



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

September 16, 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 September 16, 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:** August 12, 2021.

Attorney Branz approved the minutes as submitted by Deputy City Clerk Becky Witte.

OFFICIAL BUSINESS:

V. **REQUEST FOR REDUCTION OF FINES:**

Case # 19-001390

Location: 2051 Hickorywood Drive, South Daytona

VIOLATION(S):

1. International Property Maintenance Code 108.1.3, Structure unfit for human occupancy
2. International Property Maintenance Code 605.1, Installation – Electrical

Status: Request for Reduction of Fines / Continued from August 12, 2021 Meeting

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). He requested a reduction in fines and promised to keep up with the property. He noted that he was the new owner. He said he could pay \$1,600 but asked to pay over 8 months.

Charles Ducret, 2051 Hickorywood Drive, current resident of the home also discussed the case with Special Master Branz and Code Compliance Officer Abrahamson.

Special Master Branz issued an order to reduce the fines to \$2,000 to be paid by October 18, 2021.

VI. OLD BUSINESS:

Case # 20-000701

Location: 2448 Anastasia Drive, South Daytona

VIOLATION(S): International Property Maintenance Code 304.7, Roofs and drainage

Status: Continued from August 12, 2021 Meeting

Bret Steele, Code Compliance Officer, presented the case which was continued from the August 12, 2021 Special Master Hearing and requested that the respondent be found in violation with authorization to abate.

Code Officer Steele read an email from Mr. Tunsdall (owner of 2448 Anastasia Dr) into the record.

Respondent was not in attendance.

Special Master Branz found the respondent in violation of Section 304.7 of the International Property Maintenance Code as adopted by the City of South Daytona Code of Ordinances - 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 and ordered a compliance date of November 1, 2021 and failure to comply will result in a fine of \$100 per day until the violations are corrected.

Next hearing set for November 4, 2021.

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

Case # 21-000153

Location: 2279 S. Ridgewood Ave, South Daytona

VIOLATION(S):

1. City of South Daytona Land Development Regulations 8.2(F)(6)(s), Rope lighting prohibited
2. City of South Daytona Land Development Regulations 8.2(G)(2)(a)(4)(b), Window signs coverage
3. City of South Daytona Code of Ordinances 5-216 (17), Conditions constituting public nuisance: Care of premises
4. City of South Daytona Code of Ordinances 5-217 (7), Minimum standards: Neat and fresh appearance

Status: Non-compliance

Bret Steele, Code Compliance Officer, presented the that this case came on for public hearing before the undersigned Special Master on July 8, 2021, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated July 8, 2021, where the property was found in violation.

Based on the testimony and evidence received, the Special Master finds that the property was not in Compliance by August 9, 2021. The property remains in violation and accordingly, a fine of \$250.00 per day for violation of the following shall be imposed:

8.2(G)(2)(a)(4)(b) - Window signs coverage - Window signage shall not cover more than 20 percent of the window surface. The surface area of the sign shall be calculated by enclosing the extreme limits of all framing, emblem, logo, representation or other display within a single continuous perimeter composed of a square or rectangle.

5-216 (17) - Conditions constituting public nuisance: Care of premises - It Is a public nuisance for any person owning, leasing, occupying, or having charge of any commercial premises In this city to maintain, or permit to exist, such premises In such a manner that the following conditions exist thereon: 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.

5-217 (7) - Minimum standards: Neat and fresh appearance - The minimum standards for the maintenance of commercial properties are as follows: 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.

Scott Siverson, 1150 E. Plant Street, Suite E, Winter Garden represented Lam Van Lai (owner).

These fines began on August 10, 2021 per the Findings of Fact, Conclusion of Law and Order, dated July 8, 2021 and continued to accrue against the property located 2279 S. RIDGEWOOD BLVD, SOUTH DAYTONA, FL 32119 until said property is brought into compliance on September 14, 2021.

Special Master Branz signed the Order of Compliance with a fine amount of \$9,040 is due for 36 days of non-compliance.

Case # 21-000204

Location: 356 Ferndale Avenue, South Daytona

VIOLATION(S):

1. International Property Maintenance Code 304.2, Protective Treatment
2. International Property Maintenance Code 304.1, General
3. International Property Maintenance Code 304.7, Roofs and drainage

Status: Non-compliance

Bret Steele, Code Compliance Officer, presented that this case came on for public hearing before the undersigned Special Master on August 12, 2021, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated August 12, 2021, where the property was found in violation.

Based on the testimony and evidence received, the Special Master finds that the property was in Compliance by September 14, 2021 of the following:

Section 304.2 of the International Property Maintenance Code as adopted by the City of South Daytona Code of Ordinances - Exterior surfaces, including but not limited to, doors, door and windows 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.

Section 304.1 of the International Property Maintenance Code as adopted by the City of South Daytona Code of Ordinances - The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

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

VII. NEW BUSINESS:

Case # 20-000841

Location: 945 Beville Road, South Daytona

VIOLATION(S): City of South Daytona Code of Ordinances 16-11, Business Tax Receipt required

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Beverly Abrahamson, Code Compliance Officer, asked to remove the case from the agenda. The property is in compliance.

Special Master Branz removed the case from the agenda.

Case # 21-000155

Location: 2955 Foxcroft Lane, South Daytona

VIOLATION(S): City of South Daytona Land Development Regulations 7.6(E)(6)(a)(2), Tree protection criteria for removal

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 with authorization to abate.

Respondent was not in attendance.

Special Master Branz found the respondent in violation of Section 7.6(E)(6)(a)(2) of the City of South Daytona Land Development Regulations: Criteria for removal. The tree is diseased, injured, in danger of falling, too close to existing or proposed structures, interferences with existing utility services, creates unsafe vision clearance or conflicts with other ordinances or regulations and ordered a compliance date of October 10, 2021 and failure to comply will result in a fine of \$100 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 October 14, 2021.

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

Case # 21-000185

Location: 2020 S. Ridgewood Ave, South Daytona

VIOLATION(S):

1. City of South Daytona Land Development Regulations 8.2(G)(2)(a)(4)(b), Window signs coverage
2. City of South Daytona Land Development Regulations 8.2(D), Signage Permit Required
3. City of South Daytona Land Development Regulations 8.2(F)(4), Sign maintenance

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 with authorization to abate.

Respondent was not in attendance.

Special Master Branz based on the testimony from Code Compliance Officer Bret Steele found did not come in to timely compliance pursuant to the Notice of Violation and found the respondent in violation of:

Section 8.2(G)(2)(a)(4)(b) City of South Daytona Land Development Regulations: Window signage shall not cover more than 20 percent of the window surface. The surface area of the sign shall be calculated by enclosing the extreme limits of all framing, emblem, logo, representation or other display within a single continuous perimeter composed of a square or rectangle. 7.6(E)(6)(a)(2) of the City of South Daytona Land Development Regulations: Criteria for removal. The tree is diseased, injured, in danger of falling, too close to existing or proposed structures, interferences with existing utility services, creates unsafe vision clearance or conflicts with other ordinances or regulations.

Section 8.2(D) City of South Daytona Land Development Regulations: Any person wishing to construct, erect, alter, move or post a sign in the City of South Daytona shall first secure a permit after submitting plans and specifications to the community development department (hereinafter known as the "department"). An application form provided by the department shall require the applicant to include the following information: size, type, structure, heights, proximity to building, rights-of-way, streets and general location.

Section 8.2(F)(4) City of South Daytona Land Development Regulations: The sign maintenance standard of the city is that all signs must be kept in good repair, clean, free of rust and flaking paint with unbroken sign faces and functional bulbs; it also means that all signs should be maintained in substantially the same condition as when they were erected; it also means that they shall be kept legible and complete, as well as safe and repaired in a timely manner.

Attorney Branz found that the respondent was not in timely compliance and that violations did exist. He found the property in violation but no fines assessed since the property is currently in compliance. If the Respondent repeats the violation within the next five (5) years, the City may request that a Repeat Violation Order be signed by the Special Master at the Special Master Hearing following the occurrence of the repeat violation. Repeat violations can result in a fine as outlined and provided for by law.

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

Case # 21-000189

Location: 1834 Segrave Street, South Daytona

VIOLATION(S):

1. International Property Maintenance Code 302.4, Weeds
2. International Property Maintenance Code 302.1, Sanitation

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 with authorization to abate.

Respondent was not in attendance.

Special Master Branz found the respondent in violation of:

Section 302.4 International Property Maintenance Code: Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as

all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Section 302.1 International Property Maintenance Code: Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

Special Master Branz ordered a compliance date of October 10, 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 October 14, 2021.

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

Case # 21-000205

Location: 2507 Bishop Ct, South Daytona

VIOLATION(S):

1. International Property Maintenance Code 304.2, Protective Treatment
2. International Property Maintenance Code 304.7, Roofs and drainage
3. International Property Maintenance Code 308.2.1, Rubbish storage facilities

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

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 of:

304.2 International Property Maintenance Code: Exterior surfaces, including but not limited to, doors, door and windows 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.

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.

308.2.1 International Property Maintenance Code: The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

Special Master Branz ordered a compliance date of October 10, 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 October 14, 2021.

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

Case # 21-000211

Location: 2100 Green Street, South Daytona

VIOLATION(S): City of South Daytona Land Development Regulations 7.6(E)(6)(a)(2), Tree protection criteria for removal

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

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 of 7.6(E)(6)(a)(2) City of South Daytona Land Development Regulations: The tree is diseased, injured, in danger of falling, too close to existing or proposed structures, interferences with existing utility services, creates unsafe vision clearance or conflicts with other ordinances or regulations and ordered a compliance date of October 10, 2021 and failure to comply will result in a fine of \$100 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 October 14, 2021.

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

Case # 21-000216

Location: 2569 Anastasia Drive, South Daytona

VIOLATION(S): International Property Maintenance Code 302.4, Weeds

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 with authorization to abate.

Respondent was not in attendance.

Special Master Branz found the respondent in violation of 302.4 International Property Maintenance Code: Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens and ordered a compliance date of September 26, 2021 and failure to comply will result in a fine of \$75 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 October 14, 2021.

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

Case # 21-000218

Location: 2317 Green Street, South Daytona

VIOLATION(S): International Property Maintenance Code 304.2, Protective Treatment

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 with authorization to abate.

Respondent was not in attendance.

Special Master Branz found the respondent in violation of 304.2 International Property Maintenance Code: Exterior surfaces, including but not limited to, doors, door and windows 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 and ordered a compliance date of October 10, 2021 and failure to comply will result in a fine of \$100 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 October 14, 2021.

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

Case # 21-000247

Location: 1917 James Street, South Daytona

VIOLATION(S): International Property Maintenance Code 302.4, Weeds

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 with authorization to abate.

Respondent was not in attendance.

Special Master Branz found the respondent in violation of 302.4 International Property Maintenance Code: Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens and ordered a compliance date of September 26, 2021 and failure to comply will result in a fine of \$75 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 October 14, 2021.

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

Case # 21-000252

Location: 2260 Sherwood Drive, South Daytona

VIOLATION(S): International Property Maintenance Code 302.4, Weeds

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 with authorization to abate.

Respondent was not in attendance.

Special Master Branz found the respondent in violation of 302.4 International Property Maintenance Code: Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens and ordered a compliance date of September 26, 2021 and failure to comply will result in a fine of \$75 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 October 14, 2021.

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

Case # 21-000255

Location: 3408 Country Manor Dr, South Daytona

VIOLATION(S): International Property Maintenance Code 302.7, Accessory structures

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Beverly Abrahamson, Code Compliance Officer, asked to remove the case from the agenda. The property is in compliance.

Special Master Branz removed the case from the agenda.

Case # 21-000267

Location: 2033 Anastasia Drive, South Daytona

VIOLATION(S): City of South Daytona Land Development Regulations 8.2(F)(6)(s), Rope lighting prohibited

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 with authorization to abate.

Respondent was not in attendance.

Special Master Branz found the respondent in violation of 8.2(F)(6)(s) City of South Daytona Land Development Regulations: Rope lighting, i.e., bulbs, L.E.D. or neon rope lighting on building or windows used to attract attention and ordered a compliance date of October 10, 2021 and failure to comply will result in a fine of \$100 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 October 14, 2021.

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

Case # 21-000271

Location: 309 Olive Street, South Daytona

VIOLATION(S):

1. International Property Maintenance Code 302.1, Sanitation
2. International Property Maintenance Code 302.4, Weeds
3. International Property Maintenance Code 304.7, Roofs and drainage

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 with authorization to abate.

Respondent Nelson Commings, 1601 Ridge Ave, Longwood was in attendance and discussed the case with Special Master Branz.

Special Master Branz found the respondent in violation of:

302.1 International Property Maintenance Code: Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

Section 302.4 International Property Maintenance Code: Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

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 Branz ordered a compliance date of October 10, 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 October 14, 2021.

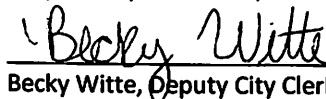
Special Master Branz signed the Findings of Fact, Conclusion of Law and Order.

VIII. NEXT MEETING: October 14, 2021

IX. ADJOURNMENT

The meeting was adjourned at 10:29 a.m.

Respectfully submitted,


Becky Witte, Deputy City Clerk