

# Agenda

Commission Chambers, City Hall  
301 South Ridgewood Avenue  
Daytona Beach, Florida

DATE: TUESDAY, OCTOBER 9, 2018

9:00 A.M.

## SPECIAL MAGISTRATE PROCEEDING

NOTICE: Any person who decides to appeal any decision made by the Special Magistrate will need a record of the proceedings and for such purpose he may need to insure, at his own expense, for the taking and preparation of a verbatim record of all testimony and evidence of the proceeding upon which the appeal is to be based. The City does not prepare or provide such record. Any discussion or contact outside the Special Magistrate hearing with the Special Magistrate concerning any quasi-judicial matter which is, or will come, before the Special Magistrate for a decision are to be disclosed and made part of the record prior to or at the hearing on the matter.

CITY OF  
DAYTONA BEACH

David A. Vukelja, Special Magistrate

1. Call to Order
  
2. Approval of September 11, 2018 Minutes
  
3. Announcements
  
4. Lien Reviews

### LR-1

**CASE NO SMG 05-06-51 – 329 Division St - Ted Brousseau, Inc.** is cited for failure to correct violations of the Land Development Code, Article 19, Section 1 and Code of Ordinances, Chapter 22. Violation(s) – **Failure to make repairs listed on housing inspection report or demolish unsafe structure.** First Notified – 2/16/2006. **Order Imposing Fine-Lien of \$1,000.00 per day effective June 9, 2006. Not in Compliance. \$15,000.00 maximized, plus \$24.00 recording costs, minus payment of \$1,000.00 = \$14,024.00. Total amount owed \$14,024.00.**

DISPOSITION \_\_\_\_\_

(D. Sykes)

5. **HEARING OF CASES**

***Continued Cases***

1  
Steve  
Alderman  
**CASE NO SMG 09-18-107 – Helena Sanders** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7, 304.6), at **2804 N Halifax Ave**  
Violation(s) – **Damaged fence and loose siding on NW corner.**  
First Notified – 2/19/2018.

***Compliance – 10-4-18***

2  
Steve  
Alderman  
**CASE NO SMG 09-18-108 – Shandra Carreira** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.6.A.3 (Ref. FBC Supp IPMC 304.13, 304.3), at **802 N Halifax Ave**  
Violation(s) – **Exterior structure - window frames, visible address, landscaping maintenance and outside storage.**  
First Notified – 4/3/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

3  
John C.  
Stenson  
**CASE NO SMG 05-18-52 – Margaret Ellen Eberwein** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 302.3, 302.4, 302.8, 304.7); Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.8.G at **348 Jackson Ave**  
Violation(s) – **Damaged roof, outside storage, boarded windows, inoperable vehicle and scooters, overgrown shrubs and dilapidated fence.**  
First Notified – 2/13/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

4  
John C.  
Stenson  
**CASE NO SMG 08-18-81 – Nicholas J & Amy Militello** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1, Art. 6 Sec. 6.6.19.A.3.a, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 304.6), at **1148 Champions Dr**  
Violation(s) – **Lack of required permits (expired and unfinaled), outside storage of junk and debris, mildew on exterior surfaces.**  
First Notified – 5/11/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

5  
John C.  
Stenson

**CASE NO SMG 08-18-84 – 919 North Atlantic LLC** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.3.4.S at **N. Atlantic Ave (Parcel #5305-01-45-0070)**  
Violation(s) – **Parking lot construction without permits.**  
First Notified – 5/17/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

6  
John C.  
Stenson

**CASE NO SMG 07-18-76 – Sana Inc** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.10.G at **864 Orange Ave**  
Violation(s) – **Window signage more than 25% covered.**  
First Notified – 4/20/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

7  
Jerome O.  
McCoy

**CASE NO SMG 06-18-61 – Sheila A Minnick / Dillon Property Management** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp IPMC 302.4, 304.2, 304.7, 304.13, 304.13.2, 304.14, 304.15, 305.3, 309.1, 604.3, 605.2), at **532 Orange Ave**  
Violation(s) – **Maintenance Code - Smoke Alarms, protective treatment, weeds, structural appearance standards, exterior structure - roofs and drainage, insect screens, pest elimination - infestation, interior surfaces, electrical system hazards, receptacles, inoperable windows, skylight and door frames.**  
First Notified – 3/1/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

8  
Jerome O.  
McCoy

**CASE NO SMG 07-18-68 – Mary Hawkins Yan** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec 6.2.H.7.a; Art. 6 Sec. 6.8.B; City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **227 Reva St**  
Violation(s) – **Location of off-street parking; failure to obtain Business Tax License (BTR); failure to obtain Rental License (RTL).**  
First Notified – 11/6/2017.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

9  
Jerome O.  
McCoy

**CASE NO SMG 08-18-89 – Jehad G & Nidal G Murad** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.4 (Ref. FBC IPMC 305.3, 309.1, 504.3, 605.1, 605.2); City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at **148 1st Ave**  
Violation(s) – **Structural Appearance Standards - infestation, plumbing system hazards, electrical equipment (receptacles), failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL).**  
First Notified – 4/19/2018.

*ACTION TO BE TAKEN:* Con't. from September for the determination of a compliance date.

DISPOSITION \_\_\_\_\_

10 Jerome O. McCoy  
**CASE NO SMG 01-18-01 – Chalmer V. & Ann E. Edwards** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 604.3, 605.2, 704.2, 304.7, 304.10, 304.11, 304.14, 309.1); Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; City Code Ch. 26 Sec. 294; City Code Ch. 90 Sec. 90-297, at **550 Foote Court**  
Violation(s) – **Electrical system hazards; electrical equipment - receptacles; no smoke alarms; structural appearance standards; roof and drainage; exterior surfaces; stairways, decks, porches must be installed; chimney; failure to obtain required residential Rental License (RTL); failure to obtain Business Tax Receipt (BTR).**  
First Notified – 10/10/2017.

*ACTION TO BE TAKEN:* Impose Fine. (Respondent ordered not to rent, occupy or otherwise utilize the property.).

DISPOSITION \_\_\_\_\_

11 Jerome O. McCoy  
**CASE NO SMG 08-18-90 – Fred J Hoffmann, Trustee under Business Trust dated 9/9/94 known as Braddock Trust** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1, Art. 6 Sec. 6.19.A.4 (Ref. FBC IPMC 304.2, 304.7, 304.14, 305.3, 309.1, 605.2), at **105 Braddock Ave**  
Violation(s) – **Maintenance Code - Structural appearance standards, protective treatment, roofs and drainage, insect screens, interior surfaces, pest elimination - infestation, receptacles.**  
First Notified – 4/18/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

12 Mark A. Jones  
**CASE NO SMG 08-18-99 – Fred J. Hoffman, Trustee of "The Hollywood Trust"** is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at **824 Hollywood St**  
Violation(s) – **Failure to obtain Rental License (RTL)**  
First Notified – 6/25/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

13 Mark A. Jones  
**CASE NO SMG 08-18-88 – Craig Conway** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1 at **511 Mark Ave**  
Violation(s) – **Installed windows without permits.**  
First Notified – 5/19/2018.

**Compliance: 9-11-2018**

14 Mark A. Jones  
**CASE NO SMG 08-18-101 – Joyce Dixon, as Trustee of the Joyce Dixon Revocable Trust dated September 15, 2006** is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at **1134 Berkshire Rd**  
Violation(s) – **Failure to obtain Rental License (RTL).**  
First Notified – 10/5/2017.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

15  
Mark A.  
Jones  
**CASE NO SMG 08-18-100 – Joyce Dixon, as Trustee of the Joyce Dixon Revocable Trust dated September 15, 2006** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7, 304.14, 304.18.1, 305.3, 402.2, 504.1, 505.4, 604.3, 605.2, 704.2), at **310 Marion St Unit #4**  
Violation(s) – **Roofs and drainage, insect screens, building security doors, interior surfaces, lighting in common halls and stairways, plumbing systems and fixtures, water heating facilities, electrical system hazards, receptacles, smoke alarms.**  
First Notified – 6/7/2018.

*ACTION TO BE TAKEN:* Progress Report. (Respondent was ordered not to occupy, rent or utilize the property until compliance is achieved.)

DISPOSITION \_\_\_\_\_

16  
Mark A.  
Jones  
**CASE NO SMG 08-18-98 – Cook Rentals LLC** is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at **200 Arlington Ave**  
Violation(s) – **Failure to obtain Rental License (RTL).**  
First Notified – 6/28/2018.

*ACTION TO BE TAKEN:* Impose Fine. (Respondent to supply written certification to City not to rent, or to be occupied except by the owners themselves. Not to be occupied or utilized by tenants.)

DISPOSITION \_\_\_\_\_

17  
Mark A.  
Jones  
**CASE NO SMG 08-18-92 – Paul Protentis** is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at **532 Fairmount Rd**  
Violation(s) – **Failure to obtain Rental License (RTL).**  
First Notified – 3/6/2018.

***Compliance 10-3-2018***

18  
Tom L. Clig  
**CASE NO SMG 08-18-93 – Reginald T Copeland** is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at **802 Derbyshire Rd**  
Violation(s) – **Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL).**  
First Notified – 6/8/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

19  
Tom L. Clig  
**CASE NO SMG 08-18-94 – Reginald T Copeland** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.A at **802 Derbyshire Rd**  
Violation(s) – **Parking on the grass.**  
First Notified – 6/11/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

20  
Tom L. Clig

**CASE NO SMG 09-18-110 – Jack Morris Jr** is cited for failure to correct violations of the Land Development Code, Art. 6. Sec 6.19.A.3 at **708 Kingston Ave**  
Violation(s) – **REPEAT VIOLATION - Outside storage.**  
First Notified – 8/3/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

21  
Michael P. Fitzgerald

**CASE NO SMG 09-18-103 – Jones of Volusia, Inc.** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7), at **621 Ruth St**  
Violation(s) – **Damaged wooden fencing, paint around front door.**  
First Notified – 2/13/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

22  
Michael P. Fitzgerald

**CASE NO SMG 09-18-113 – Promo 05 LLC** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 3 Sec. 3.4.S.2; Art. 3 Sec. 3.4.S.3; City Code Ch. 90 Sec. 90-297, at **& 227-225 N Oleander Ave**  
Violation(s) – **Adding a third apartment in the basement of the front building - no permit for electrical, plumbing, new porch, new stairs and demo, Failure to obtain Business Tax License (BTR).**  
First Notified – 3/7/2018.

*ACTION TO BE TAKEN:* Progress Report to determine a compliance date. (Respondent ordered not to rent, use or occupy property.)

DISPOSITION \_\_\_\_\_

23  
Daniel Garcia

**CASE NO SMG 09-18-111 – Elvina Miller** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.1, 304.2, 304.6, 304.7, 304.13, 304.8), at **550 N Ridgewood Ave**  
Violation(s) – **Damaged exterior surfaces - peeling paint, roof, flashing and drainage, broken windows, rubbish, garbage, trash and debris.**  
First Notified – 5/14/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

24  
Daniel Garcia

**CASE NO SMG 09-18-112 – Bulldog LLC** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.1, 304.2, 304.6, 304.7, 304.13, 304.8); City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at **208 Fairview Ave**  
Violation(s) – **No address numbers, failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL).**  
First Notified – 3/1/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

25  
Daniel  
Garcia

**CASE NO SMG 09-18-116 – Beach Development Group, LLC** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2), at **530 N Beach St**  
Violation(s) – **Dilapidated exterior surfaces.**  
First Notified – 4/13/2018.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_

**New Cases**

26  
Daniel  
Garcia

**CASE NO SMG 10-18-121 – Berean Baptist Church Inc of Daytona Beach Florida** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.1.A; Art. 6 Sec. 6.2.H.7.A, at **211 Madison Ave**  
Violation(s) – **Illegal Parking.**  
First Notified – 9/12/2018.

*ACTION TO BE TAKEN:* Compliance or Non-Compliance.

DISPOSITION \_\_\_\_\_

27  
Daniel  
Garcia

**CASE NO SMG 10-18-122 – Ingersoll Financial LLC** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.1, 302.7, 304.1, 304.2, 304.6, 304.19, 308.1, 308.2.1), at **231 Lexington Dr**  
Violation(s) – **Trash and debris, cracks, holes, needs protective treatment & painting, dirt and grime on exterior surface, damaged gate and wall.**  
First Notified – 5/7/2018.

*ACTION TO BE TAKEN:* Compliance or Non-Compliance.

DISPOSITION \_\_\_\_\_

28  
Michael P.  
Fitzgerald

**CASE NO SMG 10-18-123 – Land Trust Properties, LLC a Florida limited liability company as Trustee under that certain land trust dated April 1, 2015, and known as Cheshire Land Trust** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A; Art. 4. Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **108 Cheshire Rd**  
Violation(s) – **Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district.**  
First Notified – 7/25/2018.

*ACTION TO BE TAKEN:* Compliance or Non-Compliance.

DISPOSITION \_\_\_\_\_

29  
Clifford W.  
Recanzone  
III

**CASE NO SMG 09-18-102 – Anthony Levercia** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1 (Ref. FBC Supp IPMC 302.8, 304.2), at **1649 Cedar Highlands Blvd**  
Violation(s) – **Reroofing without a permit, peeling paint, junk boat.**  
First Notified – 7/2/2018.

*ACTION TO BE TAKEN:* Compliance or Non-Compliance.

DISPOSITION \_\_\_\_\_

30  
Clifford W.  
Recanzone  
III

**CASE NO SMG 09-18-104 – Cassandra Lee** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 702.3, 704.2); Art. 3 Sec. 3.4.S.1; Art. 5 Sec. 5.2.B.3 - F; Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp IPMC 302.5, 602.1, 604.3); City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at **913 Lewis Dr**  
Violation(s) – **Single family home turned into a duplex, infestation, no heat, no means of egress, smoke alarms, failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL).**  
First Notified – 7/2/2018.

*ACTION TO BE TAKEN:* Compliance or Non-Compliance.

DISPOSITION \_\_\_\_\_

6. **MISCELLANEOUS BUSINESS**

7. **ADJOURNMENT**