



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

January 6, 2022 at 9:00 AM

CITY COUNCIL CHAMBERS

1672 S. Ridgewood Avenue, South Daytona, Florida

SPECIAL MASTER: Attorney Matthew Branz, Esquire

STAFF:

Josh McEnany, Code Compliance Manager

Bret Steele, Code Compliance Officer

Beverly Abrahamson, Code Compliance Officer

Becky Witte, Deputy City Clerk

I. 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.

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.

II. PLEDGE OF ALLEGIANCE

III. OATHS OF THE CITY OFFICIAL, RESPONDENTS AND WITNESSES:

Executed by Deputy City Clerk, Becky Witte

IV. APPROVAL OF MINUTES FOR: December 9, 2021.

Attorney Branz approved the minutes as submitted by Deputy City Clerk Becky Witte.

OFFICIAL BUSINESS:

NEW BUSINESS:

Case # 21-000345

Location: 1961 S. Ridgewood Avenue, South Daytona
Owner: Ktimatias Holdings LLC

VIOLATION(S):

1. City of South Daytona Code of Ordinances 5-216 (17), Conditions constituting public nuisance: Care of premises

Comments: Weeds and debris on property.

2. City of South Daytona Code of Ordinances 5-217 (1), Minimum standards: Fresh appearance
Comments: Exterior of structure is not being maintained.

3. City of South Daytona Code of Ordinances 5-217 (4), Minimum standards: Broken or missing windows

Comments: Broken window on structure.

4. City of South Daytona Code of Ordinances 5-217 (8), Minimum standards: Parking areas and Vacant lots

Comments: Overgrowth of grass and faded markings on parking area.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Bret Steele, Code Compliance Officer requested the case and be dismissed as all violations have been corrected; Special Master Branz so ordered.

Case # 21-000354

Location: 802 Big Tree Road, South Daytona
Owner: Yelvington Big Tree LLC

VIOLATION(S):

1. City of South Daytona Code of Ordinances 5-216 (17), Conditions constituting public nuisance: Care of premises

Comments: Property should be free of open storage of building materials, landscape supplies, junk and debris.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Case # 21-000355

Location: 802 Big Tree Road, South Daytona
Owner: Yelvington Big Tree LLC

VIOLATION(S):

1. Code of Ordinances City of South Daytona 5-7, Permit required for fences, walls, obstructions
Comments: Stop Work Order issued on November 10, 2021, fence construction without permit.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Case # 21-000356

Location: 802 Big Tree Road, South Daytona
Owner: Yelvington Big Tree LLC

VIOLATION(S):

1. Code of Ordinances City of South Daytona Sec. 5.6. R Shipping Containers, Shipping Containers

Comments: Existing shipping containers do not meet requirements.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Case # 21-000357

Location: 802 Big Tree Road, South Daytona

Owner: Yelvington Big Tree LLC

VIOLATION(S):

1. Code of Ordinances City of South Daytona Sec. 5.6. R Shipping Containers, Shipping Containers

Comments: Shipping containers located on property do not meet required criteria.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Special Master Branz called the four cases from 802 Big Tree Road. Josh McEnany, Code Compliance Manager conveyed that the Respondents Attorney reached out to the City's Attorney Wade Vose last night with a request for a continuance. Special Master Branz granted the request to continue the cases 21-000354, 21-000355, 21-000356, and 21-000357 to February 10, 2022.

Case # 21-000372

Location: 910 Big Tree Road, #1003, South Daytona

Owner: Campbell, Michelle E & Thomas

VIOLATION(S):

1. City of South Daytona Code of Ordinances 7-16, Garbage Containers

Comments: Garbage containers and recycle bins shall be placed at the curb no sooner than the day before pickup and must be removed after

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation. Respondent was not in attendance.

Special Master Branz found the respondent was violation of: City of South Daytona Code of Ordinances, Section 7-16: All residential garbage and trash placed for collection by the city or its contractor shall be containerized so as to maintain sanitary conditions and facilitate handling. All garbage and trash cans or containers placed for collection are to be placed at the edge of the curb or right-of-way in areas most accessible and practicable to aid the garbage collection forces to expedite the loading and removal of the garbage or trash, and all containers shall be the type that may be easily handled by the collection employees. All garbage cans shall be placed at the curb no sooner than the day before pickup and must be removed from the curb or right-of-way not later than the end of the day after the garbage is picked up on that day.

Special Master Branz said the respondent was not timely in compliance by the date of December 20, 2021 and will be a repeat violation if recited within 5 years. No fines will be assessed and the matter is concluded.

Special Master Branz signed the Findings of Fact, Conclusion of Law and Order.

VII. OLD BUSINESS:

Case # 21-000101

Location: 700 Ridge Blvd, South Daytona

Owner: Smyser, Pamela L

VIOLATION(S): International Property Maintenance Code 304.7, Roofs and drainage

Status: Request Order Imposing Fine/Lien

Beverly Abrahamson, Code Compliance Officer presented that this case came on for public hearing before the Special Master on October 14, 2021, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated October 14, 2021, the property was found in violation.

Based on the testimony and evidence received, the Special Master finds that the property was not in Compliance by December 30, 2021.

The property remains in violation and accordingly, a fine of \$100.00 per day for violation of the following shall be imposed: 304.7 International Property Maintenance Code: 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 down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Code Compliance Officer Abrahamson relayed a recent conversation with the home owner stating a permit should be forthcoming.

Special Master Branz continued the case to the February 10, 2021 hearing.

Case # 21-000309

Location: 2507 Florida Blvd, South Daytona

Owner: Garcia, Venus L.

VIOLATION(S):

1. Florida Building Code 105.1, Permit Required

Comments: No permit on file for structural renovations, stop work order issued.

Status: Request Order Imposing Fine/Lien

Bret Steele, Code Compliance Officer presented that this case came on for public hearing before the Special Master on December 9, 2021, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated December 9, 2021, the property was found in violation.

Based on the testimony and evidence received, the Special Master finds that the property was in Compliance by January 3, 2022.

Special Master Branz signed the Order of Compliance, and no fines shall be imposed.

Case # 21-000337

Location: 2285 Colfax Drive, South Daytona

Owner: Stramondo, Patricia

VIOLATION(S):

1. City of South Daytona Code of Ordinances 9-2, keeping junk in residential or commercial section

Comments: Accumulation of debris on property.

2. International Property Maintenance Code 302.1, Sanitation

Comments: Accumulation of debris on property.

Status: Request Order Imposing Fine/Lien

Bret Steele, Code Compliance Officer presented that this case came on for public hearing before the Special Master on December 9, 2021, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated December 9, 2021, the property was found in violation.

Based on the testimony and evidence received, the Special Master finds that the property was not in Compliance by January 3, 2022.

The property remains in violation and accordingly, a fine of \$150.00 per day for violation of the following shall be imposed:

City of South Daytona Code of Ordinances 9-2. No person shall keep, store or allow to remain on any property within any residential or business section of the city, any dismantled, partially dismantled, nonoperative, or discarded machinery, vehicles, boats or parts thereof, scrap metal or junk.

International Property Maintenance Code 302.1. Sanitation – 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.

These fines shall begin January 4, 2022 and continue to accrue against the property 2285 Colfax Drive, South Daytona, FL 32119 until said property is brought into compliance.

Special Master Branz signed the Order Imposing Fine/Lien.

Case # 14-244

Location: 2268 Kenilworth Avenue, South Daytona

Owner: McCowin, Shelia

VIOLATION(S):

1. 2012 International Property Maintenance, Section 308.1, Accumulation of Rubbish or Garbage
2. City of South Daytona, Code of Ordinances, Section 8-19, Conditions Prohibited
3. Consolidated Land Development Regulations, Section 7.5., Traffic/Parking Management
4. Consolidated Land Development Regulations, Section 5.5 E. Schedule of Zoning District Regulations, R-1 C.

Status: Request Order of Compliance

Josh McEnany, Code Compliance Manager presented that this case which came on for public hearing before Special Master J. Peyton Quarles on August 14, 2014, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated August 14, 2014, where the property was found in violation.

Sheila McCowin, (2268 Kenilworth Ave, South Daytona) discussed the case with the Special Master.

Based on the testimony and evidence received, the Special Master finds that the property was in Compliance by November 21, 2021 for violation of the following:

2012 International Property Maintenance, Section 308.1, Accumulation of Rubbish or Garbage, City of South Daytona, Code of Ordinances, Section 8-19, Conditions Prohibited, Consolidated Land Development Regulations, Section 7.5., Traffic/Parking Management and Section 5.5 E. Schedule of Zoning District Regulations, R-1 C.

A fine of \$656,040.00 is due for 2,624 days of non-compliance.

Special Master Branz signed the Order of Compliance

VI. REQUEST FOR REDUCTION OF FINES:

Case # 21-00153

Location: 2279 S. Ridgewood Avenue, South Daytona

Owner: Lai Lam Van

Status: Request for reduction of fines


Bret Steele, Code Compliance Officer conveyed the request for continuance from the Property Owner's Attorney. Special Master Branz granted a continuance until February 10, 2022.

VIII. NEXT MEETING: February 10, 2022

IX. ADJOURNMENT

The meeting was adjourned at 9:35 a.m.

Respectfully submitted,



Becky Witte, Deputy City Clerk