



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

March 10, 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 9:03am.

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: February 10, 2022. Attorney Branz approved the minutes with modifications as provided to Deputy City Clerk Becky Witte.

OFFICIAL BUSINESS:

New Cases:

Case # 21-000060

Owner: STONE EDGE PROPERTIES INC

Location: 1848 S RIDGEWOOD AVE, SOUTH DAYTONA FL 32119

VIOLATION(S):

1. Florida Building Code 105.1, Permit Required

Comments: No permit issued for completion of concrete roll in ramp on property.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Bret Steele, Code Compliance Officer presented the case and requested that the respondent be found in violation. Testimony and input provided from Chief Building Official Nick Ventura.

Respondent, property owner, Martin Ramos, 8739 Kona Avenue, Jacksonville, Florida was in attendance and provided testimony.

Special Master Branz finds based on the case and testimony presented that the property is found in violation of: City of South Daytona Code of Ordinances, Article II, Section 5-20, adopting the Florida Building Code. Florida Building Code 105.1, Permit Required.

Special Master Branz ordered that the Respondent correct the violation on or before April 11, 2022. 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. If the Respondent fails to comply with this Order, the City is authorized to begin abatement proceedings as outlined in the Findings of Fact, Conclusion of Law and Order.

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

A hearing to impose fine will be scheduled for April 14, 2022.

Case # 21-000378

Owner: VANN CAROLYN V EST

Location: 530 ELIZABETH PL , SOUTH DAYTONA FL 32119

VIOLATION(S):

1. International Property Maintenance Code 111.1.3, Structure unfit for human occupancy

Comments: Structure is unfit for human occupancy due to lack of maintenance.

2. City of South Daytona Code of Ordinances 5-200, Prohibited

Comments: Unsafe and unsanitary conditions on property.

3. City of South Daytona Code of Ordinances 5-201, Finding and notice requiring correction.

Comments: Structure has been deemed unsafe by Chief Building Official, due to hazardous electrical.

4. International Property Maintenance Code 304.4, Structural members

Comments: Apparent failure of the roof system.

5. International Property Maintenance Code 304.7, Roofs and drainage

Comments: Apparent failure of the roof system.

6. International Property Maintenance Code 304.2, Protective Treatment

Comments: Lacks Protective Treatment.

7. International Property Maintenance Code 304.13, Windows, skylight and door frames

Comments: Window and Door Frames are damaged, missing, rotten and dilapidated.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Bret Steele, Code Compliance Officer presented the case and requested that the respondent be found in violation.

Attorney Adam Haba (Kelly Kronenberg, Attorneys at Law, 10360 West State Road 84, Fort Lauderdale) representative of the Carrington Mortgage Company discussed the case with Special Master Branz.

Chief Building Official Nick Ventura provided testimony.

Special Master Branz finds based on the case and testimony presented that 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 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.

Special Master Branz ordered that the Respondent correct the violation on or before April 11, 2022 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 in the Findings of Fact, Conclusion of Law and Order.

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

A hearing to impose fine will be scheduled for April 14, 2022.

Case # 21-000380

Owner: PALMER EDWIN

Location: 509 BIG TREE RD , SOUTH DAYTONA FL 32119

VIOLATION(S):

1. City of South Daytona Code of Ordinances 5-201, Finding and notice requiring correction.

Comments: Unsafe, dilapidated structure requiring repairs or demolishing.

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. Chief Building Official Nick Ventura provided testimony.

Respondent Edwin Palmer (550 Big Tree Road) and Contractor David Huger (928 Sycamore Street, Daytona Beach) were in attendance and provided testimony.

Special Master Branz finds based on the case and testimony presented that the property is found in violation of:

1. City of South Daytona Code of Ordinances 5-201, Prohibited. It shall be unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe 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 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.
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.

Special Master Branz ordered that the Respondent correct the violation on or before May 5, 2022. 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 in the Findings of Fact, Conclusion of Law and Order.

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

A hearing to impose fine will be scheduled for May 12, 2022.

Respondent's contractor requested to provide an update at the April 14, 2022 Special Master Hearing.

Case # 22-000008

Owner: FIRST COAST ENERGY LLP

Location: 1980 S RIDGEWOOD AVE, SOUTH DAYTONA FL 32119

VIOLATION(S):

1. Code of Ordinances City of South Daytona 5-7, Permit required for fences, walls, obstructions.

Comments: Obtain required permit and receive an approved final inspection.

2. City of South Daytona Code of Ordinances 5-217 (1), Minimum standards: Fresh appearance

Comments: Structure in need of exterior maintenance to present a neat and fresh appearance.

Exterior curb around structure in need of repair, removal of rust on exposed metal and painting.

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

Comments: Parking area in need of striping and maintenance to maintain a neat and clean condition.

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

Care of premises

Comments: Weeds and trash on property.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Bret Steele, Code Compliance Officer presented the case and requested that the respondent be found in violation.

Respondent's representative Carrie Breslin (Real Estate Professional, representative from First Coast Energy) was in attendance and provided testimony.

Special Master Branz finds based on the case and testimony presented that the property is found in violation of:

1. Code of Ordinances City of South Daytona 5-7, Permit required for fences, walls, obstructions. Before any fence, wall or obstruction is erected, a proper permit therefor must be obtained from the city.

2. City of South Daytona Code of Ordinances 5-217 (1), Minimum standards: Fresh appearance. All buildings shall present a neat and fresh appearance and be free of all peeling paint, mildew, rust, graffiti, dirt, and deteriorated or mismatched roofing material.

3. City of South Daytona Code of Ordinances 5-217 (8), Minimum standards: Parking areas and Vacant lots. All parking areas and vacant lots shall be kept free of overgrowth, weeds, trash and debris. Potholes and broken pavement shall be repaired. Paving and striping shall be maintained to a neat and clean condition with a fresh appearance. All dead tree limbs and dead trees shall be removed from parking areas and vacant lots.

4. City of South Daytona Code of Ordinances 5-216 (17), Conditions constituting public nuisance: Care of premises. Care of premises. It shall be unlawful for the owner or occupant of a commercial building, structure, or property to utilize the premises for the open

storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items except as allowed by the zoning regulations. It shall be the duty and responsibility of every such owner or occupant to keep the premises of the property clean and to remove from same all such abandoned items as listed above, including, but not limited to, weeds, dead trees, trash, garbage, etc., upon notice from the code enforcement officer. Premises shall be kept free from health hazards, including debris accumulation and breeding conditions for mosquitoes.

Special Master Branz ordered that the Respondent correct the violation on or before March 25, 2022. 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 in the Findings of Fact, Conclusion of Law and Order.

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

A hearing to impose fine will be scheduled for April 14, 2022.

Case # 22-000023

Owner: KAMAI LOUISE

Location: 910 BIG TREE RD 0802, SOUTH DAYTONA FL 32119

VIOLATION(S):

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

Comments: GARBAGE CONTAINERS MUST BE SET TO THE CURB THE DAY BEFORE TRASH DAY, NOT ANY SOONER; SAME CONTAINERS MUST BE REMOVED SAME DAY TRASH IS PICKED UP

2. City of South Daytona Code of Ordinances 7-9, Facilities at single-family detached and duplex residential

Comments: ALL GARBAGE CONTAINERS MUST BE SCREENED FROM THE RIGHT OF WAY. SHALL BE SHIELDED OR SHELTERED IN VIEW

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 representative Raymond Cruz (Bryan Cave, South Daytona) was 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.

City of South Daytona Code of Ordinances Section 7-9 Facilities at single-family detached and duplex residential properties. At single-family detached and duplex residential properties, garbage and trash storage facilities, including containers for garbage and trash, shall not be allowed in the front or side yards abutting a street or in the public right-of-way except for the day of garbage/trash pickup and between 6:00 p.m. and 12:00 midnight of the preceding day. The location of such garbage and trash facilities and containers, when not set out for the day of pickup, shall be shielded or sheltered by opaque objects or structures in such a manner that they are substantially screened from view from abutting streets; examples of "shielding" or "shelter" include, but are not limited to, bushes, fences, walls, trees, buildings, and enclosures.

Special Master Branz said the respondent was not timely in compliance by the date of February 7, 2022 but has since come into compliance 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.

Case # 22-000025

Owner: RIVERA JOSE A

Location: 910 BIG TREE RD 0703, SOUTH DAYTONA FL 32119

VIOLATION(S):

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

Comments: CONTAINERS MUST NOT BE PLACED OUT TO THE CURB MORE THAN ONE DAY IN ADVANCE OF PICKUP. CONTAINERS MUST BE REMOVED SAME DAY AFTER PICKUP IS COMPLETE.

2. City of South Daytona Code of Ordinances 7-9, Facilities at single-family detached and duplex residential

Comments: CANS MUST BE SHIELDED FROM THE RIGHT OF WAY WHEN NOT PLACED OUT FOR PICKUP

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.

City of South Daytona Code of Ordinances Section 7-9 Facilities at single-family detached and duplex residential properties. At single-family detached and duplex residential properties, garbage and trash storage facilities, including containers for garbage and trash, shall not be allowed in the front or side yards abutting a street or in the public right-of-way except for the day of garbage/trash pickup and between 6:00 p.m. and 12:00 midnight of the preceding day. The location of such garbage and trash facilities and containers, when not set out for the day of pickup, shall be shielded or sheltered by opaque objects or structures in such a manner that

they are substantially screened from view from abutting streets; examples of "shielding" or "shelter" include, but are not limited to, bushes, fences, walls, trees, buildings, and enclosures.

Special Master Branz said the respondent was not timely in compliance by the date of February 7, 2022 but has since come into compliance 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 # 22-000001

Location: 1903 S. Ridgewood Avenue, South Daytona
Owner: Shoebox Saloon LLC

VIOLATION(S):

1. City of South Daytona Land Development Regulations 8.2(D), Signage Permit Required
Comments: Not permitted banners (flags) on exterior structure wall.
2. Consolidated Land Development Regulations 8.2(F)(6)(a), Signs that communicate obscenity or indecency.
Comments: Flag on property contains obscenity.

Status: Request Order of Compliance

Bret Steele, Code Compliance Officer presented that this case came on for public hearing before the Special Master on February 10, 2022, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated February 10, 2022, the property was found in violation.

Based on the testimony and evidence received, the Special Master finds that the property was in Compliance by February 21, 2022.

Special Master Branz signed the Order of Compliance with a cost of abatement and administrative fee of \$240.35.

VI. REQUEST FOR REDUCTION OF FINES: None for this meeting.

VIII. NEXT MEETING: April 14, 2022

Hearing adjourned at 10:08am.

Respectfully submitted,



Becky Witte, Deputy City Clerk