



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

July 8, 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 9:00 am on July 8, 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: June 15, 2021
Attorney Branz approved the minutes as submitted by Deputy City Clerk Becky Witte.

OFFICIAL BUSINESS:

V. CASES CONTINUED: None

VI. CASES PENDING ACTION:

Item VI-1. 21-000128
YELVINGTON BIG TREE LLC, 802 BIG TREE RD, SOUTH DAYTONA FL 32119
Code Officer: Josh McEnany (Code Compliance Manager)
VIOLATION: Section: Florida Building Code 105.1, Permit Required
Comments: Construction without the required permit(s).
VIOLATION: Section: City of South Daytona Land Development Regulations 5.5(C)(2),
R1A Permitted Uses
Comments: Shipping containers – prohibited

Josh McEnany, Code Compliance Manager, presented the case and requested that the respondent be found in violation with authorization to abate.

Respondent Chad Collins (800 Big Tree Road, South Daytona), representative of Yelvington Big Tree LLC and Attorney Robert Riggio (400 S. Palmetto Ave., Daytona Beach) was in attendance.

Attorney Robert Riggio entered the following exhibits into the record:

- Exhibit R1: Notice of Violation
- Exhibit R2: Email correspondence of building permit process
- Exhibit R3: Response from previous CBO Gary Hiatt, insufficiencies for the application.
- Exhibit R4: Citation of Violation, Notice of Hearing
- Exhibit R5: Second Building Permit Application Submittal per instructions from previous Chief Building Official, Gary Hiatt.
- Exhibit R6: Picture of the larger, expensive equipment in the shipping containers
- Exhibit R7: 2006 aerial photography of property and 2010 aerial photography of the property
- Exhibit R8: Email and Documentation provided by Code Compliance Manager Josh McEnany
- Exhibit R9: Copy of Local Business Tax Receipt 2020-2021
- Exhibit R10: Emails from July 1, 2021.
- Exhibit R11: Email from Code Compliance Manager Josh McEnany
- Exhibit R12: Containers email with pictures

Attorney Robert Riggio submitted the above listed exhibits and asked questions of Respondent Chad Collins.

Special Master Matthew Branz asked questions of both staff, Code Compliance Manager Josh McEnany, and Respondent Chad Collins.

Attorney Robert Riggio provided a closing argument.

Laureen Kornel, Community Development Director provided the code on Accessory Structures, City of South Daytona Land Development Code 5.6.

Special Master Branz noted that there is no dispute of the zoning of the property which is zoned residential. He noted that as to the building permit there is no dispute that construction took place before permit issued.

Special Master Branz found the respondent in violation of Florida Building Code 105.1, Permit Required as well as City of South Daytona Land Development Regulations 5.5(C)(2), R1A Permitted Uses and ordered a compliance date of September 8, 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.

Item VI-2. 21-000153
LAI LAM VAN, 2279 S RIDGEWOOD , SOUTH DAYTONA FL 32119
Code Officer: Bret Steele
VIOLATION: Section: City of South Daytona Land Development Regulations 8.2(F)(6)(s),
Rope lighting prohibited

Comments: Prohibited window lighting on property.

VIOLATION: Section: City of South Daytona Land Development Regulations 8.2(G)(2)(a)(4)(b), Window signs coverage

Comments: Reduce all window signage to 20 percent of the window surface.

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

Comments: Exterior property debris.

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

Comments: Damaged masonry wall in rear of property. Wall will also need painting to present a neat and fresh appearance.

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 of City of South Daytona Land Development Regulations 8.2(G)(2)(a)(4)(b), Window signs coverage, City of South Daytona Code of Ordinances 5-216 (17), Conditions constituting public nuisance: Care of premises and City of South Daytona Code of Ordinances 5-217 (7) – for damaged wall, and ordered a compliance date of August 9, 2021 and failure to comply will result in a fine of \$250.00 per day until the violations are corrected as well as authorization for the city to abate with a \$125.00 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-3. 21-000172

MANGU LLC, 2759 S RIDGEWOOD, SOUTH DAYTONA FL 32119

Code Officer: Bret Steele

VIOLATION: Section: City of South Daytona Land Development Regulations 8.2(F)(6)(d), Prohibited signs - Flashing signs Comments: Remove messaging and animation window signage.

VIOLATION: Section: City of South Daytona Land Development Regulations 8.2(F)(6)(r), Prohibited - interior window coverings not to exceed 20%

Comments: Reduce window signage to twenty percent of window area.

VIOLATION: Section: City of South Daytona Land Development Regulations 8.2(D), Signage Permit Required

Comments: Not permitted temporary signage 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 City of South Daytona Land Development Regulations 8.2(F)(6)(d), Prohibited signs - Flashing signs, City of South Daytona Land Development Regulations 8.2(F)(6)(r), Prohibited - interior window coverings not to exceed 20%, as well as City of South Daytona Land Development Regulations 8.2(D), Signage Permit Required and ordered a compliance date of July 18, 2021 and failure to comply will result in a fine of \$150 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.

Item VI-4. 21-000176
 SHORT DUMAS E, 356 FERNDAL, SOUTH DAYTONA FL 32119
 Code Officer: Bret Steele
 VIOLATION: Section: International Property Maintenance Code 302.4, Weeds
 Comments: Violation height grass by south structure wall, not maintained vegetation
 around structure.
 VIOLATION: Section: City of South Daytona Land Development Regulations
 7.6(E)(6)(a)(2), Tree protection criteria for removal
 Comments: Tree on west side of structure will need to be cut back to a safe level or
 removed.

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 was in violation of International Property Maintenance Code 302.4, Weeds and ordered authorization for the city to abate with a \$125 administrative fee plus any costs incurred during the abatement process.

Special Master Branz found the respondent in violation of City of South Daytona Land Development Regulations 7.6(E)(6)(a)(2), Tree protection criteria for removal and ordered a compliance date of July 18, 2021 and failure to comply will result in a fine of \$150 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.

VIII. REPEAT VIOLATIONS: None

IX. REQUEST FOR REDUCTION OF FINES:

Item IX- 1: 20-000856
 JAISINGH RYAN, 110 OLD SUNBEAM DR , SOUTH DAYTONA FL 32119

Code Officer: Beverly Abrahamson

VIOLATION: Section: Florida Building Code 105.1, Permit Required

Comments: Addition(s) to rear of principle structure.

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

The total fine due was \$22,540.00 for 90 days of non-compliance.

Owner Margaret Jaisingh of 110 Old Sunbeam Drive was present and presented her request for a fine reduction.

Special Master Branz reduced the fine to \$2,290.00 to be paid by 4:00pm July 16, 2021 and signed the Amendment of Findings of Fact, Conclusions of Law and Order/Lien.

Item IX-2: 19-001424
 STONCE LLC, 577 BEVILLE ROAD
 Code Officer: Bret Steele
 VIOLATION: Permit Required.
 Comments: No permit on file for interior renovations.

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

The total fine due was \$4,250.00 for 17 days of non-compliance.

Representative Abraham Binoy, on behalf of STONCE LLC (577 Beville Road, South Daytona) was present and presented his request. He noted the fine was paid for and would like a refund.

Special Master Branz said he did not have the authority to refund money.

Code Compliance Manager Josh McEnany said he will research the payment.

Special Master Branz did not sign an Amendment of Findings of Fact, Conclusions of Law and Order/Lien.

VI. CASES PENDING ACTION:

Item X- 1: 21-000112
 CYR KYLE W & CAREY F
 922 VALENCIA RD , SOUTH DAYTONA FL 32119
 Code Officer: Beverly Abrahamson
 VIOLATION: Section: International Property Maintenance Code 105.2, Alternative materials
 Comments: The permanent use of tarps for screening purposes.

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 an update of the case.

Respondent Carey Cyr, 922 Valencia Road, South Daytona was present and discussed the progress with Special Master Branz. She did not request an extension.

Special Master Branz said to revisit in August if fine will be assessed if not in compliance by July 12, 2021.

X. COMMUNICATIONS AND PETITIONS: None

The meeting was adjourned at 11:00 a.m.

Respectfully submitted,



Becky Witte, Deputy City Clerk