Respondent is declared to be in compliance and that pending violation proceedings before the Special Master are concluded.

A fine of \$399.44 is due for the abatement of the fence, plus the \$125 Administrative Fee.

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/ Order of Fine/Lien

Ben Elkington, Code Compliance Officer, said this case came on for public hearing on May 8, 2025, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated May 8, 2025, where the property was found in violation. He said the property remains in violation.

Respondent was not in attendance.

Special Master Branz found that the property was not in compliance by June 8, 2025 at 4:00pm. The property remains in violation of the following:

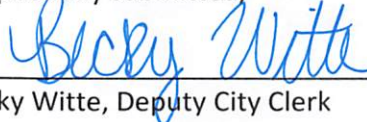
1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 109.1.3 - Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds 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 said that a fine of \$100.00 per day for violations, plus a \$125 Administrative Fee shall be imposed. These fines shall begin June 9, 2025 and continue to accrue against the property until said property is brought into compliance.

NEXT MEETING: August 14, 2025

ADJOURNMENT. Hearing adjourned at 10:06 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk