



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

July 20, 2023 at 9:00 AM
CITY COUNCIL CHAMBERS
1672 S. Ridgewood Avenue, South Daytona, Florida

SPECIAL MASTER: Attorney Matthew Branz, Esquire

STAFF:

Josh McEnany, Economic Development Director, Robert Kuhn, Code Compliance Officer, Matt Miavez, 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 9:01 am.

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. **APPROVAL OF MINUTES FOR: June 8, 2023 Dangerous Dog Hearing and June 8, 2023 Special Master Hearing.** Attorney Branz approved the minutes with minor modifications as provided by Deputy City Clerk.

IV. OATHS OF THE CITY OFFICIAL, RESPONDENTS AND WITNESSES:

Executed by Deputy City Clerk, Becky Witte

V. NEW BUSINESS:

Case # 23-000128 Owner: Beville Property Management LLC

Location: 335 Beville Road, South Daytona, FL 32119

VIOLATION(S):

1. City of South Daytona, Land Development Regulation 8.2(F)(11) , Window Blockage
Comments: Curtains in the window must be removed

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Economic Development Director, said the property has reached compliance and requested the case be dismissed.

Respondent was not in attendance.

Special Master Branz granted the request and dismissed the case.

VI. OLD BUSINESS:

Case # 23-000054 **Owner:** Ginder Ricky Lynn

Location: 2821 Sauls Street, South Daytona, FL 32119

VIOLATION(S):

1. Florida Building Code 5-21 Model administrative code - Permit Required, Permit Required

Comments: An Issued Building Permit is Required.

Status: Request Order Imposing Fine/Lien

Josh McEnany, Economic Development Director, presented the case which came on for public hearing before the undersigned Special Master on May 11, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated May 11, 2023, where the property was found in violation.

Respondent representative, Dean Maxwell (2910 Hardy Avenue, New Smyrna Beach) was in attendance and provided testimony.

John Boden, Chief Building Official provided testimony.

Based on the testimony and evidence received, the Special Master finds that the property was not in compliance as of July 7, 2023 at 5:00pm. The property remains in violation of the following:

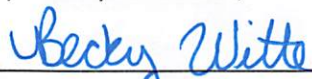
City of South Daytona, Code of Ordinances, Chapter 5, Buildings, Housing and Structural Regulations, Article II. Building Code, Section 5-21. - Model administrative code. Permit Required.

Special Master Branz said accordingly, a fine of \$250.00 per day for violations listed above shall be imposed. These fines shall begin July 8, 2023 and continue to accrue against the property until said property is brought into compliance.

VIII. NEXT MEETING: August 17, 2023

IX. ADJOURNMENT. Hearing adjourned at 9:20 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk