



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

May 12, 2022 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 9:04am.

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. OATHS OF THE CITY OFFICIAL, RESPONDENTS AND WITNESSES:

Executed by Deputy City Clerk, Becky Witte

IV. APPROVAL OF MINUTES FOR: April 14, 2022. Attorney Branz approved the minutes as provided by Deputy City Clerk Becky Witte with minor clerical revisions.

V. REQUEST FOR CONTINUANCE:

Case # 21-000356

Location: 802 Big Tree Road, South Daytona

Owner: Yelvington Big Tree LLC

VIOLATION(S):

1. City of South Daytona Land Development Regulations Sec. 5.6. R Shipping Containers, Shipping Containers
Comments: Existing shipping containers do not meet requirements.

Status: Request Continuance to June 16, 2022

Special Master Branz continued to the June 16, 2022 hearing.

Case # 21-000357

Location: 802 Big Tree Road, South Daytona
Owner: Yelvington Big Tree LLC

VIOLATION(S):

1. City of South Daytona Land Development Regulations Sec. 5.6. R Shipping Containers, Shipping Containers
Comments: Shipping containers located on property do not meet required criteria.

Status: Request Continuance to June 16, 2022

Special Master Branz continued to the June 16, 2022 hearing.

VI. NEW BUSINESS:

Case # 22-000071

Owner: Nguyen Anh Quoc

Location: 734 Steele Avenue, SOUTH DAYTONA

VIOLATION(S):

1. City of South Daytona Code of Ordinances 7-9, Facilities at single-family detached and duplex residential
Comments: GARBAGE CANS MUST BE SCREENED AND SHIELDED FROM THE RIGHT OF WAY VIEW
2. International Property Maintenance Code 308.1, Accumulated rubbish or garbage
Comments: JUNK, DEBRIS, TRASH ON PROPERTY NEEDS TO BE DISPOSED OF INCLUDING SANDBAGS
3. International Property Maintenance Code 304.1, General
Comments: EXTERIOR OF PROPERTY SHOULD BE IN GOOD REPAIR AND FREE OF DAMAGES
4. International Property Maintenance Code 304.2, Protective Treatment
Comments: FASCIA ON HOME IS MISSING AND OR PEELING. NEEDS REPLACED
5. International Property Maintenance Code 302.1, Sanitation
Comments: PROPERTY MUST PRESENT A NEAT AND FRESH APPEARANCE

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager presented the case and requested that the case be dismissed stating the property is now in compliance.

Respondent was not in attendance.

Special Master dismissed the case.

Case # 22-000098

Owner: Rusak, Daniel A & Alexis P

Location: 1724 Golfview Blvd, South Daytona

VIOLATION(S):

1. International Property Maintenance Code 302.1, Sanitation
Comments: Remove all outside storage of building materials on exterior property.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Bret Steele, Code Compliance Officer presented the case and requested that the case be dismissed, stating the property is now in compliance.

Respondent was not in attendance.

Special Master dismissed the case.

VII. OLD BUSINESS:

Case # 21-000380

Owner: PALMER EDWIN

Location: 509 BIG TREE RD , SOUTH DAYTONA FL 32119

VIOLATION(S):

1. City of South Daytona Code of Ordinances 5-201, Finding and notice requiring correction.

Comments: Unsafe, dilapidated structure requiring repairs or demolishing.

Status: Non-compliance

Status: Request Order of Non- Compliance, Order of Fine/Lien

Josh McEnany, Code Compliance Manager presented that this case came on for public hearing before the Special Master on March 10, 2022, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated March 10, 2022, the property was found in violation.

Nick Ventura, Chief Building Official provided testimony.

Respondent Edwin Palmer (550 Big Tree Road) and Contractor Thomas Huger (928 Sycamore Street, Daytona Beach) were in attendance and provided testimony.

Based on the testimony and evidence received, the Special Master found that the property was not in compliance by May 5, 2022. The property remains in violation and accordingly, a fine of \$250.00 per day for violation of the following shall be imposed:

1. City of South Daytona Code of Ordinances 5-201, Prohibited. It shall be unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe condition.
2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.4, Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
3. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.7, 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.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.

4. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.2, Protective Treatment. Exterior surfaces, including but not limited to, doors, door and window 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.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.

Special Master Branz continued the case until the June 16, 2022 Hearing.

Case # 22-000010 Owner: NLD DAYTONA LLC Location: 2323 S RIDGEWOOD, SOUTH DAYTONA
VIOLATION(S):

1. City of South Daytona Code of Ordinances 5-217 (7), Minimum standards: Neat and fresh appearance
Comments: Remove rusted guardrail from property.

Status: Request Order of Compliance

Bret Steele, Code Compliance Officer presented that this case came on for public hearing before the Special Master on April 14, 2022, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated April 14, 2022, the property was found in violation. Mr. Steele said the property was in Compliance on April 26, 2022.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master finds that the property was in Compliance by April 26, 2022.

Special Master Branz signed the Order of Compliance.

Case # 22-000030 Owner: BEATTY STACEY L Location: 545 AURORA ST, SOUTH DAYTONA
VIOLATION(S):

1. Code of Ordinances City of South Daytona 5-7, Permit required for fences, walls, obstructions.
Comments: No permit on file for fence installed.
2. City of South Daytona Land Development Regulations 5.6(E)(2)(b), Supplementary regulations fences & walls front yards
Comments: Prohibited placement of not permitted fence installed on property.
3. Consolidated Land Development Regulations 5.6(E)(2)(c) , Side Yard Fencing
Comments: Prohibited placement of not permitted fence installed on property.

Status: Request Order of Non- Compliance, Order of Fine/Lien

Bret Steele, Code Compliance Officer presented that this case came on for public hearing before the Special Master on April 14, 2022, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated April 14, 2022, the property was found in violation. Mr. Steele said the property was in compliance on May 6, 2022.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master found the property was in Compliance by May 6, 2022.

Special Master Branz signed the Order of Compliance.

Case # 22-000044 Owner: ANGEL CESAR Location: 2415 YALE RD, SOUTH DAYTONA
VIOLATION(S):

1. Florida Building Code 105.1, Permit Required
Comments: Obtain required permits for allowable structure renovations and receive the approved final inspections.
2. City of South Daytona Land Development Regulations 5.5(E)(2), R1C Permitted Uses
Comments: Prohibited second dwelling unit, in a single-family residentially zoned area.

Status: Request Order of Non- Compliance, Order of Fine/Lien

Bret Steele, Code Compliance Officer presented that this case came on for public hearing before the Special Master on April 14, 2022, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated April 14, 2022, the property was found in violation.

Respondent Cesar Angel (2415 Yale Road) was in attendance and provided testimony.

Special Master Branz continued the case until the June 16, 2022 Hearing.

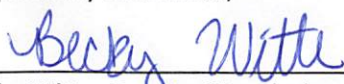
VII. REQUEST FOR REDUCTION OF FINES: None for this meeting.

VII. REQUEST FOR REDUCTION OF FINES: None for this meeting.

IX. NEXT MEETING: June 16, 2022

X. ADJOURNMENT. Hearing adjourned at 9:28 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk