



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

September 14, 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: August 17, 2023 Special Master Hearing.** Attorney Branz approved the minutes with minor modifications as provided by the Deputy City Clerk.

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

Executed by Deputy City Clerk, Becky Witte

**V. NEW BUSINESS:**

**Case # 23-000254**

**Owner: BOZKURT SEMA AND TARHAN MELIS BOZKURT**

**Location: 1890 MAGNOLIA AVE, SOUTH DAYTONA FL 32119 Parcel ID: 534438000050**

**VIOLATION(S): City of South Daytona Code of Ordinances 16-19(13)(a), Rental dwellings BTR required**

**Status: Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Matt Miavez, Code Compliance Officer – Rental Housing Inspector, presented the case and requested that the respondent be found in violation.

Respondent was not in attendance.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

1. City of South Daytona Code of Ordinances Section 16-19 (13) Rental dwellings. a. Local business tax receipt required: It shall be unlawful for any owner of residential property to rent or lease, or offer to rent or lease (throughout this subsection (13) the terms "rent" and "lease" are synonymous; as are the terms "to rent or lease" and "to offer to rent or lease") therein any dwelling or dwelling unit(s), whether single-family, duplex, triplex, multi-family, apartment, condominium, or more than one (1) room, etc., unless a current local business tax receipt therefore has been issued by the city, a copy of which is to be available at the structure in which the dwelling unit(s) is located. There is no requirement for there to be a written lease or any evidence on monetary payment to establish a rental arrangement. A rental arrangement shall be presumed to exist when someone is residing in a residential structure who is not the owner of the property and someone with an ownership interest is also not residing in said structure at the same time.

Special Master Branz ordered that the Respondent correct the violation on or before September 22, 2023. If the Respondent fails to comply with this Order, a fine of \$100.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for October 12, 2023.

**Case # 23-000255**

**Owner: KIRBY JUSTIN M**

**Location: 2443 KENILWORTH AVE, SOUTH DAYTONA FL 32119**

**Parcel ID: 532805140120**

**VIOLATION(S): City of South Daytona Code of Ordinances 16-19(13)(a), Rental dwellings BTR required**

**Status: Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Matt Miavez, Code Compliance Officer – Rental Housing Inspector, presented the case and requested that the respondent be found in violation.

Respondent was not in attendance.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

1. City of South Daytona Code of Ordinances Section 16-19 (13) Rental dwellings. a. Local business tax receipt required: It shall be unlawful for any owner of residential property to rent or lease, or offer to rent or lease (throughout this subsection (13) the terms "rent" and "lease" are synonymous; as are the terms "to rent or lease" and "to offer to rent or lease") therein any dwelling or dwelling unit(s), whether single-family, duplex, triplex, multi-family, apartment, condominium, or more than one (1) room, etc., unless a current local business tax receipt therefore has been issued by the city, a copy of which is to be available at the structure in which

the dwelling unit(s) is located. There is no requirement for there to be a written lease or any evidence on monetary payment to establish a rental arrangement. A rental arrangement shall be presumed to exist when someone is residing in a residential structure who is not the owner of the property and someone with an ownership interest is also not residing in said structure at the same time.

Special Master Branz ordered that the Respondent correct the violation on or before September 22, 2023. If the Respondent fails to comply with this Order, a fine of \$100.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for October 12, 2023.

**Case # 23-000257**                      **Owner: KIRBY SHAWN R, RICHARD A AND PATRICIA A**  
**Location: 2253 SHERWOOD DR , SOUTH DAYTONA FL 32119**   **Parcel ID: 534406000690**  
**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**

Matt Miavez, Code Compliance Officer – Rental Housing Inspector, presented the case and requested that the respondent be found in violation.

Respondent was not in attendance.

Special Master Branz continued to the October 12, 2023 hearing where additional evidence will be presented.

**Case # 23-000258**                      **Owner: WALKER ANTHONY MICHAEL TR AND JAMES M WALKER REV TRUST**  
**Location: 1972 RED CEDAR CIR , SOUTH DAYTONA FL 32119**   **Parcel ID: 534428000280**  
**VIOLATION(S): City of South Daytona Code of Ordinances 16-19(13)(a), Rental dwellings BTR required**  
**Status: Non-compliance**                      **Findings of Fact, Conclusions of Law and Order**

Matt Miavez, Code Compliance Officer – Rental Housing Inspector, presented the case and requested that the respondent be found in violation.

Respondent was not in attendance.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

1. City of South Daytona Code of Ordinances Section 16-19 (13) Rental dwellings. a. Local business tax receipt required: It shall be unlawful for any owner of residential property to rent or lease, or offer to rent or lease (throughout this subsection (13) the terms "rent" and "lease" are synonymous; as are the terms "to rent or lease" and "to offer to rent or lease") therein any dwelling or dwelling unit(s), whether single-family, duplex, triplex, multi-family, apartment, condominium, or more than one (1) room, etc., unless a current local business tax receipt therefore has been issued by the city, a copy of which is to be available at the structure in which the dwelling unit(s) is located. There is no requirement for there to be a written lease or any evidence on monetary payment to establish a rental arrangement. A rental arrangement shall be presumed to exist when someone is residing in a residential structure who is not the owner of

the property and someone with an ownership interest is also not residing in said structure at the same time.

Special Master Branz ordered that the Respondent correct the violation on or before September 22, 2023. If the Respondent fails to comply with this Order, a fine of \$100.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for October 12, 2023.

**Case # 23-000266**                      **Owner: LEE KELVIN & APRIL**

**Location: 2231 ORIOLE LN , SOUTH DAYTONA FL 32119**

**Parcel ID: 533301020090**

**VIOLATION(S):**

1. City of South Daytona Code of Ordinances 13.21, Vehicles, vessels, etc. must be operational and registered
2. City of South Daytona Land Development Regulations 7.5(B)(10)(c)(2), Miscellaneous parking regulations MRE

**Status: Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Robert Kuhn, Code Compliance Officer, requested the case be dismissed as the property is in compliance.

Respondent, Kelvin Lee (2231 Oriole Lane), was in attendance and provided testimony.

Special Master Branz dismissed the case.

**Case # 23-000271**                      **Owner: FOOTMAN DARRON I & DEIRDRE A**

**Location: 2182 GRANADA DR , SOUTH DAYTONA FL 32119**                      **Parcel ID: 534408080200**

**VIOLATION(S):** City of South Daytona Land Development Regulations 7.5(B)(10)(g)(4), Motor vehicle parking limitation on residential property

**Status: Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Robert Kuhn, Code Compliance Officer, presented the case and requested that the respondent be found in violation.

Respondent was not in attendance.

Special Master Branz said we will recall this case at the end of the hearing.

**VI. OLD BUSINESS:**

**Case # 23-000167**                      **Owner: VELAZQUEZ ROSA**

**Location: 2111 ANASTASIA DRIVE, SOUTH DAYTONA FL 32119**

**Parcel ID: 532804270350**

**VIOLATION(S):**

1. City of South Daytona Code of Ordinances 13.21, Vehicles, vessels, etc. must be operational and registered

Comments: Repair, register or remove vehicle from the driveway.

**Status: Request Order of Non-Compliance**

**Order of Fine/Lien**

Robert Kuhn, Code Compliance Officer presented the case came on for public hearing before the Special Master on August 17, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated August 17, 2023, the property was found in violation.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master found that the property was not in compliance by August 28, 2023 at 5:00pm. The property remains in violation of the following:

City of South Daytona Code of Ordinances Section 13-21. - Unregistered or inoperable motor vehicles, vessels, trailers, etc., prohibited. It shall be unlawful to locate, store or otherwise place any motor vehicle, vessel, trailer or any other item of personal property which is capable of being licensed or registered under the laws of the State of Florida and which does not bear a current license plate or registration; or which is not capable of being operated because of damage, disassembly or deterioration, provided, however, that no such item of personal property located on private property shall be considered in violation if the item is kept within a garage or similar enclosed structure.

Accordingly, Special Master Branz ordered a fine of \$50.00 per day for violations listed above shall be imposed. These fines shall begin August 29, 2023 and continue to accrue against the property until said property is brought into compliance.

**Case # 23-000207**                      **Owner: BOZKURT SEMA AND TARHAN MELIS BOZKURT**  
**Location: 1890 MAGNOLIA , SOUTH DAYTONA FL 32119**                      **Parcel ID: 534438000050**

**VIOLATION(S):**

1. International Property Maintenance Code 302.1, Sanitation  
Comments: MUST REMOVE ALL THE STORE ITEMS FROM BEHIND TRAILER
2. International Property Maintenance Code 308.1, Accumulated rubbish or garbage  
Comments: MUST REMOVE ALL TRASH DEBRIS AND ITEMS FROM BEHIND TRAILER
3. City of South Daytona Land Development Regulations 7.5(B)(10)(c)(2), Miscellaneous parking regulations MRE  
Comments: MUST PARK TRAILER IN SIDE YARD BEHIND FRONT PLANE OF HOUSE OR BACK YARD OR REMOVE FROM PROPERTY

**Status: Request Order of Non-Compliance**

**Order of Fine/Lien**

Josh McEnany, Economic Development Director, presented this case came on for public hearing on August 17, 2023, where the property was found in violation.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master found that the property was not in compliance by August 28, 2023 at 5:00pm. The property remains in violation of the following:

1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.1: 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.
2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 308.1, Accumulated rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

3. City of South Daytona Land Development Regulations Section 7.5(B)(10)(c)(2): Major recreational vehicles and equipment including recreational vehicles, boats, and utility trailers: Major recreational equipment (MRE) may be parked or stored outdoors in a residentially zoned district provided the following conditions are met: MRE may be parked or stored in the rear yard, an enclosed garage, carport, or side yard behind the front plane of the house. The ground beneath any MRE stored behind the front plane of the house must be maintained in compliance with city regulations.

Accordingly, Special Master Branz ordered a fine of \$150.00 per day for violations listed above shall be imposed. These fines shall begin August 29, 2023 and continue to accrue against the property until said property is brought into compliance.

**Case # 23-000228**

**Owner: CHRISTOFFERSEN ERIC W & GLORIA**

**Location: 910 BIG TREE RD # 303, SOUTH DAYTONA FL 32119**

**Parcel ID: 534435030030**

**VIOLATION(S):**

1. International Property Maintenance Code 111.1.3, Structure unfit for human occupancy

Comments: Property is not connected to water or power

2. City of South Daytona Code of Ordinances 16-19(13)(a), Rental dwellings BTR required

Comments: Owner has not obtained a rental license

**Status: Request Order of Non-Compliance**

**Order of Fine/Lien**

Josh McEnany, Economic Development Director, presented this case came on for public hearing on August 17, 2023 where the property was found in violation.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master finds that the property was not in compliance by August 28, 2023 at 5:00pm. The property remains in violation of the following:

1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 111.1.3, Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

2. City of South Daytona Code of Ordinances Section 16-19 (13) Rental dwellings. a. Local business tax receipt required: It shall be unlawful for any owner of residential property to rent or lease, or offer to rent or lease (throughout this subsection (13) the terms "rent" and "lease" are synonymous; as are the terms "to rent or lease" and "to offer to rent or lease") therein any dwelling or dwelling unit(s), whether single-family, duplex, triplex, multi-family, apartment, condominium, or more than one (1) room, etc., unless a current local business tax receipt therefore has been issued by the city, a copy of which is to be available at the structure in which the dwelling unit(s) is located. There is no requirement for there to be a written lease or any



evidence on monetary payment to establish a rental arrangement. A rental arrangement shall be presumed to exist when someone is residing in a residential structure who is not the owner of the property and someone with an ownership interest is also not residing in said structure at the same time.

Accordingly, Special Master Branz ordered a fine of \$250.00 per day for violations listed above shall be imposed. These fines shall begin August 29, 2023 and continue to accrue against the property until said property is brought into compliance.

**Recalled Case:**

**Case #** 23-000271      **Owner:** FOOTMAN DARRON I & DEIRDRE A

**Location:** 2182 GRANADA DR , SOUTH DAYTONA FL 32119      **Parcel ID:** 534408080200

**VIOLATION(S):** City of South Daytona Land Development Regulations 7.5(B)(10)(g)(4), Motor vehicle parking limitation on residential property

**Status:** Non-compliance

**Findings of Fact, Conclusions of Law and Order**

Robert Kuhn, Code Compliance Officer, presented the case and requested that the respondent be found in violation.

Respondent was not in attendance.

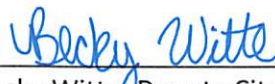
Recalled the case from earlier in the hearing.

Special Master Branz dismissed the case as there was no evidence of violation after the compliance date.

**VIII. NEXT MEETING:** October 12, 2023

**IX. ADJOURNMENT.** Hearing adjourned at 9:40 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk