



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

April 14, 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  
Garrett Olsen, Assistant City Attorney

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 9:00am.

**II. 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.

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

Executed by Deputy City Clerk, Becky Witte

**IV. APPROVAL OF MINUTES FOR: March 10, 2022.** Attorney Branz approved the minutes as provided by Deputy City Clerk Becky Witte.

**V. REQUEST FOR CONTINUANCE:**

**Case # 21-000356**

**Location:** 802 Big Tree Road, South Daytona

**Owner:** Yelvington Big Tree LLC

**VIOLATION(S):**

1. City of South Daytona Land Development Regulations Sec. 5.6. R Shipping Containers, Shipping Containers

Comments: Existing shipping containers do not meet requirements.

**Status: Request Continuance to May 12, 2022**

Special Master Branz continued to the May 12, 2022 hearing. Assistant City Attorney Garrett Olsen provided an update to Special Master Branz.

**Case # 21-000357**

**Location:** 802 Big Tree Road, South Daytona

**Owner:** Yelvington Big Tree LLC

**VIOLATION(S):**

1. City of South Daytona Land Development Regulations Sec. 5.6. R Shipping Containers, Shipping Containers

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

**Status: Request Continuance to May 12, 2022**

Special Master Branz continued to the May 12, 2022 hearing. Assistant City Attorney Garrett Olsen provided an update to Special Master Branz.

**VI. NEW BUSINESS:**

**Case # 22-000010    Owner:** NLD DAYTONA LLC    **Location:** 2323 S RIDGEWOOD, SOUTH DAYTONA

**VIOLATION(S):**

1. City of South Daytona Code of Ordinances 5-217 (7), Minimum standards: Neat and fresh appearance

Comments: Remove rusted guardrail from property.

**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 but submitted an email which was provided to Special Master Branz.

Bret Steele, Code Compliance Officer, provided testimony.

Special Master Branz found based on the case and testimony presented that the property is found in violation of: City of South Daytona Code of Ordinances Section 5-217. Minimum standards. The minimum standards for the maintenance of commercial properties are as follows: (7) All retaining walls, seawalls, nonstructural walls, dumpster enclosures, fences, lighting devices and supports, outdoor service and seating areas, and signs and their supporting elements shall be structurally sound and kept free of graffiti, overgrowth, trash and debris, and shall be maintained to present a painted, rust-free, neat and fresh appearance.

Special Master Branz ordered that the Respondent correct the violation on or before May 11, 2022.

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.

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.

**Case # 22-000030    Owner: BEATTY STACEY L    Location: 545 AURORA ST, SOUTH DAYTONA**

**VIOLATION(S):**

1. Code of Ordinances City of South Daytona 5-7, Permit required for fences, walls, obstructions.  
Comments: No permit on file for fence installed.
2. City of South Daytona Land Development Regulations 5.6(E)(2)(b), Supplementary regulations fences & walls front yards  
Comments: Prohibited placement of not permitted fence installed on property.
3. Consolidated Land Development Regulations 5.6(E)(2)(c) , Side Yard Fencing  
Comments: Prohibited placement of not permitted fence installed 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 Stacey Beatty (new married name Strader, address, 545 Aurora Street) and Robert Strader, 545 Aurora Street (husband) was in attendance and provided testimony.

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

1. City of South Daytona Code of Ordinances 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 Land Development Regulations Section 5.6(E)(2)(b), Supplementary regulations fences & walls front yards. Front yards: For front yards which abut a street, fences or walls of open or solid face construction shall be permitted in compliance with the following criteria: No fence or wall may be installed closer than 25 feet from the right-of-way of the abutting street. Any such fence or wall shall not exceed a height of six feet if it is located at or behind the plane of the street-facing-wall of the principal building; however, if it is located streetward of such plane, it shall not exceed four feet in height.
3. City of South Daytona Land Development Regulations Section 5.6(E)(2)(c), Side Yard Fencing. Side yards: For side yards which abut a street, fences or walls of open or solid face construction shall be permitted in compliance with the following criteria: No fence or wall may be installed closer than ten feet from the right-of-way of the abutting street. Any such fence or wall shall not exceed a height of six feet if it is located at or behind the front plane of the principal building however, if it is located streetward of the front plane of the principle building outside of the required 25' front yard setback where fences are prohibited, the fence shall step down to the required maximum height of 4'.

Special Master Branz ordered that the Respondent correct the violation on or before May 6, 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.

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.

**Case # 22-000044      Owner: ANGEL CESAR**  
**DAYTONA**

**Location: 2415 YALE RD, SOUTH**

**VIOLATION(S):**

1. Florida Building Code 105.1, Permit Required  
Comments: Obtain required permits for allowable structure renovations and receive the approved final inspections.
2. City of South Daytona Land Development Regulations 5.5(E)(2), R1C Permitted Uses  
Comments: Prohibited second dwelling unit, in a single-family residentially zoned area.

**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 Cesar Angel (2415 Yale Road) was in attendance and provided testimony. Assistant City Attorney Garrett Olsen presented City Code definitions and argument. Code Compliance Manager Josh McEnany also testified.

Case was continued to later in the Hearing where Chief Building Official Nick Ventura provided testimony.

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

1. City of South Daytona, Code of Ordinances, Article II. Building Code, 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 May 9, 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.

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.

The cause of City of South Daytona Land Development Regulations Section 5.5(E)(2), R1C Permitted Uses R-1C single-family residential district. 1. Purpose and intent: This district is intended to protect existing residential development of similar nature and to provide for new infill development. 2. Permitted uses: Single-family dwellings; public parks. 3. Accessory uses: Uses customarily associated with, dependent on, and incidental to, the principal use. Special exceptions: None. 5. Dimensional requirements - see Figure 2 will be continued until the May 12, 2022 Hearing.

**VII. OLD BUSINESS:**

**Case # 22-000004**

**Owner: Bui Kim Chung**

**Location: 1035 Sheri Blvd, South Daytona**

**VIOLATION(S):**

1. City of South Daytona Land Development Regulations Sec. 5.6. R Shipping Containers, Shipping Containers  
Comments: Shipping containers located on property do not meet required criteria within City Code.  
Shipping Containers must be removed from the property.

***Case was continued on February 10, 2022 to the April 14, 2022 Hearing***

**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. Assistant City Attorney Garrett Olsen discussed the case with Special Master Branz.

Respondent Kim Chung Bui (821 George Hecker Drive, South Daytona) was in attendance and provided testimony.

Special Master Branz found based on the case and testimony presented that the property is found in violation of: City of South Daytona Land Development Regulations Sec. 5.6, R. Shipping Containers. Shipping containers placed on a parcel for more than 14 days shall be governed by the following regulations:

- (1) Shipping containers shall only be permitted within the Business Heavy Commercial (BHC) zoning district or in conjunction with an existing non-conforming use that would be permitted within the BHC zoning district.
- (2) Shipping containers shall be prohibited within the Community Redevelopment Area.
- (3) Shipping containers shall only be permitted in conjunction with a principal use, provided that they are recognized as clearly incidental and subordinate to the principal use.
- (4) The site shall have a minimum lot size of one (1) acre with a limit of two shipping container units per acre with a maximum of four shipping containers units per parcel.
- (5) All shipping containers shall comply with the Florida Building Code and Florida Fire Prevention Code.
- (6) A 4" concrete slab is required prior to placement of a shipping container and the slab shall meet or exceed the minimum requirements per the Florida Building Code.
- (7) Shipping containers shall require screening with a three-sided enclosure consisting of an eight (8) foot masonry wall with a rounded top or decorative cap finished with stucco and painted to match the colors of a principal structure. The masonry wall shall meet or exceed the minimum requirements per the Florida Building Code.
- (8) Shipping containers shall be located behind the front plane of a principal structure and shall not be located within the principal rear and side yard setbacks of the BHC zoning district.
- (9) Shipping containers shall not be located within any easement.

- (10) Shipping containers shall be freshly painted to match the color of the principal structure and containers shall be maintained in good condition at all times.
- (11) Shipping containers shall not be permitted for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing except where markings, labels and placards may be required in accordance with the United States Department of Transportation Emergency Response Guide.
- (12) Shipping containers shall be used for storage purposes only and shall not be permitted or retrofitted as living quarters or office workspace.
- (13) No plumbing, electric, or air conditioning shall be permitted inside of a shipping container.
- (14) Material stored within shipping containers are subject to review by the Chief Building Official and the Fire Chief.
- (15) Shipping containers shall not be rented out or leased.
- (16) Shipping containers shall be stand-alone steel units without fabrication including but not limited to roofs, overhangs, porches, additional doors or windows and internal partitions.
- (17) In the instance where more than one shipping container may be permitted, they shall not be stacked.
- (18) Shipping containers shall not occupy required off-street parking spaces, vehicular accesses or drive aisles, pedestrian facilities or landscape areas for a site.

City of South Daytona Land Development Regulations Sec. 5.8 Special Uses.

The City suggested a six-month time to comply. The respondent testified that it was not sufficient time.

Special Master Branz ordered that the Respondent correct the violation on or before November 4, 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 November 10, 2022.

**Case # 21-000060**

**Owner: STONE EDGE PROPERTIES INC**

**Location: 1848 S RIDGEWOOD AVE, SOUTH DAYTONA**

**VIOLATION(S):**

**1. Florida Building Code 105.1, Permit Required**

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

**Status:** Request Order Imposing Fine/Lien

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

The respondent was not in attendance.

Staff requested a continuance until the June 16, 2022 Hearing.

Nick Ventura, Chief Building Official provided testimony.

Special Master Branz agreed to continue until the June 16, 2022 Hearing.

**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 of Compliance

Beverly Abrahamson, Code Compliance Officer presented that this case came on for public hearing before the undersigned Special Master on November 4, 2021, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated November 4, 2021, where the property was found in violation.

Based on the testimony and evidence received, the Special Master found that the property was in Compliance for violation of the following:

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.

Special Master declared the property to be in compliance and that pending violation proceedings before the Special Master are concluded.

Special Master Branz signed the Order of Compliance with no fine due.



**Case # 21-000378**

**Owner: VANN CAROLYN V EST**

**Location: 530 ELIZABETH PL , SOUTH DAYTONA**

**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: Request Order Imposing Fine/Lien**

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

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master found that the property was not in compliance by April 11, 2022. The property remains in violation and accordingly, a fine of \$250.00 per day for violation of the following shall be imposed:

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.

These fines shall begin April 12, 2022 and continue to accrue against the property 530 Elizabeth Place, South Daytona, FL 32119 until said property is brought into compliance.

Special Master Branz signed the Order Imposing Fine/Lien.

**Case # 22-000008**

**Owner: FIRST COAST ENERGY LLP**

**Location: 1980 S RIDGEWOOD AVE, SOUTH DAYTONA**

**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:** Request Order Imposing Fine/Lien

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

Jean Pole (Facility Manager for 1980 S. Ridgewood Avenue) provided testimony.

Based on the testimony and evidence received, the Special Master found that the property was not in compliance by March 25, 2022. The property remains in violation and accordingly, a fine of \$250.00 per day for violation of the following shall be imposed:

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.

These fines shall begin March 26, 2022 and continue to accrue against the property 1980 S. Ridgewood Avenue, South Daytona, FL 32119 until said property is brought into compliance.

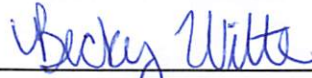
Special Master Branz signed the Order Imposing Fine/Lien.

**VII. REQUEST FOR REDUCTION OF FINES:** None for this meeting.

**IX. NEXT MEETING:** May 12, 2022

**X. ADJOURNMENT.** Hearing adjourned at 10:33 am.

Respectfully submitted,



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Becky Witte, Deputy City Clerk