

SPECIAL MAGISTRATE HEARING
for Rental Program Cases
City of Daytona Beach
Commission Chambers, City Hall
301 South Ridgewood Avenue, Daytona Beach, Florida
March 10, 2015

A proceeding for the Special Magistrate for the Rental Cases Program was held on March 10, 2015, at 9:00 a.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida. The following were in attendance:

Special Magistrate: David Vukelja

Staff Present: Anthony Jackson, Assistant City Attorney
Jurgen Betz, Housing Inspector
Karen Baum, Rental Property Coordinator
Aimee Hampton, Paralegal

Minutes prepared by Becky Groom

1. **Call to Order**

Mr. Vukelja called the meeting to order at 9:05 a.m.

2. **Approval of January 13, 2015 Minutes**

Mr. Vukelja reviewed, approved, and executed the minutes of the meeting of January 13, 2015.

3. **Announcements:**

Ms. Baum stated Case No. SMG RI2014-0036 is in compliance as of March 6, 2015.

Ms. Baum stated Case No. SMG RI2015-001 is in compliance as of March 6, 2015.

Ms. Hampton swore in members of staff.

4. **Hearing of Cases:**

Continued Cases:

1. **CASE NO SMG RI2014-0024– JKM-ECM PROPERTIES LL** is cited for failure to correct violations of the City Code of Ordinances, Sec. 26-294, at **300 Riverview Blvd**
Violation(s) – **Failure to license residential rental property.**
First Notified – Date of first notification 06/19/2014

This case is in compliance as of February 6, 2015.

2. **CASE NO SMG RI2014-0054 –KENNETH CERVENY** is cited for failure to correct violations of the City Code of Ordinances, Sec 26-294 and is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1(Ref. FBC Supp IPMC 304.18.1, IPMC 305.1, IPMC 305.1, IPMC 305.3, IMPC 504.1, 604.3, IPMC 704.1), at **404 and 406 University Blvd**
Violation(s)-**1. Failure to license residential rental property. 2. Missing deadbolt lock on exterior front door of rear detached apartment. 3. Torn and damaged flooring in laundry room of main house. 4. Damage/hole in dining room ceiling of main house. 5. Leakage from downstairs hall bathroom sink in main house. 6. Inoperable ceiling light at front porch. 7. Cover plate not installed on electrical breaker box (service disconnect) in stairwell of main house. 8. Missing smoke detectors in bedrooms of main house. 9. Missing smoke detectors in bedroom and hallway of rear detached apartment.**
First Notified – Date of first notification 07/07/2014.

This case is in compliance as of January 27, 2015.

3. **CASE NO SMG RI2014-0055 –JOSEPH TALAVERA** is cited for failure to correct violations of the City Code of Ordinances, Sec 26-294 and is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1(Ref. FBC Supp IPMC 304.2, IPMC 304.4, IPMC 304.6, IPMC 304.13.2, at **517 Lenox Ave**
Violations-**1. Failure to license residential rental property. 2. Correct areas of peeling paint along exterior. Most notable at window and door frames of both buildings and the rear balcony of rear building. 3. Paint, stain or cover raw/exposed wood along exterior roof overhang and balcony ceiling at rear building. 4. Correct rotted wood framing within upstairs exterior front wall of rear structure. 5. Corrected failed stucco at bottom of upper exterior front wall of rear structure (where the rotted wall framing is visible). 6. Complete rectangle repair in exterior wall of front building. 7. Balance and springs are broken or missing at metal single hung windows in both buildings.**
First Notified – Date of first notification 05/22/2014.

This case is in compliance as of February 3, 2015.

4. **CASE NO SMG RI2014-0036 – PAUL & BEATRICE ZIVITSKI** is cited for failure to correct violations of the City Code of Ordinances, Sec 26-294, and is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 302.8, 304.2, 304.6, 304.13.1, 304.14, 304.18.1, 403.1, 403.2, 604.3, 605.1, 702.2), at **840 N. Halifax Ave**

Violation(s) – **1. Abandoned van at right rear of lot. 2. Multiple areas of wood rot along exterior of building. 3. Multiple areas of peeled paint or other areas never painted. 4. Dead bolt lock required on exterior doors. 5. Broken window pane right front of apartment one. 6. Missing window screens apartment four. 7. Inoperable bathroom exhaust fan in apartment two. 8. Inappropriate lamp/zip cord wiring installed along interior kitchen ceiling of apartment two. 9. Missing covers on wall switches and receptacles in apartment two. 10. Missing smoke detector in all bedrooms. 11. Failure to license residential rental property.**

First Notified – Date of first notification 03/07/2014.

This case is in compliance as of March 6, 2015.

New Cases:

5. **CASE NO SMG RI2014-0046 – YUAN JUN AND YU CHENGLIANG** is cited for failure to correct violations of the City Code of Ordinances, Sec. 26-294, and is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1(Ref. FBC Supp IPMC 302.4, 304.2, 304.4, 304.6, 304.7, 305.1, 504.1, 506.2, and 704.2), at **530 Madison Ave**

Violation(s) –**1. Active leakage in roof. 2. Missing corner post front right of front porch. 3. Peeled paint exterior walls and roof overhangs. 4. Paint new/raw wood posts and header repair front porch. 5. Overgrown lawn front yard. 6. Cracked and loose ceiling at center or front porch. 7. Missing window screens. 8. Broken window pane front right of house. 9. Missing smoke detector in hallway. 10. Poor drainage bathtub. 11. Failure to license residential rental property**

First Notified – Date of first notification 11/19/2014.

Mr. Betz stated the property owner made an application for a rental license and an inspection was conducted. Mr. Betz stated as of yesterday, none of the items for which the property owner has been cited are in compliance. Mr. Betz stated staff is requesting that the property be

found in non-compliance and that compliance be attained by the next meeting cut-off date, which is April 8, 2015.

Mr. Chengliang was sworn in and stated he has other rental properties in Volusia County and other parts of the State. He stated he was unaware a rental license is required. Mr. Chengliang stated that once he was notified by the city, he hired a property manager who he asked to apply for the license. Mr. Chengliang stated he does not live at the property and was receiving complaints from the tenants but stated prior to the tenants occupying the site, the site was in move-in condition. He stated he hired a handyman who repaired the roof and bathroom.

Mr. Vukelja asked Mr. Chengliang how much longer he would need to obtain compliance.

Mr. Chengliang stated he did not know but stated he has decided to sell the property as is and have the next property owner make the repairs.

Mr. Vukelja stated houses that are in non-compliance cannot sit indefinitely and the only thing he can do is provide additional time for Mr. Chengliang to gain compliance.

Mr. Chengliang stated he would need three to four months in order to bring the property into compliance.

Mr. Betz stated realistically the repairs could be completed in a month but he is agreeable to extend compliance until the May cut-off date.

Special Magistrate Action:

Mr. Vukelja ordered the property to be in compliance by June 3, 2015; the property be secured to city standards; and the property not be rented, used, or utilized until the property is in compliance. If the property is not in compliance by June 3, 2015, the case will be returned to the Special Magistrate for possible imposition of a fine up to \$1,000 per day for every day thereafter.

6. **CASE NO SMG RI2014-0049–GEA SEASIDE INVESTMENTS INC** is cited for failure to correct violations of the City Code Ordinances, Sec. 26-294, and is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1(Ref. FBC Supp IPMC, 304.4, 304.6, 304.7, 304.13, 304.14, 304.15, 304.18, 305.1, 305.3, 305.6, 308.1, 504.1, 505.1, 505.3, 506.1, 506.2, 604.3, 605.1, 605.2, and 704.2), **at 507 Phoenix Ave**
Violation(s) – **1. Leakage in shingle roof covering. 2. Leakage in shingle roof covering has damaged interior ceiling below. 3. Leakage**

through floor of upper front balcony. 4. Leakage through upper front balcony floor has damaged structure and garage ceiling below. 5. Active leakage in water supply line within wall cavity of kitchen. 6. Active leakage from fittings in water supply lines within exterior right storage closet. 7. Poor/low water flow from upstairs bathroom sink faucet. 8. Clothes washing drain line discharges onto lawn surface. Needs to connect with sewer. 9. Ongoing leakage from downstairs bathtub faucet. 10. Multiple exposed electrical wire splices and uncovered junction boxes. Most notable in garage, exterior right storage closet and upstairs bathroom access hatch. 11. Intermittent operation of ceiling light fixtures at both upstairs hallway and rear exterior doorway. 12. Inoperable electrical outlets. 13. Missing covers on electrical outlets and switches. 14. Water damaged along interior walls and ceilings; namely family room, kitchen, downstairs left rear bedroom, downstairs bathroom and upstairs living room. 15. Water damaged kitchen base cabinet. 16. Missing smoke detectors. 17. Damaged doors and door frames. 18. Missing window screens. 19. Inoperable oven/stove. 20. Active cockroach and rodent infestation. 21. Missing section of fascia and soffit boards along exterior roof overhangs at both rear left and front right of section story. 22. Failure to license residential rental property.

First Notified – Date of first notification 11/24/2014.

Mr. Jackson stated staff requests that the property be found in non-compliance and the property owner be given until the next cut-off date to obtain compliance.

Mr. Betz stated the majority of the items on the list have not been corrected.

Special Magistrate Action:

Mr. Vukelja found the respondent to be in non-compliance and ordered the property to be in compliance by April 8, 2015, and if compliance is not obtained by that date the case will be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day until compliance is achieved.

7. **CASE NO SMG RI2014-0051-GEA SEASIDE INVESTMENTS INC** is cited for failure to correct violations of the City Code Ordinances, Sec. 26-294, and is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1(Ref. FBC Supp IPMC 304.7, 304.13.2, 604.3, 605.1, 605.2, and 704.2), at **358 Nautilus Ave**
Violation(s) – **1. Active leakage in roof covering. Active leakage above both interior living space and carport. 2. Missing smoke detector in bedrooms. 3. Missing electrical outlet in bathroom. 4. Inoperable**

window bottom of stairwell. 5. Exposed wiring along roof of carport where HVAC condenser or package unit was removed. 6. Failure to license residential rental property.

First Notified – Date of first notification 12/04/2014.

Mr. Jackson stated staff requests the property be found in non-compliance.

Mr. Betz stated staff requests the respondent be given until April 8, 2015, to obtain compliance.

Special Magistrate Action:

Mr. Vukelja found the respondent to be in non-compliance and ordered the respondent to be in compliance by April 8, 2015, and if compliance is not obtained by that date the case will be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day until compliance is achieved.

8. **CASE NO SMG RI2014-0050–GERALDINE DEMARCHIS** is cited for failure to correct violations of the City Code Ordinances, Sec. 26-294, is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec 1, (ref. Section 105.1, FBC), and is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1(Ref. FBC Supp IPMC 304.4, 304.7, 305.3, 504.1, 506.2 and 704.2), **at 511 Lenox Ave**
Violation(s) – **1. Work conducted without necessary permits. This includes the addition of bedroom and living space behind kitchen and both the middle and rear bathrooms. 2. Failure of floor at front porch. Failure caused by rot or deterioration of structure beneath porch floor. 3. Cracked and loose floor tiles throughout middle bathroom. 4. Active roof leak and related damage of ceiling at family room behind kitchen. 5. Improper venting of sink in rear bathroom (soil stack terminates within sink vanity). 6. Missing smoke detector in bedrooms. 7. Utilities (electrical and water) will need to be on when conducting final or re-inspection. Utilities were off at time of our inspection, which limited our inspection. 8. Failure to license residential rental property.**

First Notified – Date of first notification 12/03/2014.

Mr. Betz stated the property is in non-compliance and he has had no return contact from the property owner or manager who completed the application for a rental license.

Special Magistrate Action:

Mr. Vukelja found the respondent in non-compliance and if the property is not in compliance by April 8, 2015, the case will be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day until compliance is achieved.

9. **CASE NO SMG RI2015-0001-AMBASSADOR OF BUSINESS HEALTH WELLNESS & ETC** is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1(Ref. FBC Supp IPMC 304.13.1, 304.14) **at 1301 N. Atlantic Ave**
Violation(s) - **1. Repair windows. Inoperable, cracked panes and missing screens**
First Notified – Date of first notification 09/26/2014.

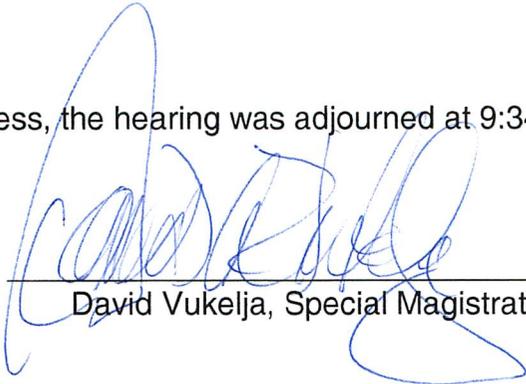
This case is in compliance as of March 6, 2015.

5. **Miscellaneous Business**

There was no miscellaneous business.

6. **Adjournment**

There being no further business, the hearing was adjourned at 9:34 a.m.



David Vukelja, Special Magistrate