



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

June 15, 2021 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 9:00am on June 15, 2021.

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: May 13, 2021

Attorney Branz deferred since he was not present on May 13, 2021.

OFFICIAL BUSINESS:

V. CASES CONTINUED:

Item VI-A was deferred to later in the hearing awaiting respondent representative.

Item VI- B:

Case Number: 21-000112

CYR KYLE W & CAREY F

922 VALENCIA RD, SOUTH DAYTONA FL 32119

Code Officer: Beverly Abrahamson

1. *VIOLATION: Section: International Property Maintenance Code 105.2, Alternative materials*

Comments: The permanent use of tarps for screening purposes.

2. *VIOLATION: Section: International Property Maintenance Code 304.1.1, Unsafe conditions.*

Comments: The permanent use of tarps for screening purposes.

Beverly Abrahamson, Code Compliance Officer, presented the case and requested that the respondent be found in violation with authorization to abate.

Respondent Carey Cyr was in attendance. She explained the case and the circumstances. She noted that a permit was issued on June 7, 2021, and new, permanent metal sides will be installed after materials arrive. She did note her concern in getting materials in a timely manner and requested a 90-day extension.

Special Master Branz found the respondent in violation and ordered a compliance date of July 12, 2021 with authorization to abate with a \$125 administrative fee plus any costs incurred during the abatement process.

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

The case will return on July 8, 2021.

VI. CASES PENDING ACTION:

- Item VI- A: Case Number: 20-000701
TUNSTALL JAMES H
2448 ANASTASIA DR, SOUTH DAYTONA FL 32119
Code Officer: Bret Steele
1. *VIOLATION: Section: International Property Maintenance Code 304.7, Roofs and drainage*
Comments: Temporary tarp on roof.

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

Respondent was not in attendance.

Special Master Branz found the respondent in violation and ordered a compliance date of July 15, 2021 and failure to comply will result in a fine of \$250 per day until the violations are corrected as well as authorization for the city to abate with a \$125 administrative fee plus any costs incurred during the abatement process.

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

Continued Case (postponed until respondent representative arrived)

- Item V- A: Case Number: 21-000101
SMYSER PAMELA L
700 RIDGE BLVD, SOUTH DAYTONA FL 32119
Code Officer: Beverly Abrahamson
1. *VIOLATION: Section: International Property Maintenance Code 304.7, Roofs and drainage*
Comments: Tarp on roof

Beverly Abrahamson, Code Compliance Officer, presented the case and requested that the respondent be found in violation with authorization to abate.

Respondent was not in attendance.

Special Master Branz found the respondent in violation and ordered a compliance date of June 25, 2021 to correct violations and if the respondent fails to comply authorization to abate with a \$125 administrative fee plus any costs incurred during the abatement process.

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

Item VI- D: Case Number: 21-000118
 FAHEY CARLA C
 519 BLAKE RD, SOUTH DAYTONA FL 32119
 Code Officer: Bret Steele
 1. *VIOLATION: Section: International Property Maintenance Code 302.4, Weeds*
 Comments: Violation height weeds on property.

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

Respondent was not in attendance.

Special Master Branz found the respondent in violation and ordered a compliance date of June 25, 2021 and failure to comply will result in a fine of \$125 per day until the violations are corrected. If the respondent fails to comply by June 25, 2021, authorization to abate with a \$125 administrative fee plus any costs incurred during the abatement process.

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

Item VI- E: Case Number: 21-000120
 KHANNA SHAMBHU N
 1901 S PALMETTO, SOUTH DAYTONA FL 32119
 Code Officer: Bret Steele
 1. *VIOLATION: Section: City of South Daytona Code of Ordinances 14-36(a),*
 Maintain ROW including mowing, edging, cutting & trimming
 Comments: Violation height weeds and grass on right-of-way.
 2. *VIOLATION: Section: City of South Daytona Code of Ordinances 14-36(b),*
 Responsibilities of abutting property owners for maintenance
 Comments: Trash and fallen tree debris on City right-of-way.

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

Special Master Branz accepted the Certificate of Service provided by staff.

Respondent Representative Laura Davis from DiNardo Property Management (610 Dunlawton Avenue, Suite 610, Port Orange) was in attendance.

Special Master Branz found the respondent in violation and ordered a compliance date of June 25, 2021, to correct violations and if the respondent fails to comply a fine of \$125 per day until the violations are corrected. If the respondent fails to comply by June 25, 2021, authorization to abate with a \$125 administrative fee plus any costs incurred during the abatement process.

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

VIII. REPEAT VIOLATIONS: None

IX. REQUEST FOR REDUCTION OF FINES:

Item IX- A: Case Number: **20-000263**

Request Reduction of Fines (Total: \$59,790.00 – 239 days of non-compliance)

LARUE JOHN A

918 DUNCAN RD , SOUTH DAYTONA FL 32119

Code Officer: Beverly Abrahamson

1. *VIOLATION: Section: International Property Maintenance Code 304.6, Exterior walls*

Comments: Holes in ceiling of porch overhang and several soffit areas.

Beverly Abrahamson, Code Compliance Officer, presented the request of reduction of fees request along with a timeline of the case.

Owner John Larue was present and presented his request with input from Brandon Larue (resident at 918 Duncan Road).

Special Master Branz reduced the fine to 2,540.00 to be paid by July 15, 2021 and signed the Amendment of Findings of Fact, Conclusions of Law and Order/Lien.

X. COMMUNICATIONS AND PETITIONS: None

The meeting was adjourned at 10:18 a.m.

Respectfully submitted,

Becky Witte, Deputy City Clerk