



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

**Minutes**

December 11, 2025 at 9:00 AM

CITY COUNCIL CHAMBERS

1672 S. Ridgewood Avenue, South Daytona, Florida

**SPECIAL MASTER: Attorney Matthew Branz, Esquire**

**STAFF:** Josh McEnany, Community 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: November 6, 2025 Special Master Hearing.** Special Master Branz approved the minutes.

**Item 5: NEW BUSINESS:**

**Case # 25-000348 Owner:** Figgins, Edward L

**Location:** 2260 Brian Avenue, South Daytona FL 32119 **Parcel:** 5342-11-00-0330

**VIOLATION(S):**

1. International Property Maintenance Code 302.8, Motor vehicles

**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.

Respondent was not in attendance.

The Special Master found that 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 302.8, Motor Vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Special Master Branz ordered that the Respondent correct the violation on or before December 22, 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 January 8, 2025.

**Case # 25-000371 Owner:** Bozkurt, Sema & Tarhan Melis

**Location:** 1890 Magnolia Avenue, South Daytona FL 32119 **Parcel:** 5344-38-00-0050

**VIOLATION(S):**

1. 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 that based on the testimony and evidence provided, the property is found 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 December 22, 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 January 8, 2025.

**OLD BUSINESS:**

**Case #** 25-000338      **Owner:** Warm, William J

**Location:** 910 Big Tree Road, Unit 1002, South Daytona FL 32119      **Parcel:** 5344-35-10-0020

**VIOLATION(S):**

1. International Property Maintenance Code 302.1, Sanitation
2. International Property Maintenance Code 308.1, Accumulated rubbish or garbage
3. Land Development Code 5.6(e)(5)(a), Fence Condition

**Status: Request Order of Compliance**

Ben Elkington, Code Compliance Officer, said this case came on for public hearing on November 6, 2025, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated November 6, 2025, where the property was found in violation.

Special Master Branz found based on the testimony presented that the property was in compliance by November 17, 2025 for 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 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, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 308.1, Accumulated rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Special Master said the Respondent is declared to be in compliance and that pending violation proceedings before the Special Master are concluded with no fine due.

**Case #** 25-000361      **Owner:** Dombrowski, John EST

**Location:** 2111 Brian Avenue, South Daytona FL 32119

**Parcel:** 5342-11-00-0150

**VIOLATION(S):**

1. International Property Maintenance Code 111.1.3, Structure unfit for human occupancy.
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. International Property Maintenance Code 304.7, Roofs and drainage.
4. International Property Maintenance Code 304.2, Protective Treatment.
5. International Property Maintenance Code 304.13, Windows, skylight and door frames.

**Status: Non-Compliance – Request Order of Imposing Fine / Lien**

Josh McEnany, Community Development Director, said this case came on for public hearing on November 6, 2025 and pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated November 6, 2025, the property was found in violation. He said the property remains in violation.

Respondent was not in attendance.

Kim Heller, Attorney for Nationstar Mortgage LLC, (a non-party, lien holder) introduced himself and expressed his concerns of property ownership.

Special Master Branz found that the property was not in compliance by December 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 111.1.3. Structure unfit for human occupancy.
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 304.7, 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.

4. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.2, 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.

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

Special Master Branz said a fine of \$250.00 per day for violations listed above shall be imposed. These fines shall begin December 9, 2025 and continue to accrue against the property until said property is brought into compliance.

**NEXT MEETING:** January 8, 2026

**ADJOURNMENT.** Hearing adjourned at 9:23 am.

The Hearing Minutes of December 11, 2025 were approved by the Special Master on the 5<sup>th</sup> day of February 2026.