

SPECIAL MAGISTRATE HEARING  
for Rental Program Cases  
City of Daytona Beach  
Commission Chambers, City Hall  
301 South Ridgewood Avenue, Daytona Beach, Florida  
June 9, 2015

A proceeding for the Special Magistrate for the Rental Cases Program was held on June 9, 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, Permit Technician  
Aimee Hampton, Paralegal

Minutes prepared by Becky Groom

1. Call to Order

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

2. Approval of May 12, 2015 Minutes

Mr. Vukelja reviewed, approved, and executed the minutes of the meeting of May 12, 2015.

3. **Announcements:**

Ms. Baum swore in members of staff.

4. **Hearing of Cases:**

**Continued Cases:**

1. **CASE NO SMG RI2015-0007 – AUDRA JANES BOWERS** 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 304.6, 304.13, 304.13.2, 304.14, 604.3, 605.2, 704.2), at **532 Eastwood Lane**  
Violation(s) – **1. Rot along bottom of rear exterior door frame.**  
**2. Rot along exterior roof overhangs, namely rear and right of house.**  
**3. Windows are inoperable. Metal window appear to be painted shut/stuck. Wood windows appear to be caulked shut.** **4. Missing window screens.** **5. No electrical outlet in hall bathroom. New**

installation will require GFCI protection. 6. Interior type 30 amp electrical plug present on exterior wall at left rear of building. Plug needs to be removed OR replaced within a weatherproof/exterior type. 7. Missing smoke detectors.

First Notified – Date of first notification 10/25/2013.

Mr. Jackson stated the property is not in compliance and staff is requesting imposition of a fine.

Mr. Betz stated the only outstanding item is the windows and the respondent anticipates having the window repairs completed by Friday, June 12, 2015.

**Special Magistrate Action:**

The Special Magistrate ordered the respondent to come into compliance by Friday, June 26, 2015, and if compliance is not attained by that date, a fine of \$100 per day will be imposed for every day thereafter until the property is in compliance or until the amount of the fine reaches \$15,000.

2. **CASE NO SMG RI2015-0009 – ANN J BLYTHER REV TR** 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 304.6, 304.7, 304.10, 304.14, 304.15, 305.3, 305.6, 603.1), at **1011 S Peninsula Drive** Violation(s) – 1. Active leakage in rear low sloped shingle roof section. Leakage has stained interior ceiling below. Leakage has rotted sheathing, soffit and fascia in exterior roof overhang at both rear and left of house. 2. Rotted and deteriorated floor boards along exterior rear wood deck. 3. Rear center exterior wood door is swollen shut and cannot be opened. 4. Broken handle rear exterior sliding glass door behind kitchen. 5. Missing screens on windows. 6. Holes in closet wall of upstairs right bedroom. 7. Refrigerator not keeping cool.

**Note Account is currently \$103.75 past due. BT/RTL account number is: 73688.**

First Notified – Date of first notification 10/10/2014.

This case is in compliance as of June 8, 2015.

**New Cases:**

3. **CASE NO SMG RI2015-0008 – GEA SEASIDE INVESTMENTS, INC** 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, 304.6, 304.7, 304.13.1, 304.13.2, 304.14, 305.3, 308.1, 504.1, 506.2, 603.1,

605.2, 704.2) and the City Code of Ordinances, Sec. 26-294 at **236 N Peninsula Drive**

Violation(s) Interior #2.1. **Active leakage in roof above upper rear balcony. 2. Hole in wood flooring of lower front porch. 3. Rotted exterior wood siding at upper front left window. 4. Areas of peeled exterior paint. 5. Non-functional windows. 6. Cracked and broken window panes. 7. Missing window screens. 8. Broken sewer clean out in yard at exterior right of building. 9. Active plumbing leak within rear exterior wall. Noted by water seeping out through voids in exterior wood siding. 10. Missing smoke detectors. 11. Poor drainage bathroom sink.12. Hole in wood flooring of family room. 13. Non-functional burners on stove top. 14. No electrical outlet in bathroom. New installation will require GFCI protection. 15. Evidence of drywood termite infestation. Noted by termite frass on interior window sills and floor 16. Renting without a license.**

First Notified – Date of first notification 03/24/15.

Mr. Jackson stated the property is in non-compliance and is unoccupied. Mr. Jackson stated there has been no response from the property owner.

**Special Magistrate Action:**

The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by July 8, 2015 or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

4. **CASE NO SMG RI2015-0015 – TOM & SALERIE HAMM** 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 304.1, 304.2, 304.6, 304.13, 304.13.2, 304.14, 304.18.1, 305.3, 308.1, 308.2, 403.1, 403.2, 604.3, 605.2), at **45 N Hollywood Avenue**
- Violation(s) – 1. **Correct peeled or deteriorated paint along exterior. Most notable along exterior roof overhangs and guard rail of upper rear balcony.**
- 2. Repair rotted wood decking in exterior roof overhangs. Most notable at left front and rear right corners of rear balcony. 3. Paint new wood casing above exterior right rear window. 4. Repair windows. Many are inoperable. Others have broken sash cords. Windows need to open, close and hold in raised position.**
- 5. Install screens on windows. 6. Install dead bolt lock on entry door of apartment #3. 7. Repair holes in walls and ceilings of apartment #3. 8. Evidence of active drywood termite infestation. Noted by frass/pellets and wings along floor and windows of apartment #3. 9. Install vented exhaust fan or working window in bathroom #3. 10. Install weatherproof covers on both electrical outlets at exterior rear**

patio. 11. Remove or replace interior type light fixture installed on exterior left wall. 12. Install electrical outlet in bathroom of unit #3. Will require GFCI protection.

13. Install interior cover on rear main electrical breaker box along exterior right wall.

**Note: We were unable to enter and inspect apartment #2. This space will require inspection and deficiencies repaired (if any are noted) before license can be issued.**

First Notified – Date of first notification 06/16/2014.

Tom Hamm was in attendance and was sworn in by staff.

Mr. Vukelja asked Mr. Hamm if the violations existed.

Mr. Hamm stated yes.

Mr. Betz stated the majority of the repairs have been completed and the respondent expects to have the remaining repairs completed by the next cut-off date.

Mr. Hamm stated he would have the repairs completed in the next few days.

**Special Magistrate Action:**

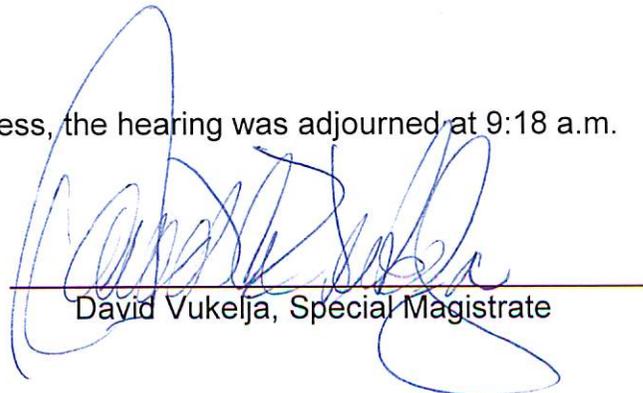
The Special Magistrate ordered the respondent to come into compliance by July 8, 2015, or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

5. Miscellaneous Business

There was no miscellaneous business.

6. Adjournment

There being no further business, the hearing was adjourned at 9:18 a.m.



David Vukelja, Special Magistrate