

City of South Daytona

Office of the City Manager

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3014



MEMORANDUM

To: James L. Gillis Jr., City Manager

From: Becky Witte, Deputy City Clerk

Re: Consideration of Resolution No. 2025-29, condemning the structure located at 2111 Brian Avenue and authorizing the City to proceed with demolition of the structure.

Date: November 7, 2025

The City has identified the property located at 2111 Brian Avenue as unsafe, unsanitary, and unfit for human habitation under Chapter 5, Article X (Dangerous Structures) of the City's Code of Ordinances. On April 16, 2025, the City secured the structure by boarding the windows and doors after determining that the dwelling lacked electrical and water service, showed signs of structural deterioration, and contained damaged, missing, and rotten window and door frames. The electrical panel had the wires inside cut preventing reconnection of service until extensive repairs were made. Pictures of the inside of the home showing garbage all over with open food containers throughout and the damaged electrical panel have been included in this agenda item for your review.

The Special Master held a hearing on May 8, 2025, and found the property to be in violation of City Codes. He established a compliance deadline of June 8, 2025. No corrective action was taken by the property owner. The case was reheard on November 6, 2025, where the Special Master again found the property in violation, citing unsafe and unsanitary conditions, including mold, evidence of pests, interior wall damage, and rotting soffits. He established a new compliance deadline of December 8, 2025 or a fine of \$250 will be established per day until corrective action is taken. He also authorized the City to take the necessary action to remedy the violations if the owner fails to correct them.

Due to the continuing deterioration, complaints from the neighbors and the health and safety risks posed by the structure, staff recommends that the City Council approve Resolution No. 2025-29, declaring the property unsafe and unfit for human habitation and authorizing the City to proceed with demolition should the owner fail to obtain the required permits or complete remediation by December 7, 2025. This deadline aligns with the Special Master's compliance date of December 8, 2025, ensuring demolition is completed before fines are assessed.

The costs of demolition and related actions will be assessed as a lien against the property in accordance with the City's Code of Ordinances.

Adoption of this resolution will allow the City to move forward with necessary abatement measures to protect public health, safety, and welfare within the community.

RESOLUTION NO. 2025-29

A RESOLUTION OF THE CITY OF SOUTH DAYTONA, FLORIDA; ADOPTED PURSUANT TO CHAPTER 5 (BUILDING, HOUSING AND STRUCTURAL REGULATIONS, ARTICLE X, DANGEROUS STRUCTURES) OF THE SOUTH DAYTONA CODE OF ORDINANCES FINDING THE STRUCTURES LOCATED AT 2111 BRIAN AVENUE, SOUTH DAYTONA, FLORIDA IS UNSAFE AND UNFIT FOR HUMAN HABITATION AND POTENTIALLY INJURIOUS TO THE PUBLIC HEALTH, SAFETY OR WELFARE SO AS TO CONSTITUTE A THREAT TO THE PUBLIC HEALTH, WELFARE AND SAFETY OF THE COMMUNITY; AUTHORIZING THE CITY TO PROCEED WITH THE DEMOLITION OF SAID STRUCTURES AND LIENING THE SAID PROPERTY PURSUANT TO THE CITY'S CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, this resolution pertains to the real property located at 2111 Brian Avenue, South Daytona, Parcel Number 5342-11-00-0150 (Subject Property) which is owned by John Dombrowski EST (Property Owner); and

WHEREAS, the City has found that the structures on this site are unfit for human habitation (Code Reference – City of South Daytona Code of Ordinances Chapter 5, Article X, Sections 5-200 and 5-201); and

WHEREAS, on April 16, 2025, the City secured the structure by boarding the windows and doors after determining that the dwelling was unsafe and unsanitary, with conditions including the absence of electrical and water service, lack of protective treatment throughout the structure, and damaged, missing, rotten, and dilapidated window and door frames; and

WHEREAS, the Special Master conducted a hearing on May 8, 2025, at which time the property was found to be in violation of City Codes, and a compliance deadline of June 8, 2025 was established; however, no corrective work was completed; and

WHEREAS, the Special Master reheard the case on November 6, 2025, and again found the property to be in violation of City Codes, prior to the matter being scheduled for consideration by the City Council on November 18, 2025; and

WHEREAS, due to the condition of the Subject Property the City believes that it is appropriate to present this case to the City Council for further action pursuant to Chapter 5, Article X of the City's Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SOUTH DAYTONA, FLORIDA:

Section 1. Based on the evidence presented at a public hearing held on 6th day of November, 2025, the City Council hereby makes the following findings:

1. That the owner of the property located at 2111 Brian Avenue, South Daytona (Subject Property) is John Dombrowski EST, whose address according to the Volusia County Property Appraiser's Office is 2111 Brian Avenue, South Daytona (Property Owner).
2. That the Property Owner was noticed on October 2, 2025 via posting of the home and via US Certified Mail of this public hearing and was given an opportunity to be heard on the issue of the condition of the Subject Property.
3. The City found that the structures on the property are not only unfit for human habitation but are potentially injurious to the health, safety and welfare of the general public.
4. In a letter dated October 2, 2025, the Property Owner was given until November 3, 2025 to have a full engineering assessment of the structures on site and submitted with permit applications for all required repairs OR have a demolition permit submitted for the removal of the structure and all accessory elements.
5. On November 6, 2025, the Special Master found the property in violation of the following:
 - a. Unsafe and unsanitary conditions exist on the property.
 - b. The Electrical equipment is not sufficient and there is no water service.
 - c. There is evidence of bedbugs and rodents.

- d. The walls on the interior have mold.
 - e. The interior walls have holes.
 - f. Exterior rotting wood in certain places, including the soffits.
 - g. The structures soffits are in disrepair.
 - h. The structure lacks Protective Treatment throughout.
 - i. Throughout the structure, window and door frames are damaged, missing, rotten, and dilapidated.
6. A Notice of the City Council Hearing was posted on site and sent via certified mail on October 2, 2025.

Section 2. Based on the above findings presented at a public hearing, the City Council hereby orders the following:

1. That the Property Owner is given to **December 7, 2025** to have a full engineering assessment of the structure on the Subject Property submitted, with permit applications for all required repairs OR have the structure and all accessory elements demolished/removed from the property at their sole expense and without compensation from the City of South Daytona and obtain a final inspection approval by Chief Building Official.
2. If the Property Owner fails to comply with this Order by the above date, the City is authorized to proceed with any and all available legal remedies, including but not limited to the demolition of the structures on the Subject Property and the recording of a lien in the Public Records for the costs incurred by the City.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

Section 4. That all resolutions made in conflict with this Resolution are hereby repealed.

Section 5. That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED upon first and final reading at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the 18th day of November 2025.

CITY OF SOUTH DAYTONA

William C. Hall, Mayor

ATTEST:

James L. Gillis Jr., City Manager

Approved as to form and legality for use and reliance of the City of South Daytona, Florida:

Wade C. Vose, City Attorney



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

City of South Daytona, a political subdivision of the State of Florida

City of South Daytona, Petitioner,

vs.

Dombrowski, John EST, Respondent

RE: Case Number: 25-000361

Address of Violation: 2111 Brian Avenue, South Daytona, Florida 32119

Tax Parcel Number: 5342-11-00-0150

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE, came on for public hearing before the undersigned Special Master on November 6, 2025 after due Notice to the Respondent.

1. The Respondent did not attend the hearing.
2. Based on the testimony and evidence presented, the Special Master issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

3. John Dombrowski EST is the property owners of record for 2111 Brian Avenue, South Daytona, Florida 32119, Tax Parcel Number: 5342-11-00-0150.
4. Unsafe and unsanitary conditions exist on the property.
5. The Electrical equipment is not sufficient and there is no water service.
6. There is evidence of bedbugs and rodents.
7. The walls on the interior have mold.
8. The interior walls have holes.
9. Exterior rotting wood in certain places, including the soffits.
10. The structures soffits are in disrepair.
11. The structure lacks Protective Treatment throughout.
12. Throughout the structure, window and door frames are damaged, missing, rotten, and dilapidated.

CONCLUSIONS OF LAW

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

13. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance 111.1.3. Structure unfit for human occupancy.

14. City of South Daytona Code of Ordinances 5-200, Prohibited. It shall be unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe condition.

15. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.7, Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.

16. 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.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.

17. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.13, windows, skylight and door frames.

ORDER

18. Based on the above Findings of Fact and Conclusions of Law, the Special Master hereby orders that the Respondent correct the violation on or before December 8, 2025. 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. If the Respondent fails to comply with this Order, the City is authorized to begin abatement proceedings as outlined below.

19. In the event the Property Owner fails to correct the violation within the time allotted herein, in addition to any fee/fine set above, pursuant to Section 2-299(b)(6), the City is hereby authorized to take the necessary action to remedy the violation and an administrative fee of \$125.00 will be imposed. The costs incurred by the City shall be added to the fee/fine and will be included as part of any recorded fine. In the event the Property Owner fails to maintain the property, the City is hereby authorized to continue until such time as the Property Owner does maintain the Property.

20. The property owner must notify the City when compliance has occurred and is not in compliance until the City has inspected and determined compliance. This order will be recorded in the Public Records of Volusia County and any other County pursuant to law, if you do not notify the City and comply by the date noted above. When so recorded, this order shall constitute a lien against all real and personal property of the Respondent pursuant to law. If the property owner wants to contest the fine or the City's determination of non-compliance, the property owner must request a hearing before the Special Master by filing a request with the City in writing.

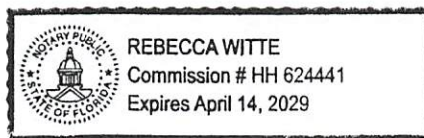
In addition, if the Respondent repeats the violation within the next five (5) years, the City may request that a Repeat Violation Order be signed by the Special Master at the Special Master Hearing following the occurrence of the repeat violation. Repeat violations can result in a fine as outlined and provided for by law.

21. A hearing to determine whether the Respondent has complied is set for December 11, 2025 at 9:00am in the City of South Daytona Council Chambers located at 1672 S. Ridgewood Avenue, South Daytona, Florida. The sole issue of this hearing is to determine whether the property has been brought into compliance.

This Order may be appealed to the Circuit Court within thirty (30) days of its execution.

DONE AND ORDERED this 6th day of November, 2025, at South Daytona, Volusia County, Florida.

By: _____
Matthew D. Branz, Esquire, Special Master



STATE OF FLORIDA, COUNTY OF VOLUSIA

This document was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 6 day of November, 2025.

Rebecca Witte he/she is personally known to me or has presented _____ as identification

Rebecca Witte (Notary).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER has been sent by hand delivery or certified US Mail this 6 day of November, 2025.

By: _____
Code Compliance Officer: _____
City of South Daytona, Florida

This instrument prepared by and please return to: City of South Daytona, Attention Finance, PO BOX 214960, South Daytona, FL 32121-4960



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

City of South Daytona, a political subdivision of the State of Florida

City of South Daytona, Petitioner,
vs.
Dombrowski, John EST, Respondent

RE: Case Number: 25-000091
Address of Violation: 2111 Brian Avenue, South Daytona, Florida 32119
Tax Parcel Number: 5342-11-00-0150

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE, came on for public hearing before the undersigned Special Master on May 8, 2025 after due Notice to the Respondent.

1. The Respondent did ~~not~~ attend the hearing.
2. Based on the testimony and evidence presented, the Special Master issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

3. John Dombrowski, Est. is the property owner of record for 2111 Brian Avenue, South Daytona, Florida 32119, Tax Parcel Number: 5342-11-00-0150
4. The structure on the property does not have sufficient electrical equipment.

CONCLUSIONS OF LAW

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

5. 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.

ORDER

6. Based on the above Findings of Fact and Conclusions of Law, the Special Master hereby orders 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 prescribed. If the Respondent fails to comply with this Order, the City is authorized to begin abatement proceedings as outlined below.

7. In the event the Property Owner fails to correct the violation within the time allotted herein, in addition to any fee/fine set above, pursuant to Section 2-299(b)(6), the City is hereby authorized to take the necessary action to remedy the violation and an administrative fee of \$125.00 will be imposed. The costs incurred by the City shall be added to the fee/fine and will be included as part of any recorded fine. In the event the Property Owner fails to maintain the property, the City is hereby authorized to continue until such time as the Property Owner does maintain the Property.

8. The property owner must notify the City when compliance has occurred and is not in compliance until the City has inspected and determined compliance. This order will be recorded in the Public Records of Volusia County and any other County pursuant to law, if you do not notify the City and comply by the date noted above. When so recorded, this order shall constitute a lien against all real and personal property of the Respondent pursuant to law. If the property owner wants to contest the fine or the City's determination of non-compliance, the property owner must request a hearing before the Special Master by filing a request with the City in writing. In addition, 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.

9. A hearing to determine whether the Respondent has complied is set for July 10, 2025 at 9:00am in the City of South Daytona Council Chambers located at 1672 S. Ridgewood Avenue, South Daytona, Florida. The sole issue of this hearing is to determine whether the property has been brought into compliance.

This Order may be appealed to the Circuit Court within thirty (30) days of its execution.

DONE AND ORDERED this 8th day of May 2025, at South Daytona, Volusia County, Florida.

By: _____
Matthew D. Branz, Esquire, Special Master



STATE OF FLORIDA, COUNTY OF VOLUSIA

This document was sworn to (or affirmed) and subscribed before me by means
of ✓ physical presence or online notarization, this 8 day of May, 2025.

① he/she is personally known to me or has presented _____ as identification

Rebecca Witte (Notary).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER has been sent by hand delivery or certified US Mail this 8 day of
May, 2025.

By: _____
Code Compliance Manager Josh McEnany
City of South Daytona, Florida

This instrument prepared by ad please return to: City of South Daytona, Attention Finance, PO
BOX 214960, South Daytona, FL 32121-4960



Figure 1 – Picture of Garage Debris

Dated: 11/07/25



Figure 2 – Additional Garage Debris

Dated: 11/07/25



Figure 3 – Electrical Panel with Wires Cut

Dated: 11/07/25



Figure 4 – Living Room; Writing on the walls; Burn marks

Dated: 11/07/25



Figure 5 – Bedroom with open food containers

Noted: 11/07/25



Figure 6 – Bedroom #2; open food containers; broken window

Dated: 11/07/25

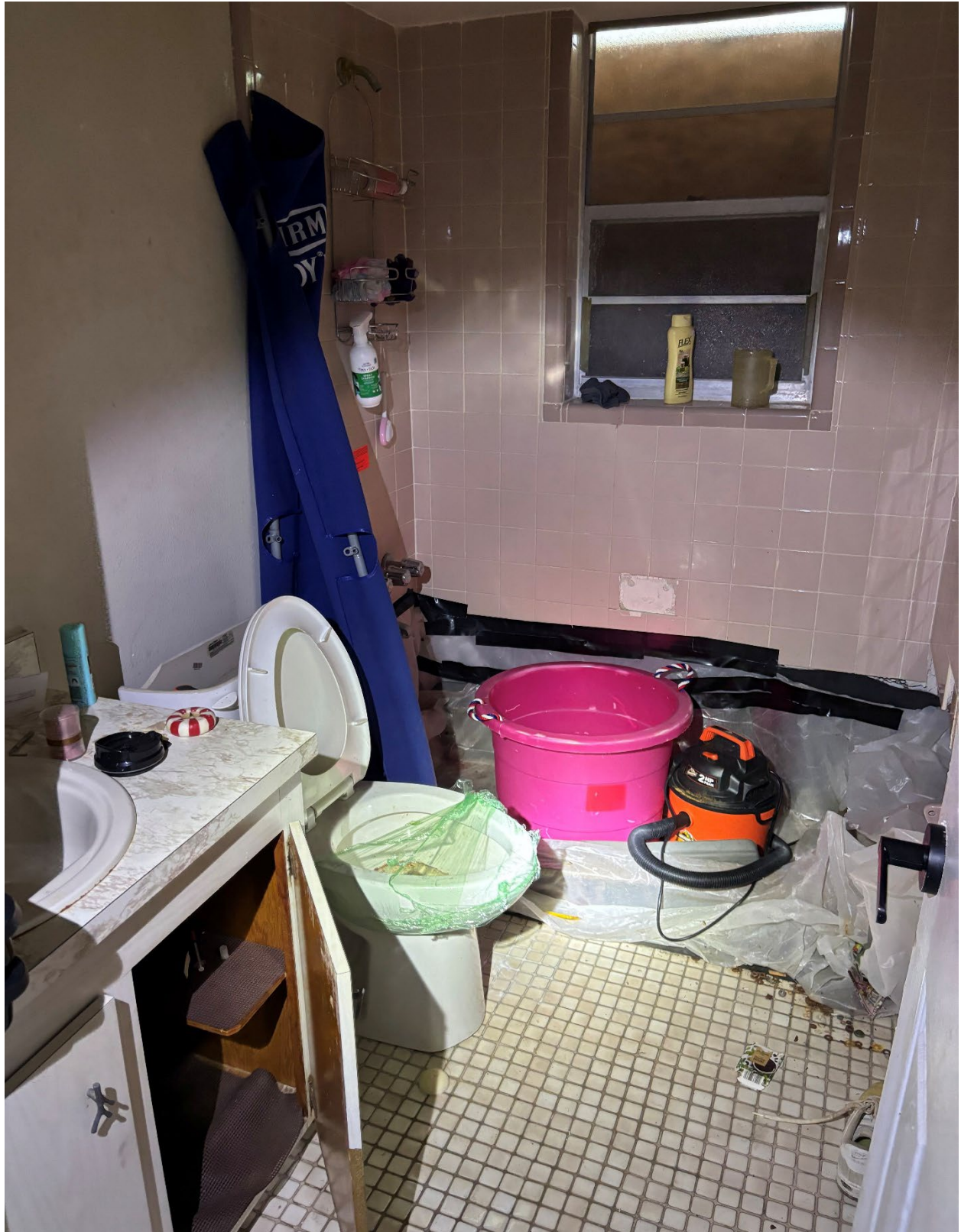


Figure 7 – Bathroom with no running water

Dated: 11/07/25

**City of South Daytona
Building Department**

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3017



October 2, 2025

John Dombrowski EST
2111 Brian Avenue
South Daytona, Florida 32119

The property located at 2111 Brian Avenue, South Daytona, Florida parcel number 5342-11-00-0150 (the "Subject Property") was posted UNFIT FOR HUMAN HABITATION on April 2, 2025. The structure on the Subject Property is dilapidated and is not only unfit for human habitation, but is potentially injurious to the health, safety and welfare of the general public (Code Reference-City of South Daytona Code of Ordinances Chapter 5, Article X Sections 5-200 and 5-201).

Items cited in violation include, but are not limited to:

- (1) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 111.1.3, 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 rat 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 to the public.
- (2) City of South Daytona Code of Ordinances 5-200, Prohibited. It shall be unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe condition.
- (3) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.4, Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (4) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.7, Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.

- (5) 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.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.

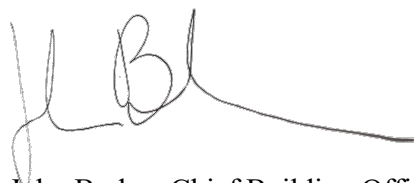
- (6) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.13, Windows, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

As the owner of the Subject Property, you have until **November 3, 2025** to have a full engineering assessment of the structure on the Subject Property submitted, with permit applications for all required repairs, **OR** have a demolition permit submitted for the removal of the structure and all accessory elements. All impervious surfaces are required to be removed and the site sodded or seeded for stabilization purposes.

You are required to contact the Code Enforcement Department for reinspection upon satisfying the above conditions. Code Enforcement has been notified and will be addressing additional site issues through the established code process.

Should the Subject Property remain out of compliance past **November 3, 2025**, you will be required to appear before the Special Master on **November 6, 2025 at 9:00am at South Daytona City Hall, 1672 S. Ridgewood Avenue, South Daytona** followed by appearance before the City of South Daytona City Council for a public hearing on **November 18, 2025 at 6:00pm at South Daytona City Hall, 1672 S. Ridgewood Avenue, South Daytona**, for a demolition request pursuant to Sec. 5-201, City of South Daytona Code of Ordinances. **This may result in the structure being ordered to be demolished, removed, or refurbished at your sole expense without compensation by the City of South Daytona.** We look forward to your prompt attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'JB', with a long horizontal line extending to the right.

John Boden, Chief Building Official
City of South Daytona