



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

Minutes

July 14, 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, 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 9:04am.

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. **APPROVAL OF MINUTES FOR: June 16, 2022.** Attorney Branz approved the minutes 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 # 22-000161

Owner: CONFIDENTIAL DATA F.S.119.071

Location: 2865 OAK LEA DR , SOUTH DAYTONA

VIOLATION(S):

1.International Property Maintenance Code 304.1, General

Comments: PLEASE HAVE STAINS ON STRUCTURE OF HOME REMOVED BY PRESSURE WASHING

2. International Property Maintenance Code 302.7, Accessory structures

Comments: FENCING ON SOUTH SIDE OF PROPERTY IS LEANING AND DILAPIDATED. REPAIR OR HAVE NEW ONE INSTALLED

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

Comments: UTILIZE THE DRIVEWAY OR PARKAGE AREA FOR PARKING

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager requested the case be dismissed.

Special Master Branz granted the request and dismissed the case.

Case # 22-000162

Owner: BARNES MICHAEL

Location: 1917 JAMES STREET, SOUTH DAYTONA

VIOLATION(S):

1. International Property Maintenance Code 304.7, Roofs and drainage

Comments: Tarp must be removed from roof

2. International Property Maintenance Code 302.1, Sanitation

Comments: North side of property must be cleaned up. Trash, junk stored on premises

3. International Property Maintenance Code A101.1, Temporary Storm Shutter

Comments: Wood on window next to AC must be removed

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 Section 304.7: 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.
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, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code, Appendix A, BOARDING STANDARD, A101.1 General. Windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure. Openings such as doors, windows or other apertures may be temporarily protected up to seven (7) days prior to the projected landfall of any named storm or weather system. Temporary protection must be removed within fourteen (14) days after the storm threat

has passed. Materials used to protect or cover the opening can be any material approved for use by the then current edition of the Florida Building Code.

Special Master Branz ordered that the Respondent correct the violation on or before August 10, 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.

A hearing to impose fine will be scheduled for August 11, 2022.

VI. Old Business

Case # 22-000070

Owner: BANNISTER SHERRYL KAY

Location: 538 LAMBRIGHT RD , SOUTH DAYTONA

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: Request Order Compliance

Josh McEnany, Code Compliance Manager presented that this case came on for public hearing on June 16, 2020, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated June 16, 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 July 5, 2022.

Special Master Branz declared the property to be in compliance and that pending violation proceedings before the Special Master are concluded with no fine due.

Case # 22-000105

Owner: MANGO WILLIAM ETAL

Location: 1845 BISWAYNE , SOUTH DAYTONA

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: Request Order of Compliance

Josh McEnany, Code Compliance Manager presented that this case came on for public hearing on June 16, 2020, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated June 16, 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 July 5, 2022.

Special Master Branz declared the property to be in compliance and that pending violation proceedings before the Special Master are concluded with no fine due.

Case # 22-000124 Owner: GARRETT BESS I
Location: 2308 KENILWORTH , SOUTH DAYTONA

VIOLATION(S):

1. Florida Building Code 105.1, Permit Required
Comments: No permit on file for enclosure of garage.

Status: Request Order Compliance

Josh McEnany, Code Compliance Manager presented that this case came on for public hearing on June 16, 2020, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated June 16, 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 July 4, 2022.

Special Master Branz declared the property to be in compliance and that pending violation proceedings before the Special Master are concluded with no fine due.

Case # 22-000125 Owner: WHEDBEE BILLY J & NANCY J
Location: 612 BIG TREE RD , SOUTH DAYTONA

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: Request Order Imposing Fine/Lien

Josh McEnany, Code Compliance Manager presented that this case came on for public hearing before the Special Master on June 16, 2022, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated June 16, 2022, the property was found in violation.

Based on the testimony and evidence received, the Special Master found that the property was not in compliance by July 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, 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.

These fines shall begin July 6, 2022 and continue to accrue against the property 612 Big Tree Road, South Daytona, FL 32119 until said property is brought into compliance.

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.
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.

Status: Request Order Imposing Fine/Lien

Josh McEnany, Code Compliance Manager presented that this case came on for public hearing before the Special Master on June 16, 2022, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated June 16, 2022, the property was found in violation.

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

Based on the testimony and evidence received, the Special Master found that the property was not in compliance by July 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 5-217 (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.

These fines shall begin July 6, 2022 and continue to accrue against the property 2710 S. Ridgewood Avenue, South Daytona, FL 32119 until said property is brought into 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 Compliance

Josh McEnany, Code Compliance Manager presented that this case came on for public hearing on June 16, 2020, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated June 16, 2020, where the property was found in violation.

Respondent Martin Ramos (Property Owner / 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 in Compliance by June 20, 2022.

Special Master Branz declared the property to be in compliance and that pending violation proceedings before the Special Master are concluded. A fine of \$10,350.00 is due for 69 days of non-compliance.

Special Master Branz signed the Order of Compliance.

VII. REQUEST FOR REDUCTION OF FINES:

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

VIOLATION(S):

2. Florida Building Code 105.1, Permit Required
Comments: No permit issued for completion of concrete roll in ramp on property.

Request for Reduction of Fines. Order Imposing Fine was signed June 16, 2022. Order of Compliance signed July 14, 2022. Request for reduction hearing was received before the Order was recorded with Volusia County Clerk of Court.

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

Special Master Branz verified no documents have been recorded and he still holds jurisdiction to reduce the fine. Mr. Branz reduced the fine to \$1,035.

In the event the reduced fine is not paid by August 15, 2022 the fine will revert back to the full amount of \$10,350.

Case # 22-000008 Owner: FIRST COAST ENERGY LLP
Location: 1980 S RIDGEWOOD , SOUTH DAYTONA FL 32119

VIOLATION(S):

1. City of South Daytona Code of Ordinances 5-217 (1), Minimum standards: Fresh appearance
Comments: Structure in need of exterior maintenance to present a neat and fresh appearance. Exterior curb around structure in need of repair, removal of rust on exposed metal and painting.
2. City of South Daytona Code of Ordinances 5-217 (8), Minimum standards: Parking areas and Vacant lots
Comments: Parking area in need of striping and maintenance to maintain a neat and clean condition.

Request for Reduction of Fines. Order Imposing Fine was signed June 16, 2022. Order of Compliance signed July 14, 2022. Request for reduction hearing was received before the Order was recorded with Volusia County Clerk of Court. An Order Imposing Fines has not been recorded.

Respondent Gene Polk (representative of First Coast Energy) was in attendance and provided testimony.

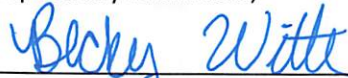
Special Master Branz verified no documents have been recorded and he still holds jurisdiction to reduce the fine. Mr. Branz reduced the fine to \$1,500.

In the event the reduced fine is not paid by August 15, 2022 the fine will revert back to the full amount of \$15,000.

IX. NEXT MEETING: August 11, 2022

X. ADJOURNMENT. Hearing adjourned at 9:46 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk