

CITY OF DAYTONA BEACH MINUTES

SPECIAL MAGISTRATE HEARING

April 10, 2012 at 9:00 AM
City Commission Chambers
301 South Ridgewood Avenue,
Daytona Beach, Florida

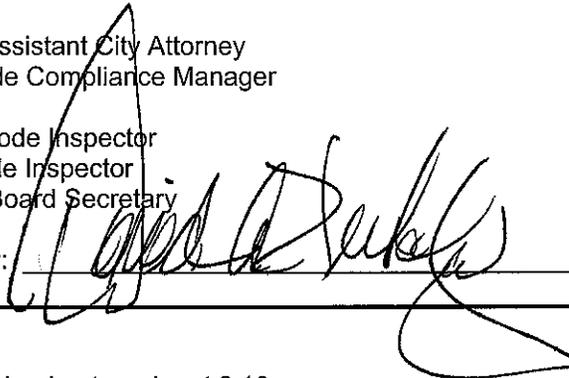
ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Mr. Hector Garcia, Code Compliance Manager
Ofc. Sherri Siracusa
Ms. Barbara Collins, Code Inspector
Mr. John Stenson, Code Inspector
Ms. Aimee Hampton, Board Secretary

Approval of Minutes by:


Special Magistrate

Mr. Vukelja called the Hearing to order at 9:10 a.m.

Mr. Vukelja approved the March 13, 2012 Meeting Minutes.

Ms. Hampton swore in members of staff.

Mr. Vukelja asked if there were any announcements.

Mr. Jackson stated there were no announcements.

CASE NO 1 SMG 12-11-125 – Roy & Janet P. Lesage is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 304.2), at **116 S. Grandview Avenue**- Violation(s) – Failure to scrape, prime and repaint all areas where paint is peeling or flaking in color to match existing. Failure to paint all bare wood in color to match - First Notified – 5/12/2011.

Respondent was not present.

Ms. Collins testified on behalf of the City and stated the property was still in non-compliance and that the Respondents were supposed to hire a contractor to finish the painting because of the height of remaining portion of the building. Ms. Collins recommended imposing a fine of \$25.00 per day with a maximum of \$10,000.00.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondents until May 2, 2012 or be automatically fined the amount of \$50.00 per day to continue until compliance is achieved or reached the maximum amount of \$10,000.

CASE NO 2 SMG 01-12-13 – Stamenko & Dusanka Angelov is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp. IPMC 302.4, 302.7, 304.2, 304.6, 304.10, 304.13, and 304.15), at **503 N. Ridgewood Avenue** - Violation(s) – Weeds; fencing; paint; exterior surfaces; stairs; windows; exterior doors - First Notified – 9/10/2011.

Respondent was not present.

Mr. Stenson testified on behalf of the City and presented the case history, violations and exhibits. Mr. Stenson advised the Respondents were making good progress but had a lot of work to do. Mr. Stenson recommended amending until the next cut-off date.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until May 2, 2012 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

CASE NO 3 SMG 02-12-15 – Daniela & Gavril Paul is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 4; Art. 18 Sec. 7; Art. 19 Sec. 1.1. (ref. FBC Supp IPMC 302.7, 304.2, 304.14, 304.8); Violations listed per Building Inspector's Report Attached hereto as Exhibit "A", at **110 Botefuhr Avenue (Northern Blue Buildings)** - Violation(s) – Commercial appearance standards; outside storage; fencing/walls; protective treatment (exterior paint); screens; decorative features (shutters) - First Notified – 10/7/2011.

Respondent was in compliance April 4, 2012.

CASE NO 4 SMG 02-12-16 – Judith Antrum is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 4; Art. 19 Sec.1.1 (ref. FBC Supp IPMC 304.2, 304.14 and 304.8), at **110 Botefuhr Avenue (Southern Tan Buildings)** - Violation(s) – Commercial appearance standards; paint; screens; decorative features (shutters) - First Notified – 10/7/2011.

Respondent was not present.

Mr. Stenson testified on behalf of the City and presented the case history, violations and exhibits. Mr. Stenson advised the Respondents had painted the exterior but he had to issue a stop work order for work that was being done without permits. Mr. Stenson recommended imposing a fine of \$100.00 per day with a maximum amount of \$20,000.00.

Ruling

Mr. Vukelja imposed a fine of \$100.00 per day effective April 4, 2012 to continue until compliance is achieved or reached the maximum amount of \$20,000.

****CASE NO 5 SMG 03-12-41 – O'Neill Family W&H LP** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC 105.1), at **755 Berkshire Road** - Violation(s) – Exceeding the scope of permits - First Notified – 2/7/2012 (posted).

Respondent was not present.

Mr. Stenson testified on behalf of the City and presented the case history, violations and exhibits. Mr. Stenson recommended imposing a fine of \$75.00 per day with a maximum of \$15,000.00.

Ruling

Mr. Vukelja ordered a fine of \$75.00 per day be imposed effective April 4, 2012 to continue until compliance is achieved or reached the amount of \$15,000.

****This case was revisited once the Respondent appeared later in the meeting.**

CASE NO 6 SMG 03-12-43 – ADJ & SRJ Investments, LLC is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.13, 304.14, 304.15, 605.1, 605.2, 305.2, 308.1, 704.2, 504.1, 504.3, 304.3) & Ch. 90-297 City Code, at **215 Kingston Avenue (Green Building, Units 1-5)** - Violation(s) – Broken/inoperative windows; missing inoperative screens; dilapidated exterior doors; electrical wiring; receptacles; interior surfaces; infestation; smoke detectors; plumbing fixtures; plumbing hazard system; permises identification numbers; no occupational license - First Notified – 6/25/2010; 7/26/2011.

Mr. Darren Jafroodi came forward and was sworn. Mr. Jafroodi advised smoke detectors were installed.

Mr. Brain Bowers came forward and was sworn.

Mr. Stenson testified on behalf of the City and stated that per the fire inspector the property was in compliance with the life safety issues and smoke detectors had been installed. The remaining violations have a compliance date of May 2, 2012.

CASE NO 7 SMG 03-12-44 – ADJ & SRJ Investments, LLC is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.13, 304.14, 304.15, 605.1, 605.2, 305.2, 308.1, 704.2, 504.1, 504.3, 304.3) & Ch. 90-297 City Code, at **215 Kingston Avenue (Beige Building, Units 6-10)** - Violation(s) – Broken/inoperative windows; missing inoperative screens; dilapidated exterior doors; electrical wiring; receptacles; interior surfaces; infestation; smoke detectors; plumbing fixtures; plumbing hazard system; permises identification numbers; no occupational license - First Notified – 6/25/2010.

Mr. Darren Jafroodi came forward and was sworn. Mr. Jafroodi advised smoke detectors were installed

Mr. Brain Bowers came forward and was sworn.

Mr. Stenson testified on behalf of the City and stated that per the fire inspector the property was in compliance with the life safety issues and smoke detectors had been installed. The remaining violations have a compliance date of May 2, 2012.

CASE NO 8 SMG 03-12-45 – ADJ & SRJ Investments, LLC is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.13, 304.14, 304.15, 605.1, 605.2, 305.2, 308.1, 704.2, 504.1, 504.3, 304.3) & Ch. 90-297 City Code, at **215 Kingston Avenue (Burgandy Buildings, Units 11-15)** - Violation(s) – Broken/inoperative windows; missing inoperative screens; dilapidated exterior doors; electrical wiring; receptacles; interior surfaces; infestation; smoke detectors; plumbing fixtures; plumbing hazard system; permises identification numbers; no occupational license - First Notified – 6/25/2010.

Mr. Darren Jafroodi came forward and was sworn. Mr. Jafroodi advised smoke detectors were installed

Mr. Brain Bowers came forward and was sworn.

Mr. Stenson testified on behalf of the City and stated that per the fire inspector the property was in compliance with the life safety issues and smoke detectors had been installed. The remaining violations have a compliance date of May 2, 2012.

Lien Review 1

SMG 07-07-114 – 109 N. Peninsula Drive – (Former Owner John Staskywicz & Stanislaw Staskywicz) New Owner: Gloria Gonzalez: was cited for failure to correct violations of the Land Development Code Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 303.2 & 303.7); Violations: Peeling paint on exterior of structure, roof and eave damage. Order Imposing Fine/Lien of \$100.00 per day imposed 9/7/2007. Compliance date = 3/28/2012. Lien maximized at \$15,000.00 per Resolution 10-204.

Respondent was not present.

Ms. Hampton advised Ms. Gonzalez was aware of the meeting and did not know why she had not appeared.

Mr. Hector Garcia testified on behalf of the City and stated the new owner purchased the property at tax deed sale and has fixed up the property and brought it into compliance. Mr. Garcia stated the city would recommend a reduction to the amount of \$1,500.00 to be paid within thirty (30) days or the lien reverts back to the original amount of \$15,000.00.

Ruling

Mr. Vukelja ordered the lien be reduced to the amount of \$1,500.00 subject to being paid within 30 days or the lien shall revert back to the original amount of \$15,000.00.

****CASE NO 5 SMG 03-12-41 – O'Neill Family W&H LP and John Burch is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC 105.1), at 755 Berkshire Road - Violation(s) – Exceeding the scope of permits - First Notified – 2/7/2012 (posted).**

Mr. John Burch appeared and stated he was now the property owner of 755 Berkshire as the property was deeded to him. Mr. Burch further stated he has obtained a permit to perform the work and repairs and requested time to complete the work.

Mr. Jackson stated Mr. Burch had exceeded the scope of the work that was permitted.

Mr. Garcia stated the permit was for a remodel only and Mr. Burch has exceeded the work by completely gutting the property and he's not a licensed contractor. Mr. Garcia further stated Mr. Burch needed to hire a contractor to pull the permit and complete the work.

Ruling

Mr. Vukelja vacated his previous ruling wherein he imposed a fine after rehearing the case and at the request of Mr. Burch who is representing an ownership interest in the property.

Mr. Burch stipulated to the being added as a Respondent and therefore Mr. Vukelja ordered John Burch be added as a respondent based upon the production of a Quit Claim Deed.

Mr. Vukelja further entered an order amending the previous order of non-compliance to allow the Respondent until June 6, 2012 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

Mr. Burch provided his mailing address as 755 Berkshire, Daytona Beach, FL 32114 and also his phone number.

Miscellaneous Business

There was no miscellaneous business.

ADJOURNMENT

The meeting was adjourned at 10:17 a.m.