



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

June 16, 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
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 9:02am.

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: May 12, 2022. Attorney Branz approved the minutes as provided by Deputy City Clerk.

V. NEW BUSINESS:

Case # 22-000042 Owner: NJA DAYTONA LLC

Location: 2156 S. RIDGEWOOD AVE, SOUTH DAYTONA FL 32119

VIOLATION(S):

- 1.City of South Daytona Code of Ordinances 5-217 (1), Minimum standards: Fresh appearance
Comments: PROPERTY SHOULD BE FREE OF DIRT AND MILDEW ON WALLS; PROPERTY SHALL PRESENT A NEAT AND FRESH APPEARANCE
- 2.City of South Daytona Code of Ordinances 5-217 (9), Minimum standards: Landscaping

Comments: PROPERTY IS NEED OF LANDSCAPING; WEEDS AND OVERGROWTH THROUGHOUT NEED ATTENTION

3.City of South Daytona Code of Ordinances 5-217 (7), Minimum standards: Neat and fresh appearance
Comments: WALLS ON THE NORTH SIDE OF PROPERTY, NEAR DRIVE-THRU LANE ARE STAINED AND IN NEED OF PAINTING

4.City of South Daytona Code of Ordinances 5-217 (2), Minimum standards: Structurally sound
Comments: GUARD RAILINGS IN THE FRONT OF BUSINESS ARE ROTTED, RUSTING AND LOOSE. PLEASE REPAIR TO ENSURE SAFETY OF GUESTS

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager presented the case and requested that case be dismissed. Respondent was not in attendance. Special Master Branz dismissed the matter.

Case # 22-000070

Owner: BANNISTER SHERRYL KAY

Location: 538 LAMBRIGHT RD , SOUTH DAYTONA FL 32119

VIOLATION(S):

1.International Property Maintenance Code 302.1, Sanitation

Comments: Exterior property and premises shall be maintained in a clean, safe and sanitary condition

2.International Property Maintenance Code 302.7, Accessory structures

Comments: Shed in rear has shingles missing, mildew, mold, and in not good repair

3.International Property Maintenance Code 308.1, Accumulated rubbish or garbage

Comments: PROPERTY SHALL BE FREE OR GARBAGE, JUNK AND DEBRIS

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.

Respondent representative Charles Bannister (640 Still Road, Pierson) was in attendance and provided testimony.

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

City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.7: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Special Master Branz ordered that the Respondent correct the violation on or before July 5, 2022. If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

He also found the property was in violation of:

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.

Special Master Branz found the property did not come into compliance of 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 and 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 in a timely manner but at the date of the hearing was in compliance. Special Master Branz said that the Respondent is declared to be in compliance of 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 and 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 and that pending violation proceedings before the Special Master are concluded with no fines assessed.

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

A hearing to impose fine scheduled for July 14, 2022.

Case # 22-000080

Owner: ODOM BENJAMIN

Location: 149 REEF RD , SOUTH DAYTONA FL 32119

VIOLATION(S):

1. City of South Daytona Land Development Regulations 7.5(B)(10)(c)(2), Miscellaneous parking regulations MRE

Comments: Boat trailer stored beyond the front plane of structure.

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.

Respondent was not in attendance.

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

1. City of South Daytona Land Development Regulations 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.

Special Master Branz found the property did not come into compliance in a timely manner but at the date of the hearing was in compliance.

Special Master Branz said that the Respondent is declared to be in compliance and that pending violation proceedings before the Special Master are concluded with no fines assessed.

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

Case # 22-000081 Owner: CLIFTON GWILI H
Location: 132 REEF RD , SOUTH DAYTONA FL 32119

VIOLATION(S):

1.City of South Daytona Land Development Regulations 7.5(B)(10)(c)(2), Miscellaneous parking regulations MRE

Comments: Boat parked in driveway.

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.

Respondent was not in attendance.

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

1. City of South Daytona Land Development Regulations 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.

Special Master Branz found the property did not come into compliance in a timely manner but at the date of the hearing was in compliance.

Special Master Branz said that the Respondent is declared to be in compliance and that pending violation proceedings before the Special Master are concluded with no fines assessed.

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

Case # 22-000105 Owner: MANGO WILLIAM ETAL
Location: 1845 BISCAYNE , SOUTH DAYTONA FL 32119

VIOLATION(S):

1.International Property Maintenance Code 304.1, General

Comments: Damaged fascia board on structure.

2.International Property Maintenance Code 302.1, Sanitation

Comments: Accumulation of debris on property.

3.City of South Daytona Land Development Regulations 7.5(B)(10)(c)(2), Miscellaneous parking regulations MRE

Comments: MRE (boat) parked beyond the front plane of structure.

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

Comments: Vehicles parked on front yard.

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.

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, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.1, General. 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.

2. 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.

3. City of South Daytona Land Development Regulations 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.

4. City of South Daytona Land Development Regulations 7.5(B)(10)(g)(4), Motor vehicle parking limitation on residential property. Primary and accessory vehicles are only allowed to be parked on the hard surface (concrete or asphalt pavement) driveway, parkage area as long as the hard surface driveway is not empty, or behind the front plane of the house. These vehicles may be parked in the side yard behind the front plane of the house of a corner lot abutting a street only if they are obscured by a six-foot-tall solid fence installed with the required setback as dictated by this Code. the ground beneath any primary or accessory vehicle parked behind the front plane of the house must be maintained in compliance with city regulations.

Special Master Branz ordered that the Respondent correct the violation on or before July 6, 2022.

If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

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

A hearing to impose fine scheduled for July 14, 2022.

Case # 22-000124

Owner: GARRETT BESS I

Location: 2308 KENILWORTH , SOUTH DAYTONA FL 32119

VIOLATION(S):

1. Florida Building Code 105.1, Permit Required

Comments: No permit on file for enclosure of garage.

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.

Respondent Thomas Garrett (2308 Kenilworth Avenue) was in attendance and provided testimony. Bob Beaty (1864 Golfview Blvd) also provided testimony.

Chief Building Official Nick Ventura provided testimony.

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, Article II. Building Code, Section 5-20, Adopting the Florida Building Code. Florida Building Code 105.1, Permit Required.

Special Master Branz ordered that the Respondent correct the violation on or before July 6, 2022.

If the Respondent fails to comply with this Order, a fine of \$150.00 per day will be imposed for each day the violation continues past the date as prescribed.

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

A hearing to impose fine scheduled for July 14, 2022.

Case # 22-000125

Owner: WHEDBEE BILLY J & NANCY J

Location: 612 BIG TREE RD , SOUTH DAYTONA FL 32119

VIOLATION(S):

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

Comments: STRUCTURE UNFIT FOR HUMAN OCCUPANCY

2. City of South Daytona Code of Ordinances 5-200, Prohibited

Comments: STRUCTURE APPEARS TO BE UNSAFE AND DILAPIDATED.

3. International Property Maintenance Code 304.4, Structural members

Comments: STRUCTURAL MEMBERS OF THE ROOF APPEAR TO BE FAILING

4. International Property Maintenance Code 304.7, Roofs and drainage

Comments: ROOFING HAS HOLE THAT MUST BE REPAIRED

5. International Property Maintenance Code 304.2, Protective Treatment

Comments: DOORS AND WINDOWS DO NOT APPEAR TO BE IN GOOD CONDITION

6. International Property Maintenance Code 304.13, Windows, skylight and door frames

Comments: WINDOWS APPEAR TO BE CRACKED ON FRONT RIGHT WINDOW; WINDOW HAS TAPE COVERING PARTS OF WINDOW

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

Comments: PROPERTY OWNER MUST OBTAIN A RENTAL LICENSE

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.

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, 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 5-200, Prohibited. It shall be unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe condition.

3. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.4, Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

4. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.7, 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.

5. 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.

6. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.13, Windows, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

7. City of South Daytona, Code of Ordinances, Sec. 16-19. - Local business tax receipt prerequisites, subsection 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.

b. *Annual inspection required:* Each dwelling unit licensed [permitted] for rental must pass an annual inspection by a city code inspector(s). The singular for the term "code inspector" or "inspector" includes the plural for purposes of this subsection (13), and the term is gender neutral. The purpose of the annual inspection shall be to determine compliance with the International Property Maintenance Code, other applicable codes, and the supplemental provisions of this subsection (13). Annual inspection of such properties shall be accomplished in a systematic manner according to administratively determined plans and schedules.

Special Master Branz ordered that the Respondent correct the violation on or before July 5, 2022.

If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

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

A hearing to impose fine will be scheduled for July 14, 2022.

Case # 22-000126

Owner: A P ENTERPRISES OF DAYTONA LLC

Location: 2710 Ridgewood Avenue, South Daytona

VIOLATION(S):

1. City of South Daytona Code of Ordinances 5-217 (1), Minimum standards: Fresh appearance
Comments: Property must be pressure washed and painted to reflect a fresh appearance. Including gas pumps
2. City of South Daytona Code of Ordinances 5-217 (7), Minimum standards: Neat and fresh appearance
Comments: Garbage enclosure needs replaced with a vinyl fencing or repairs to existing with consistent material and color. Further, signage is rusting as well as concrete barricades around property. Please have painted
3. City of South Daytona Code of Ordinances 5-217 (8), Minimum standards: Parking areas and Vacant lots
Comments: Parking lot must be free of trash debris and weeds
4. City of South Daytona Code of Ordinances 5-217 (9), Minimum standards: Landscaping
Comments: Landscaping throughout property must be maintained by cutting mowing edging and trimming on a regular schedule.
5. International Property Maintenance Code 302.8, Motor vehicles
Comments: Vehicle on property is in operable with expired tag. Please have the vehicle removed from the property.

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.

Respondent Rajesh Jani (spouse of owner) was in attendance and provided testimony.

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 5-217 (1), Minimum standards: Fresh appearance. All buildings shall present a neat and fresh appearance and be free of all peeling paint, mildew, rust, graffiti, dirt, and deteriorated or mismatched roofing material.
2. City of South Daytona Code of Ordinances 5-217 (7), Minimum standards: Neat and fresh appearance. The minimum standards for the maintenance of commercial properties are as follows: (7) 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.
3. City of South Daytona Code of Ordinances 5-217 (8), Minimum standards: All parking areas and vacant lots shall be kept free of overgrowth, weeds, trash and debris. Potholes and broken pavement shall be repaired. Paving and striping shall be maintained to a neat and clean condition with a fresh appearance. All dead tree limbs and dead trees shall be removed from parking areas and vacant lots.

4. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.8, Motor Vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Special Master Branz ordered that the Respondent correct the violation on or before July 5, 2022.

If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

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

A hearing to impose fine will be scheduled for July 14, 2022.

VI. OLD BUSINESS:

Case # 19-001353 Owner: WEBER KATHERINE & ANN S WARIS
Location: 914 CAREY DRIVE, SOUTH DAYTONA

VIOLATION(S):

1. International Property Maintenance Code 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. International Property Maintenance Code 303.1. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Status: Request Order of Compliance

Josh McEnany, Code Compliance Manager presented that this case came on for public hearing before Special Master J. Peyton Quarles on February 13, 2020, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated February 13, 2020, 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 in Compliance by May 16, 2022 for violation of the following:

International Property Maintenance Code 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.

International Property Maintenance Code 303.1. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Special Master Branz declared the property to be in compliance and that pending violation proceedings before the Special Master are concluded.

Special Master Branz signed the Order of Compliance with a fine of \$205,750 due for 823 days of non-compliance.

Case # 21-000060 Owner: STONE EDGE PROPERTIES INC
Location: 1848 S RIDGEWOOD AVE, SOUTH DAYTONA

VIOLATION(S):

1. Florida Building Code 105.1, Permit Required

Comments: No permit issued for completion of concrete roll in ramp on property.

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. The Special Master continued this case based on staff request until June 16, 2022.

Respondent Martin Ramos (1107 19th Street, Jacksonville) was in attendance and provided testimony.

Based on the testimony and evidence received, the Special Master finds that the property was not in compliance by April 11, 2022. The property remains in violation and accordingly, a fine of \$150.00 per day for violation of the following shall be imposed:

City of South Daytona Code of Ordinances, Article II, Section 5-20, adopting the Florida Building Code. Florida Building Code 105.1, Permit Required.

These fines shall begin April 12, 2022 and continue to accrue against the property 1848 S. Ridgewood Avenue, South Daytona, FL 32119 until said property is brought into compliance.

Special Master Branz signed the Order Imposing Fine/Lien.

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

Nick Ventura, Chief Building Official provided testimony.

Respondent Edwin Palmer (550 Big Tree Road), Debra 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.

These fines shall begin May 6, 2022 and continue to accrue against the property 509 Big Tree Road, South Daytona, FL 32119 until said property is brought into compliance.

Special Master Branz signed the Order Imposing Fine/Lien.

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 Compliance

Josh McEnany, Code Compliance Manager 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, where the property was found in violation. Special Master Branz continued the case until June 16, 2022.

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

Chief Building Official Nick Ventura provide testimony.

Based on the testimony and evidence received, the Special Master finds that the property was in Compliance by May 9, 2022 for violation of the following:

City of South Daytona, Code of Ordinances, Article II. Building Code, Section 5-20, Adopting the Florida Building Code. Florida Building Code 105.1, Permit Required.

Special Master Branz declared the property to be in compliance and that pending violation proceedings before the Special Master are concluded.

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

Case Number: 22-000008

Address of Violation: 1980 S. Ridgewood Avenue

Owner: First Coast Energy LLP

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, where the property was found in violation.

Respondent Representative Gene Polk was in attendance and provided testimony.

Based on the testimony and evidence received, the Special Master finds that the property was in Compliance by May 25, 2022 for violation of the following:

1. Code of Ordinances City of South Daytona 5-7, Permit required for fences, walls, obstructions. Before any fence, wall or obstruction is erected, a proper permit therefor must be obtained from the city.

2. City of South Daytona Code of Ordinances 5-217 (1), Minimum standards: Fresh appearance. All buildings shall present a neat and fresh appearance and be free of all peeling paint, mildew, rust, graffiti, dirt, and deteriorated or mismatched roofing material.

3. City of South Daytona Code of Ordinances 5-217 (8), Minimum standards: Parking areas and Vacant lots. All parking areas and vacant lots shall be kept free of overgrowth, weeds, trash and debris. Potholes and broken pavement shall be repaired. Paving and striping shall be maintained to a neat and clean condition with a fresh appearance. All dead tree limbs and dead trees shall be removed from parking areas and vacant lots.

4. City of South Daytona Code of Ordinances 5-216 (17), Conditions constituting public nuisance: Care of premises. 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.

Special Master Branz declared the property to be in compliance and that pending violation proceedings before the Special Master are concluded with a fine of \$15,000 due for 60 days of non-compliance.

Special Master Branz signed the Order of Compliance with a fine of \$15,000 due for 60 days of non-compliance.

The Respondent Representative Gene Polk requested a Fine Reduction Hearing. A Fine Reduction hearing will be set for July 14, 2022.

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

VIII. CONTINUED CASES:

Case # 21-000356 **Owner:** Yelvington Big Tree LLC
 Location: 802 Big Tree Road, South Daytona

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.

Special Master Branz continued to the July 14, 2022 hearing.

Case # 21-000357 **Owner:** Yelvington Big Tree LLC
 Location: 802 Big Tree Road, South Daytona

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.

Special Master Branz continued to the July 14, 2022 hearing.

IX. **NEXT MEETING:** July 14, 2022

X. **ADJOURNMENT.** Hearing adjourned at 11:22 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk