



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

Minutes

February 5, 2026 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, 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 9:04 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: December 11, 2025 Special Master Hearing. Special Master Branz approved the minutes with modifications. *The January 2026 Hearing was canceled.*

Item 5: NEW BUSINESS:

Case # 25-000417 Owner: Gerstner, Ralph & Heikoprop LLC

Location: 402 Banana Cay Drive, Unit G, South Daytona FL 32119 **Parcel:** 5333-28-00-402G

VIOLATION(S):

1. City of South Daytona Code of Ordinances 4-47, Animal License

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, Marcus Baker and Nolan Garcia Baker (tenants at 420 Banana Cay Drive, Unit G), were in attendance and provided testimony. They said they are awaiting the paperwork from AKC before he applies for an unaltered dog permit. The tenants explained that this process takes up to eight weeks. The tenants noted that the dog is three years of age.

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, Chapter 4, Animals and Fowl, Article II. Licenses, Division 2. Licenses to Keep Dogs and Cats. Sec. 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.

Special Master Branz ordered that the Respondent correct the violation on or before March 6, 2026 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 March 12, 2026.

Case # 25-000430 Owner: Griffen, Corey Douglas and Bridget Griffen

Location: 1915 James Street, South Daytona FL 32119 **Parcel:** 5328-01-06-0050

VIOLATION(S):

1. City of South Daytona Code of Ordinances 16-17, Local Business Tax Receipt 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.

Mr. Miavez said the property is owned by Corey and Bridget Griffen, but the water bill is in the tenant's name (Heidi A. St. Pierre). The property is a rental house, but the license was not renewed. He also noted that the tenant contacted him regarding the notices.

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, Sec. 16-17(a). - Local business tax receipt; dates due and delinquent; penalties. All local business tax receipts shall be sold beginning August first of each year and shall be due and payable before October first of each year and expire on September 30 of the succeeding year. Those local business tax receipt not renewed by October first shall be considered delinquent and subject to a delinquency penalty of ten (10) percent for the month of October, plus an additional five (5) percent penalty for each month of delinquency thereafter until paid. However, the total delinquency penalty shall not exceed twenty-five (25) percent of the local business tax receipt fees for the delinquent establishment.

Special Master Branz ordered that the Respondent correct the violation on or before February 26, 2026 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 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 # 25-000348 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: Request Order of Compliance

Ben Elkington, Code Compliance Officer, said this case came on for public hearing on December 11, 2025, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated December 11, 2025, where the property was found in violation.

Respondent was not in attendance.

Special Master Branz found based on the testimony presented that the property was in compliance by December 23, 2025 for following:

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 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 # 25-000371 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: Request Order of Compliance

Matt Miavez, Code Compliance Officer, said this case came on for public hearing on December 11, 2025, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated December 11, 2025, where the property was found in violation.

Respondent was not in attendance.

Special Master Branz found based on the testimony presented that the property was in compliance by January 26, 2026 for 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 said the Respondent is declared to be in compliance and that pending violation proceedings before the Special Master are concluded. A fine of \$4,025 for 27 days of non-compliance, including the \$125 Administrative Fee.

NEXT MEETING: March 12, 2026

ADJOURNMENT. Hearing adjourned at 9:23 am.

The minutes of the February 5, 2026 hearing were approved at the hearing on March 5, 2026.