

Agenda

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

SPECIAL MAGISTRATE PROCEEDING

CITY OF
DAYTONA BEACH

NOTICE – Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a 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.

David A. Vukelja, Special Magistrate

	For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8023		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
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In accordance with the Americans with Disabilities Act (ADA), persons with a disability needing a special accommodation to participate in the Board meeting should contact the City Clerk's Office, 301 S. Ridgewood Ave, Room 210, Daytona Beach, FL 32114, Ph: (386) 671-8023, Email: clerk@codb.us not later than 72 hours prior to the proceedings. If you are hearing or voice impaired contact the relay operator at 1-800-955-9771.

March 9, 2021 - 9:00 A.M.

1. Call to Order
2. Approval of February 9, 2021 Minutes
3. Announcements
4. New Cases

New Cases:

CASE # 1 - SMG 03-21-61 - Chelsea Nichelle Harris 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 **1173 Essex Rd.** Violation(s) – **Dilapidated fence.**

First Notified – 5/15/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Roosevelt Butler, Jr.)

CASE # 2 - SMG 03-21-53 - Orbit Real Estate Development LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.7, 308.1); City Code Ch. 90 Sec. 90-297, at **120 Madison Ave (116 Madison Ave Parcel# 5338-11-00-0070).** Violation(s) – **Outside storage, trash & debris, damaged fence and lattice, soffits, rubbish, garbage and failure to obtain Business Tax Receipt (BTR).**

First Notified – 11/25/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Daniel Garcia)

CASE # 3 - SMG 03-21-60 - Jonathan Jae Turcol & Nancy Hunziker is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.A, at **220 Pierce Ave.** Violation(s) – **Illegally parked vehicles, outside storage.**

First Notified – 12/4/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Daniel Garcia)

CASE # 4 - SMG 03-21-41 - Harold Hayward & South Florida Consulting Investments Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 505.1), at **531 Bellevue Ave.** Violation(s) – **Outside storage, lack of water service.**

First Notified – 5/11/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(John C. Stenson)

CASE # 5 - SMG 03-21-43 - Lash Larue LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 304., 304.15), at **924 Vernon St.** Violation(s) – **Site appearance standards, structural appearance standards, vacant structure and land, overhang extensions, exterior doors.**

First Notified – 9/1/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(John C. Stenson)

CASE # 6 - SMG 03-21-49 - Linda F Carpenter 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 **316 Michigan Ave.** Violation(s) – **Peeling paint on exterior surfaces.**

First Notified – 12/30/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(John C. Stenson)

CASE # 7 - SMG 03-21-62 - Catherine E Shelton is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.3), at **1641 E Paradise Ln.** Violation(s) – **Parking in yard, peeling paint, address numbers.**

First Notified – 7/22/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(John C. Stenson)

CASE # 8 - SMG 03-21-64 - Gregory L & Katherine L Keller is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 304.15), at **153 Harpers Ferry.** Violation(s) – **Unmaintained landscaping, outside storage, damaged roof (soffits), damaged garage door.**

First Notified – 12/19/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(John C. Stenson)

CASE # 9 - SMG 03-21-46 - Living Realty and Investments LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.9, 302.3), at **2735 N Atlantic Ave.** Violation(s) – **Dilapidated dumpster enclosure, unmaintained landscaping, trash and debris, graffiti, unmaintained sidewalks, dilapidated sign, eliminate hazardous conditions on site to include exposed rebar.**

First Notified – 7/22/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Kevin Yates)

CASE # 10 - SMG 03-21-65 - Joseph S Principe is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **354 Pelican Ave.**

Violation(s) – **No permit.**

First Notified – 4/4/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Kevin Yates)

CASE # 11 - SMG 03-21-50 - 516 Phoenix LLC is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297, at **516 Phoenix Ave.** Violation(s) – **Failure to obtain Business Tax Receipt (BTR).**

First Notified – 2/3/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 12 - SMG 03-21-51 - Qatami Abdulwahab F N AL & Faisal Al Qatami Steel Bldg is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), at **636 Cherry St.** Violation(s) – **Site appearance - overgrown landscaping.**

First Notified – 8/20/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 13 - SMG 03-21-52 - Robert John Porter is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a, at **105 Beachcomber St.** Violation(s) – **Parking (utility trailer in driveway).**
First Notified – 6/13/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 14 - SMG 03-21-57 - Leon & Evelyn Del Sol, Edith D Lamb is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1), at **1225 Thompson Pl.** Violation(s) – **Site appearance, overgrown landscaping and exterior surface of home.**
First Notified – 6/5/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 15 - SMG 03-21-58 - Eugene Michaelsen is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, at **122 Cheshire Rd.** Violation(s) – **Site appearance overgrown landscaping.**
First Notified – 6/6/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 16 - SMG 03-21-59 - Christine Lemmond is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8), at **119 Minerva Rd.** Violation(s) – **Trailer parking, outside storage, vehicle parking on lawn.**
First Notified – 5/26/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 17- SMG 02-21-30 - Marsiglia Nicolavia is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3 (Ref. FBC Supp. IPMC 301.3), at **Cedar St (Parcel # 5339-83-02-0010)**. Violation(s) – **Overgrown lot**.
First Notified – 9/22/2020.

ACTION TO BE TAKEN: Con't. from the February meeting for a finding of Compliance or Non-Compliance.

DISPOSITION _____
(Sara Kirk)

CASE # 18 - SMG 03-21-42 - William A Brown is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **619 Glenview Blvd**. Violation(s) – **Expired permit for fence along A1A**.
First Notified – 8/21/2019

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____
(Sara Kirk)

CASE # 19 - SMG 03-21-54 - Albert III, Sharon D & Ethelreda T Burton is cited for failure to correct violations of The Land Development Code, Art. 4 Sec. 42-214; Art. 5 Sec. 90-297; Art. 6 Sec. 6.2.H.7.a; Art. 6 Sec. 6.1; Art.8, sec. 8.2.A (Ref. FBC Supp. IPMC 302.8), at **339 S Martin Luther King Blvd**. Violation(s) – **Expired permit for new roof, inoperable vehicle parked in grass, broken windows, peeling paint, rotted wood, damaged soffit & fascia**.
First Notified – 12/16/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____
(Sara Kirk)

CASE # 20 - SMG 03-21-68 - Anthony McLean is cited for failure to correct violations of The Land Development Code, Art. 4 Sec. 42-214; Art. 5; Art. 6 Sec. 6.2.H.7.a; Art. 6 Sec. 6.1; Art. 8, Sec. 8.2.A; City Code Ch. 90 Sec. 90-297, at **528 Shady Pl**. Violation(s) – **No permit, noise disturbance, non-conforming use, failure to obtain Business Tax Receipt (BTR) & parking in the yard**.
First Notified – 10/11/2020.

ACTION TO BE TAKEN: Impose Fine. IRREPARABLE/IRREVERSIBLE

DISPOSITION _____
(Sara Kirk)

CASE # 21 - SMG 03-21-44 - Thakorjkrupa LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S, at **1100 S Ridgewood Ave.** Violation(s) – **No permit for window-office addition.**

First Notified – 10/8/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Tom Clig)

CASE # 22 - SMG 03-21-45 - Frederick J Hoffmann Trustee of the Ridgewood Trust is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 305.3), at **1011 S Ridgewood Ave.** Violation(s) – **Failure to maintain parking lot, interior and exterior surfaces.**

First Notified – 12/3/2020.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Tom Clig)

CASE # 23 - SMG 03-21-47 - Suburban Square LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.1), at **120 S Ridgewood Ave.** Violation(s) – **Trash & debris.**

First Notified – 1/23/2021.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Tom Clig)

CONTINUED CASES:

CASE # 24 - SMG 02-21-26 - Riverland Gas & Oil INC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4), at **100 S Ridgewood Ave.** Violation(s) – **Failure to maintain exterior sanitation, weeds.**

First Notified – 9/15/2020.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Tom Clig)

CASE # 25 - SMG 02-21-31 - 736 S Beach Street INC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.4, 304.13), at **736 S Beach St.** Violation(s) – **Failure to maintain exterior structure, protective treatment, structure members, windows, skylight, door frames.**
First Notified – 12/31/2019.

ACTION TO BE TAKEN: Con't. from the February meeting for a progress report.

DISPOSITION _____

(Tom Clig)

CASE # 26 - SMG 01-21-09 - Mark Patton Brown is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.4, 304.6, 308.2, 604.3), at **350 S Palmetto Ave.** Violation(s) – **Failure to maintain exterior structure, failure to maintain windows, porch, siding. Failure to maintain protective treatment, exterior walls, trash and rubbish, electrical system hazards. Failure to maintain structure appearance standards.**
First Notified – 2/13/2020.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Tom Clig)

CASE # 27 - SMG 02-21-25 - Brandon Wilson is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), at **Birch St (Parcel # 5237-25-02-0050).** Violation(s) – **Overgrown landscaping.**
First Notified – 11/11/2020.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Roosevelt Butler, Jr.)

CASE # 28 - SMG 01-21-18 - LHD Grainger LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp. IPMC 301.2, 302.3, 302.7, 304.2, 304.7, 304.14, 308.1), at **612 N Halifax Ave.** Violation(s) – **Peeling and faded paint, rotten wood, dilapidated shed, dirt, grime, dilapidated roof, hole in exterior walls, missing and broken screens, broken windows.**
First Notified – 11/6/2019.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Kevin Yates)

CASE # 29 - SMG 01-21-19 - Kinsey Whaley 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.3; Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.13, 305.3, 309.1), at **430 Marion St Apt 1 (432 Marion St)**. Violation(s) – **No permit (electrical repair after fire), outside storage, parking on unimproved surface, junk vehicle, broken window, interior surfaces, infestation.**

First Notified – 10/6/2020.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(John C. Stenson)

CASE # 30 - SMG 01-21-22 - DB 101 Corp is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **S Ocean Ave (Parcel ID 5304-01-03-0010)**. Violation(s) – **No demolition permit, excluding the sea walls.**

First Notified – 11/11/2020.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Michael P. Fitzgerald)

CASE # 31 - SMG 01-21-23 - DB 153 Corp is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **141 S Ocean Ave (Parcel ID 5309-02-02-0010)**. Violation(s) – **No demolition permit, excluding the sea walls.**

First Notified – 11/11/2020.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Michael P. Fitzgerald)

CASE # 32 - SMG 02-21-36 - Colonial Impact Fund II LLC 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.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.2), at **340 Kingston Ave**. Violation(s) – **No permit for additions, damaged fence, peeling paint, unpainted surfaces, trash, debris, rubbish, garbage, outside storage, overgrown grass onto sidewalk.**

First Notified – 5/7/2020.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Daniel Garcia)

CASE # 33 - SMG 02-21-39 - Carolina D Wagner is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **311 Taylor Ave (Parcel # 5338-38-00-0580)**. Violation(s) – **No permits for adding onto the unit.**
First Notified – 12/16/2019.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____
(Daniel Garcia)

CASE # 34 - SMG 02-21-27 - Reusa Real Estate LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3 (Ref. FBC Supp. IPMC 301.3), at **543 Live Oak Ave**. Violation(s) – **Overgrown vacant lot.**
First Notified – 9/17/2020.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____
(Sara Kirk)

CASE # 35 - SMG 02-21-28 - Cash Flow Links Florida LLC 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.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 304.2, 304.6, 304.7, 304.13), at **515 Bellevue Ave**. Violation(s) – **Unsecured vacant property, overgrown lawn, dilapidated roof, dirt & grime, peeling paint/rust, loose siding, broken windows, no permit for new window.**
First Notified – 11/12/2020.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____
(Sara Kirk)

CASE # 36 - SMG 03-21-69 - Florida Pacific Leasing Co LLC is cited for failure to correct violations of The Land Development Code, Sec. 6.1.B, Sec. 6.1.C, Sec. 5.4.C.4, at **316 Main St (Parcel# 5305-08-15-0022 & 5305-08-15-0010)**. Violation(s) – **Prohibited outside activities, specially permitted outside activities, temporary uses and structures.**
First Notified – 3/3/2021.

ACTION TO BE TAKEN: Non-Compliance – Repeat Violation – SMG 04-20-101

DISPOSITION _____
(Mark A. Jones)

5. Lien Reviews

LR-1

SMG 11-20-186 - 572 Magnolia (155 S Martin Luther King Blvd). N & N Consulting Marketing and Development Corp Inc. is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at Violation(s) – **No permit for renovation.** First Notified – 2/14/2020. **Order Imposing Fine-Lien imposed January 7, 2021 of \$100 per day to a maximum \$20,000.00. Compliance = February 15, 2021. Amount due = \$3,900.00**

DISPOSITION _____ (Sara Kirk)

LR-2

SMG 08-20-125 - 345 Garden St - ACL Realty LLC. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 304.1.1, 304.2, 304.4, 304.6, 304.13.1, 304.13.2, 304.15), Violation(s) – **No permit for renovations, abandoned vacant building, damaged exterior surfaces, paint fading and peeling, damaged windows and doors.** First Notified – 10/22/2019. **Order Imposing Fine-Lien imposed January 7, 2021 of \$100 per day to a maximum \$15,000.00. Compliance = January 25, 2021. Amount due is \$1,800.00 plus \$24.00 recording costs = \$1,820.00**

DISPOSITION _____ (Michael P. Fitzgerald)

LR-3

SMG 04-20-80 - 112 N Ridgewood Ave - Burger King Corporation is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6, Sec. 6.19.B; Art. 6 Sec. 6.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4). Violation(s) – **Commercial property maintenance, not conforming to the site plan, dead trees, bushes, plants and noxious weeds (including around sign monuments), overgrown retention pond.** First Notified – 5/14/2019. **Order Imposing Fine-Lien imposed August 26, 2020 of \$350 per day to a maximum \$25,000.00. Compliance = September 14, 2020. Amount due is \$6,650.00 plus \$24.00 recording costs, plus \$178.53 interest = \$6,852.53**

DISPOSITION _____

(Michael P. Fitzgerald)

6. **Miscellaneous Business**

SMG 10-20-166 - 223 N Peninsula Dr. - G & Y Investments LLC 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.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.4, 304.1, 304.2, 304.3, 304.10, 304.11, 304.12, 304.13, 304.13.1, 304.13.2, 304.15, 307.1). Violation(s) – **Abandoned building.** First Notified – 4/6/2020. **Order Imposing Fine-Lien imposed January 7, 2021 of \$300 per day to a maximum \$15,000.00. Amount due is \$15,000.00 plus \$24.00 recording costs = \$15,024.00**

DISPOSITION _____

(Michael P. Fitzgerald)

7. **Adjournment**