



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

August 12, 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
Jay Robinson, Executive Assistant to the City Manager

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 August 12, 2021.

II. PLEDGE OF ALLEGIANCE

III. OATHS OF THE CITY OFFICIAL, RESPONDENTS AND WITNESSES
Executed by Jay Robinson.

IV. APPROVAL OF MINUTES FOR: July 8, 2021
Attorney Branz approved the minutes as submitted by Deputy City Clerk Becky Witte.

OFFICIAL BUSINESS:

V. CASES CONTINUED: None

VI. NEW BUSINESS:

1. **Case # 21-000204, SHORT DUMAS E, 356 FERNDAL E, SOUTH DAYTONA FL 32119**
Code Officer: Bret Steele
Status: New Magistrate Case
 1. **VIOLATION: Section: International Property Maintenance Code 304.2, Protective Treatment**
Comments: Peeling paint on structure.
 2. **VIOLATION: Section: International Property Maintenance Code 304.1, General**
Comments: Damaged fascia and door on exterior shed on property. Missing screens on structure.

3. VIOLATION: Section: International Property Maintenance Code 304.7, Roofs and drainage

Comments: Damaged fascia on structure.

4. VIOLATION: Section: International Property Maintenance Code 302.8, Motor vehicles

Comments: Inoperable vehicle stored 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 of International Property Maintenance Code 304.2, Protective Treatment, International Property Maintenance Code 304.1, International Property Maintenance Code 304.7, Roofs and drainage and International Property Maintenance Code 302.8, Motor vehicles and ordered a compliance date of September 13, 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 \$125.00 administrative fee plus any costs incurred during the abatement process.

Next hearing set for September 16, 2021.

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

VIII. REPEAT VIOLATIONS: None

IX. REQUEST FOR REDUCTION OF FINES:

Item IX. 1. Case # 19-001390, HOSKINS CINDY S, 2051 HICKORYWOOD DR, SOUTH DAYTONA FL 32119
Code Officer: Beverly Abrahamson

Status: Reduction of Fines

1. VIOLATION: Section: International Property Maintenance Code 108.1.3, Structure unfit for human occupancy

Comments: No power or water to structure.

2. VIOLATION: Section: International Property Maintenance Code 605.1, Installation - Electrical

Comments: Open electrical breaker box on property.

Beverly Abrahamson, Code Compliance Officer presented the request for fine reduction to Special Master Branz.

Ralph Hoskins 13 Llobell Place Palm Coast, Florida 32164 represented the deceased Cindy Hoskins (his mother).

Special Master Branz continued until September 16, 2021.

X. OLD BUSINESS:

Item X. 1. Case # 20-000701, TUNSTALL JAMES H, 2448 ANASTASIA DR, SOUTH DAYTONA FL 32119

Code Officer: Bret Steele

Status: Order of Non-Compliance

1. VIOLATION: Section: International Property Maintenance Code 304.7, Roofs and drainage

Comments: Temporary tarp on roof.

Bret Steele, Code Compliance Officer, presented to Special Master Branz.

Respondent James Tunstall (2448 Anastasia Drive South Daytona, FL 32119) was in attendance.

Special Master Branz continued until September 16, 2021.

Item X. 2. Case # 21-000101, SMYSER PAMELA L, 700 RIDGE BLVD, SOUTH DAYTONA FL 32119

Code Officer: Beverly Abrahamson

Status: Order of Non-Compliance

1. VIOLATION: Section: International Property Maintenance Code 304.7, Roofs and drainage

Comments: Tarp on roof

Beverly Abrahamson, Code Compliance Officer, presented to Special Master Branz.

Public Adjuster Bruce Anderson (Five Star Claims Adjusting, 351 Myakka Street N.E., Palm Bay) was in attendance and represented the homeowner Pamela Smyser of 700 Ridge Blvd (who was in attendance but did not speak). They explained the delay was due to an insurance claim. They were unsure of the number of days needed to correct the violation and obtain permits.

Special Master Branz continued until September 16, 2021.

Item X. 3. Case # 21-000112, CYR KYLE W & CAREY F, 922 VALENCIA RD, SOUTH DAYTONA FL 32119

Code Officer: Beverly Abrahamson

Status: Order of Compliance

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 to Special Master Branz.

Respondent was not in attendance.

Special Master Branz signed the Order of Compliance.

Item X. 4. Case # 21-000128, YELVINGTON BIG TREE LLC, 802 BIG TREE RD, SOUTH DAYTONA FL 32119

Code Officer: Josh McEnany

Status: Request for Continuance

1. VIOLATION: Section: Florida Building Code 105.1, Permit Required

Comments: Construction without the required permit(s).

2. 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 requested a continuance from Special Master Branz for Case 21-000128 while staff conducted an administrative review.

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

Special Master Branz continued the case until November 11, 2021 hearing and set a amended compliance date of November 10, 2021.

Item X. 5. Case # 21-000172, MANGU LLC, 2759 S RIDGEWOOD, SOUTH DAYTONA FL 32119

Code Officer: Bret Steele

Status: Order of Compliance

Bret Steele, Code Compliance Officer presented the Order of Compliance to Special Master Branz.

Respondent was not in attendance.

Special Master Branz signed the Order of Compliance.

Item X. 6. Case # 21-000176, SHORT DUMAS E, 356 FERNDAL E, SOUTH DAYTONA FL 32119

Code Officer: Bret Steele

Status: Order of Compliance

Bret Steele, Code Compliance Officer presented the Order of Compliance to Special Master Branz.

Respondent Dumas Short (356 Ferndale South Daytona, Florida 32119) was in attendance with Edward Cowan (122 N. Brookwood Dr, Louisville, Kentucky) who discussed the case with Special Master Branz.

Special Master Branz signed the Order of Compliance.

The meeting was adjourned at 10:04 a.m.

Respectfully submitted,

Jay Robinson, Executive Assistant



Siverson Law Firm PLLC

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Reply: Winter Garden

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September 16, 2021

VIA HAND DELIVERY

City Council of South Daytona
City of South Daytona
City Hall
1672 S. Ridgewood Ave
South Daytona, FL 32119

Re: City of South Daytona v. Lai, Lam Van
2279 S. Ridgewood, South Daytona, FL 32119
Code enforcement cases numbered 21-000153

To Whom It May Concern:

Our office represents Lam Lai with respect to the above noted code enforcement case. Please direct all correspondence concerning the same to our attention at our Winter Garden address listed above.

Sincerely,

Scott E. Siverson

cc: L. Lai