
City of Daytona Beach Special Magistrate

City Commission Chambers, 301 S Ridgewood Ave, Daytona Beach, FL 32115

David A. Vukelja, Special Magistrate

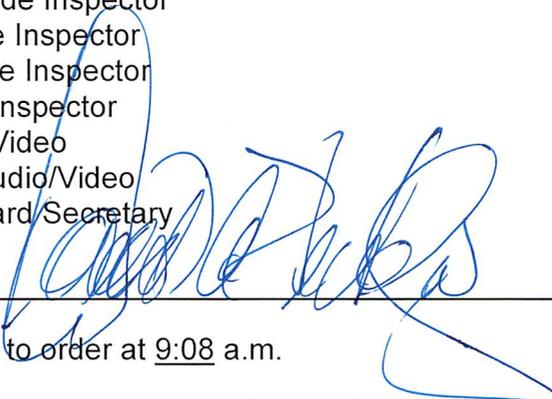
March 14, 2023 Minutes

Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney
Mr. Denzil Sykes, Code Compliance Manager
Mr. Mark A. Jones, Field Supervisor
Mr. Steve Alderman, Code Inspector
Mr. Mark Bostwick, Code Inspector
Mr. Roosevelt Butler, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Clearvens Jean-Baptiste, Inspector
Ms. Sara Kirk, Code Inspector
Mr. Cliff Recanzone, Code Inspector
Mr. John Stenson, Code Inspector
Mr. Curtis Wiggins, Code Inspector
Mr. Kevin Yates, Code Inspector
Mr. Joe Graves, Audio/Video
Mr. Xavier Campbell, Audio/Video
Ms. Kimberly Reno, Board Secretary

Approval of Minutes by:  Special Magistrate

The meeting was called to order at 9:08 a.m.

Mr. Vukelja approved the February 14, 2023 meeting minutes.

Mr. Vukelja asked if there were any announcements.

Mrs. Reno called the following cases in compliance.

CASE # 7 - SMG 03-23-69 - Morgan Bros Supply Inc % Peter Morgan is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at **Tomoka Rd** (Parcel # 4224-01-33-0050) Violation(s) – Trash and debris piled up on vacant lot. First Notified – 12/19/2022.

Compliance 03/11/23

CASE # 8 - SMG 03-23-70 - Morgan Bros Supply Inc % Peter Morgan is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at **945 Tomoka Rd** (Parcel # 5237-25-02-0010). Violation(s) – Trash and debris piled up on vacant lot. First Notified – 12/19/2022.

Compliance 3/11/23

CASE # 10 - SMG 03-23-73 - Sangha Priya and Champa Barua is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at **S Martin Luther King Blvd** (Parcel # 5339-82-01-0050). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 1/28/2023.

Compliance 3/13/23

CASE # 12 - SMG 03-23-75 - H&H Hospitality Consulting Inc. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at **632 S Segrave St** (Parcel # 5339-52-00-0070). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 11/3/2022.

Compliance 3/09/23

CASE # 16 - SMG 01-23-01 - TC Strategies 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, 302.1, 302.4) City Code Ch. 78-112, at **Rose Ave** (Parcel # 5338-70-00-0140). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 10/17/2022.

Compliance 3/10/23

CASE # 18 - SMG 02-23-44 - House of God ETC Inc. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78-112, at **School St** (Parcel # 5339-83-02-0040). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 8/17/2022.

Compliance 3/13/23

CASE # 29 - SMG 02-23-57 - SPT Wah Wedgewood LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 305.3, 603.1), at **1717 Mason Ave Bldg 300 Apt 322**. Violation(s) – Ceiling leak and dilapidated AC casing. First Notified – 10/17/2022.

Compliance 3/9/23

CASE # 31 - SMG 02-23-50 - Anders Migdalek LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.8.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 302.7) City Code Ch. 78-112, at **S Atlantic Ave** (Parcel # 5309-09-01-0020). Violation(s) – Overgrown grass, weeds, debris, damaged fence. First Notified – 6/25/2022.

Compliance 3/10/23

Mrs. Reno swore in the staff members testifying.

Mr. Vukelja called case #40 first.

CASE # 40 - SMG 11-22-328 - Lorin & Herb Kawesch 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; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.3, 304.2, 304.6, 304.10, 304.12, 304.13.1), at 517 S Palmetto Ave & 515. Violation(s) – Unpermitted structural work, unpermitted water heater install, unpermitted heater install, unpermitted structural bracing, dilapidated steps, peeling paint, rotted wood, damaged stair rails, cracked sidewalk, broken window, dilapidated deck and rails, dirt, grime, areas of rust at AC unit. First Notified – 5/23/2022.

Herb Kawesch sworn in and testified stating little progress and advised on December 16th he contracted with a contractor to take care of all the issues. It was stated that the contractor disappeared on the respondent around the middle of February. The respondent visited an attorney who gave him his next step which is to write a letter dismissing the contractor and try to get his \$30,000 dollars back. Discussion of the General contractor and the engineering company who was listed that advised they had no knowledge of the contractor, his company or the respondents address. Respondent advised that currently his management company just texted him that she has a meeting with on GC contractor today at 1pm and two others coming up.

Mr. Vukelja asked how long it was going to take for the property to be brought into compliance once they have a contractor on board?

Inspector Yates advised that it would be 4 to 6 months, advised the city it asking to set a compliance date for the April hearing. Inspector Yates asked that in light of circumstances go for June.

Mr. Vukelja stated that April is too early and June too far, stating that he wants to know what the steps are moving forward so he can satisfy himself that the respondent is doing everything he can that is expected given the circumstances.

Mr. Kawesch advised he has a handyman and they will be working on the items that do not require a permit. Discussion on it being a multi family structure four families three structures. 3 of the 4 are occupied the one upstairs is not due to the dilapidated stairs.

The property had an active rental license when the respondent purchased.

Inspector Yates stated if they were to proceed with more time, basically what the city would be looking at, especially if speaking towards the May date would be, at this point new contracts to be signed because even with those getting signed, its going to take time for the drawings to be produced and work cant start until that happens.

Mr. Vukelja advised that hopefully he can be told that the respondent has a contractor on board who can then give an educated guess or estimate, rather, as to what a reasonable compliance date would be. Continued to April stating in the interim, he is hoping a contractor is on board maybe even some permits applied for and somebody who can, give an educated guess as to how to come into compliance on the front building and the back building.

DISPOSITION: Continued to the **April 11, 2023** hearing for a progress report and to determine a compliance date.

Called Case # 1

CASE # 1 - SMG 03-23-58 - J D Myers is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.2), at **921 S Ridgewood Ave.** Violation(s) – **Trash, debris, dirt and grime.** First Notified – 6/17/2022.

Jim Myers, sworn in, agreed to the violations. Mr. Vukelja found the property in non-compliance. **Inspector Yates** requested compliance by next cut off.

Mr. Vukelja advised the respondent to call for an inspection when the work is completed.

DISPOSITION: The Special Magistrate ordered the Respondent to come into Compliance by **April 5, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 2 - SMG 03-23-59 - New Car Wash LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301), at 2575 W Intl Speedway Blvd. Violation(s) – Damaged sign, graffiti, garbage and rubbish. First Notified – 7/5/2022.

Inspector Butler testified that this case was in compliance on 3/9/23

CASE # 3 - SMG 03-23-61 - John L Dunbar 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 304.1.1, 304.4, 304.10, 308.1), at 732 Edwards St. Violation(s) – Rotted unsafe stairs, property landscaping maintenance, trash & debris. First Notified – 5/23/2022.

John Dunbar sworn in and agreed to the violations.

Inspector Alderman requested the May cut off based on the engineer drawings required for the stairs, which are the last remaining violation in this case.

John Dunbar has the engineer who advised he was a few weeks out. medical issues delayed the process.

DISPOSITION: Based on the testimony of the Inspector found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 4 - SMG 03-23-67 - Jimmie L Coleman Est 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 301.3, 302.4) City Code Ch. 78 Sec. 78-112, at Clark St (Parcel # 5339-48-00-0100). Violation(s) – Unmaintained vacant lot, parking on the grass, trash and debris. First Notified – 1/6/2023.

No Respondent

Inspector Garcia testified to the status of the case and requested compliance by next cut off.

DISPOSITION: Based on the testimony of the Inspector found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **April 5, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 5 - SMG 03-23-65 - Marman Real Estate LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.2, 304.13), at 607 Riverview Blvd 609. Violation(s) – Unpermitted renovations, outside storage, damaged fencing, exterior painting. First Notified – 1/26/2023.

No Respondent

Inspector Stenson testified to the status of the case and requested compliance by the May cut off.

Property being renovated.

DISPOSITION: Noting the Absence of the respondent based on the testimony of the Inspector found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 6 - SMG 03-23-68 - Alice Robinson c/o Linda Staten is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at Iowa St (Parcel # 5238-38-00-1040) Violation(s) – Vacant lot trash and debris. First Notified – 1/23/2023.

No Respondent

Inspector Bostwick testified to the status of the case no contact with the owner and requested compliance by the next cut off.

DISPOSITION: Noting the Absence of the respondent based on the testimony of the Inspector found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **April 5, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 9 - SMG 03-23-72 - Teresa Jones 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, 302.1 302.4) City Code Ch. 78 Sec. 78-112, at Iowa St (Parcel # 5238-38-00-0900). Violation(s) – Outside storage, trash and debris, landscaping. First Notified – 1/26/2023.

No Respondent

Inspector Bostwick testified to the status of the case had contact with the owner, who started to clean it up and requested compliance by the next cut off.

DISPOSITION: Noting the Absence of the respondent based on the testimony of the Inspector found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **April 5, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 11 - SMG 03-23-74 - Sangha Priya and Champa Barua is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at **S Martin Luther King Blvd (Parcel # 5339-82-01-0060)**. Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 1/28/2023.

Sangha Priya sworn in acknowledged non-compliance.

Inspector Bostwick advised that complice should be next cut off.

Mr. Vukelja confirmed that the respondent understands compliance was due April 5, 2023 and to contact the inspector when it is cleaned up for a final inspection and the respondent agreed.

DISPOSITION: Having found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **April 5, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 13 - SMG 03-23-76 - Brandon Wilson is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at **Birch St (Parcel # 5237-25-02-0050)**. Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 1/11/2023.

Brandon Wilson sworn in and agreed to the violations. And advised the property was cleared and only has the fence to complete.

Inspector Bostwick agreed to compliance by the April 5th cut off.

DISPOSITION: Having found the Respondent in Non-Compliance ordered the Respondent to come into Compliance by **April 5, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 14 - SMG 03-23-77 - Adiba Shuja is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at 553 Derbyshire Rd (Parcel # 5238-15-11-0160). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 12/28/2022.

No Respondent

Inspector Bostwick testified to the status of the case and requested compliance due next cut off.

DISPOSITION: Noting the Absence of the respondent based on the testimony of the Inspector found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **April 5, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 15 - SMG 03-23-78 - Thao Ngoc Le & Hien Van Pham is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at Tomoka Rd (Parcel # 5237-25-03-0120). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 1/11/2023.

No Respondent

Inspector Bostwick testified to the status of the case has had contact and clean up has started and requested compliance due next cut off.

DISPOSITION: Noting the Absence of the respondent based on the testimony of the Inspector found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **April 5, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Continued Cases:

CASE # 17 - SMG 01-23-10 - S. David Shaw & Lillie Mae Shaw is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78-112, at Sunset Cir (Parcel # 5211-13-00-0040). Violation(s) – Parking vehicles on vacant lot unapproved surface, storage shed on vacant lot, trash and debris and landscaping. First Notified – 9/6/2022.

No Respondent

Inspector Bostwick testified to the status of the case advised this is the case were he is trying to combine both lots. An email was received from the city planner this morning. His package has been received and they are working on it. Staff recommends next cut off.

Discussion on the storage shed placement vs combining both parcels.

DISPOSITION: Continue to the **April 11, 2023** hearing for the Imposition of a Fine.

CASE # 19 - SMG 02-23-47 - Divine Deliverance Ministries INC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78-112, at Fulton St (Parcel # 5338-70-00-0430). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 11/3/2022.

No Respondent

Inspector Bostwick testified to the status of the case requested a fine of \$250 a day to a maximum of \$15,000.

DISPOSITION: Noting the absence of the respondent Based on the testimony of the inspector the Special Magistrate ruled to fine the respondents in the amount of \$250 dollars per day will go into effect **March 9, 2023** and continue to accrue each day thereafter until the property is in compliance or the amount of the fine reaches a maximum of \$15,000.

CASE # 20 - SMG 07-22-202 - Harbour Beach Resort Watson Association Management is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19. B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.2), at 701 S Atlantic Ave. Violation(s) – Peeling paint, rust and corrosion on seawall. First Notified – 2/17/2022.

Chris Petralia (manager) sworn in community Association Management under Watson Letterhead for Harbor Beach Resort. Harbor Beach Resort Employs Watson Association Management. Who he is under. Started work on the 6th and brought pictures and have had two engineering reports advising it would be a 4 month project.

Inspector Bostwick testified to the status of the case stating that work had started.

DISPOSITION: Continue to the **May 9, 2023** hearing for progress report and to determine compliance date.

CASE # 21 - SMG 10-22-300 - Dollar Daytona LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.C.4; Art. 6 Sec. 6.12.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 308.3, 308.3.2), at 715 Mason Ave. Violation(s) – No Required trash containment structure, remove all trash and debris. First Notified – 5/25/2022.

Leonardo Kronfle (owner) sworn in appeared via zoom.

Inspector Alderman testified to the status of the case stating a permit has been filed and requested to amend to the April cut off.

Leonardo Kronfle advised work would begin in a couple weeks, but he did not know if it would be completed by April 5th.

Inspector Alderman advised the work that needed to be completed was a containment structure for the two trash cans that have been placed upon the east side of the building from the west with a gate. Because they are right off of mason, and they have had a problem with the contractors.

DISPOSITION: The Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **May 3, 2023** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 22 - SMG 09-21-247 - Jonathan Worsham III, Allison Worsham, Patrick Worsham 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, 302.1, 302.4, 302.5, 308.1), at N Charles St (Parcel # 5338-44-02-0010). Violation(s) – Vacant land, sanitation, weeds, rodent harborage, rubbish and garbage, storage of building materials, no permit. First Notified – 6/9/2021.

No Respondent- tried to appear via zoom.

Inspector Recanzone testified advising no contact no movement and requested a compliance date be set.

DISPOSITION: Based on the inspectors report the Special Magistrate ordered the respondent to be in compliance by **April 5, 2023** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 23 - SMG 02-23-38 - Andre Rondeau & Odette Perreault is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 304.10, 304.12, 304.13, 304.15, 305.3, 309.4, 604.3.1.1), at 705 N Wild Olive Ave. Violation(s) – Damaged gutters, broken windows, damaged exterior doors, damaged interior surfaces (walls/ceilings), infestation, electrical wiring, dilapidated stair landing, dilapidated handrails. First Notified – 8/15/2022.

No Respondent

Inspector Stenson testified to the status of the case, requested a fine in the amount of \$200 a day to a maximum of \$15,000. advised the owner is present in the city and has another case and the owner is just not responsive.

DISPOSITION: Noting the absence of the respondent Based on the testimony of the inspector the Special Magistrate ruled to fine the respondents in the amount of \$200 dollars per day will go into effect **March 9, 2023** and continue to accrue each day thereafter until the property is in compliance or the amount of the fine reaches a maximum of \$15,000.

CASE # 24 - SMG 11-22-323 - Ellen Rosenfeld trustee of the Virgil & Ellen Rosenfeld Family Trust 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, 304.2, 304.6), at 419 N Wild Olive Ave. Violation(s) – Failure to clean dirt and grime off all exterior surfaces, failure to repair fading and discolored paint, failure to repair damage frame, failure to repair damage concrete above door frame. First Notified – 3/2/2022.

No Respondent

Inspector Jean-Baptiste testified to the status of the case requesting to amend to the May cut off.

DISPOSITION: Based on the inspectors report the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **April 5, 2023** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 25 - SMG 02-23-37 - Sig Global Family Ltd Partnership 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 304.6) City Code Ch. 78 Sec. 78-112, at 216 S Wild Olive Ave. Violation(s) – Failure to repair damage retaining walls, failure to remove dead vegetation, failure to remove all trash and debris. First Notified – 3/21/2022.

Eddie Hennessy sworn in and discussion on the wall being on the property line and surveys showing the homes property line is just short of the retaining wall and the hardship with him correcting the dilapidated retaining wall by removing it from the property could put the 3-4 buildings at risk.

Inspector Jean-Baptiste testified to the status of the case.

Mr. Vukelja advised giving the respondent an opportunity to exhaust whatever administrative remedies he may have available to him to relieve the hardship that he's complaining about.

DISPOSITION: Continue to the **May 9, 2023** hearing for the Imposition of a Fine.

CASE # 26 - SMG 09-22-270 - Willie Gilmore is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6, 304.7, 304.13.2, 305.3,704.2) City Code Ch. 78 Sec. 78-43, at 605 S Martin Luther King Blvd. Violation(s) – Dumpster enclosure installed w-out permit, damaged interior and exterior surfaces, leaky ceiling/damaged roof, missing smoke detectors and inoperable window. First Notified – 10/21/2021.

Juliette Parker (Daughter) sworn in and agreed to the cut off time.

Inspector Kirk testified to the status of the case. Has had contact and progress requested to amend to the May cut off.

DISPOSITION: The Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **May 3, 2023** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 27 - SMG 06-22-157 - Robert P Klenk is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4.a; Art. 10 Sec. 10.2.B.2; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3) City Code Ch. 90 Sec. 90-297, at Marion St (Parcel # 5339-32-00-0010). Violation(s) – Parking on an unimproved surface, vacant parcel, no appropriate development permits (heavy equipment sales, rental, or storage) No Business License for the 2021-2022 licensing year. First Notified – 4/20/2022.

Barry Hughes of behalf of Mr. Klenk

Attorney Anthony Jackson advised several meetings ago, they had concluded that the position of Mr. Hughes on behalf of Mr. Klenk is they believe their circumstance was a grandfathered situation based on many years of permits and authorizations that they've had over the period of the ownership. As a result of that, the city had intended on meeting and it

was the determination that would need a special meeting to handle this, because the belief was it would take several hours or at least a couple hours. They have not come to a solution between the city and Mr. Klenk and Mr. Hughes at this point and more due to timing. Advised the thought was that the best thing is for them to just get through the special meeting and get it wrapped up. Basically, the circumstances that there's equipment being stored on one of the lots where the city believes that they're not permitted to do that, and they believe it's part of an extension of the existing audit, past authorizations that they've had over the years and that's the dispute and they are trying to see if they can get that resolved short of the necessity of an extended hearing.

Mr. Hughes advised they are fine with it and can go ahead and have a hearing on whether they are in compliance or grandfathered in.

Mr. Vukelja advised that we will go ahead and specially set this matter to be heard and the secretary will go ahead and coordinate that.

Mr. Vukelja stated that if somebody starts talking about grandfathering, he knows just enough about zoning law to be dangerous, and thought grandfathered uses at some point would sunset. And mentioned that to everybody as a topic of conversation he will expect all to get into when they have this hearing.

Conversation agreeing that the meeting would be 2 to 3 hours long and the city is still looking at some things that they had no since they last met

No order (Set Meeting with city staff)

CASE # 42 - SMG 10-21-285 - Cossi Investment LLC & Emil A. Dotel & Miriam P. Aversano is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4.A; Art. 6 Sec. 6.2.H.4.C; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 302.7, 302.8), at 612 George W Engram Blvd. Violation(s) – Overgrowth, outside storage, junk vehicle, parking. First Notified – 9/21/2020.

Attorney Barry Hughes appeared via zoom and **Mike Aversano** sworn in appeared via zoom.

Inspector Jean-Baptiste, standing in for Field Supervisor Jones testified to the status of the case and requested a fine in the amount of \$250 a day to a maximum of \$20,000.

Mr. Hughes advised the property was bought under the impression that it was in compliance. This is the case where the Special Magistrate reduced the fine of the prior owner, even though the property was not in compliance. Mr. Hughes discussed the efforts of Mr. Aversano with regard to the engineer, Upham Engineering Roger Strcula sent an email and is involved with this and requested a topographical survey so that the building permits could be applied for. It was there understanding that the engineer had been in touch with the code enforcement officer.

Mr. Aversano advised he was trying to get in touch with Roger Strcula to get this process started and he also advised he was also assuming that he was in contact with the city as well. Mr. Aversano received a message this morning stating that due to unexpected issues on current projects, he could not get the paperwork or anything to them at this moment, and he assured Mr. Aversano he would have it at least started, but he did not specify when, Mr. Aversano stated he had been on him every day via email, text and calls and this is what he received this morning.

Discussion on where at in the process this project is, and **Mr. Hughes** advised that they are in the beginning process because of engineering issues.

DISPOSITION: Continue to the **April 11, 2023** hearing for the Imposition of a Fine.

CASE # 28 - SMG 02-23-40 - Indigo Lakes Golf Club LP is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.2), at 312 Indigo Dr & 400. Violation(s) – Overgrown culverts and drainage. First Notified – 11/17/2022.

Edward Peterson sworn in

Mr. Vukelja confirmed that this was the case, he reviewed the surveys and determined it was (Indigo Lakes Golf Club) and asked the inspector what constituted compliance.

Inspector Butler testified that he would have to clean the culverts as well as remove the dead trees that are out there. And confirmed it is a maintenance matter. Staff requested non-compliance compliance next cut off.

Mr. Peterson suggested he would be going on private property in order to clean these issues, stating that it strictly states on there that it's the homeowner's responsibility for that area because the property's serpentine back so on here it states that it's the homeowner's responsibility for the culvert and the outfall because this is on their property and he is more than 30ft away from the property lines. So he does not want to go on private property because if something happened he would be held liable.

Mr. Jackson testified that if he understood this, it's the homeowners that are requesting for this to be accomplished. And he does not know why they would not grant consent for them to enter their property to get to the.

Mr. Vukelja acknowledged the concern of the perimeter and concerns

Mr. Butler advised that he would be granted access.

Mr. Peterson advised that it is on private property and they have a homeowner's association, which has a landscape crew that comes that should be more than capable of maintaining that aspect of it because it's very complicated piece of property. there are divisions where he is responsible and homeowners are responsible.

During the discussion Mr. Vukelja asked to look at the surveys again and he would try to come up with the determination as to the extent of the work that he would be expected to perform then they will be able to talk about a compliance date.

Mr. Vukelja asked how long he thought compliance would take him and Mr. Peterson replied one day. that's just a small culvert that runs with six units.

Mr. Butler confirmed the area also by the pond and another are attached on the other side of the lake.

DISPOSITION: Continue to the **April 11, 2023** hearing for the Imposition of a Fine.

CASE # 30 - SMG 07-22-179 - MHP Daytona Air LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 304.13, 305.3, 605.1, 704.1), at 620 Brentwood Dr. Violation(s) – Overgrown landscaping, outdoor storage, dilapidated soffit, dilapidated doors, damaged internal walls, exposed wires and outdated fire extinguisher. First Notified – 2/28/2022.

Jerry Mckin (Property Manager) sworn in and discussed his progress on the electric and the door on the open porch.

Inspector Butler testified to the status of the case and requested to amend to the next cut off.

DISPOSITION: Based on the inspectors report the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **April 5, 2023** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 32 - SMG 02-23-51 - Kelly Rose, Kristen & Kimberly Rueda & Peggy Snider 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 110.1, 301.1, 302.4), at 308 Kingston Ave. Violation(s) – Expired demo permit, overgrown grass & weeds, dilapidated fence. First Notified – 8/30/2022.

No respondent

Inspector Garcia testified to the status of the case, no contact no progress requested a fine in the amount of \$100 a day to a cap of \$15,000.

DISPOSITION: Noting the absence of the respondent Based on the testimony of the inspector the Special Magistrate ruled to fine the respondents in the amount of \$100 dollars per day will go into effect **March 9, 2023** and continue to accrue each day thereafter until the property is in compliance or the amount of the fine reaches a maximum of \$15,000.

CASE # 33 - SMG 02-23-53 - Bobbie Robinson is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.4.C.12; Art. 6 Sec 6.2.H.7.A; Art. 6 Sec. 6.19.A.3, at Garden St (Parcel # 5338-84-00-0150). Violation(s) – Outside storage (containers), parking on the grass. First Notified – 9/22/2022.

No respondent

Inspector Garcia testified to the status of the case, no contact and minor progress requested a fine in the amount of \$250 a day to a cap of \$15,000.

DISPOSITION: Noting the absence of the respondent Based on the testimony of the inspector the Special Magistrate ruled to fine the respondents in the amount of \$250 dollars per day will go into effect **March 9, 2023** and continue to accrue each day thereafter until the property is in compliance or the amount of the fine reaches a maximum of \$15,000.

CASE # 34 - SMG 02-23-55 - Denton II LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a; Art. 6 Sec. 6.8.G; Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.5, 302.7), at Niles St (Parcel # 5339-90-06-0190). Violation(s) – Trash & debris, unsanitary condition, dilapidated fence, outside storage, parking on unapproved surfaces. First Notified – 1/24/2022.

No respondent

Inspector Garcia testified to the status of the case, no contact no progress requested a fine in the amount of \$250 a day to a cap of \$15,000.

DISPOSITION: Noting the absence of the respondent Based on the testimony of the inspector the Special Magistrate ruled to fine the respondents in the amount of \$250 dollars per day will go into effect **March 9, 2023** and continue to accrue each day thereafter until the property is in compliance or the amount of the fine reaches a maximum of \$15,000.

CASE # 35 - SMG 01-23-35 - The Center For Investments 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.3; Art. 6 Sec. 6.14; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6, 304.10), at 135 Orange Ave. Violation(s) – Peeling paint, dirt and grime, broken windows, graffiti, outside storage, broken exterior cladding, cracks and breaks in building exterior, dilapidated rear steps, overgrown landscaping, rotted wood, dilapidated blinds, and unmaintained interior. First Notified – 9/23/2022.

No respondent

Inspector Yates testified to the status of the case, no contact no progress requested a fine in the amount of \$200 a day to a cap of \$20,000.

DISPOSITION: Noting the absence of the respondent Based on the testimony of the inspector the Special Magistrate ruled to fine the respondents in the amount of \$200 dollars per day will go into effect **March 9, 2023** and continue to accrue each day thereafter until the property is in compliance or the amount of the fine reaches a maximum of \$20,000.

CASE # 36 - SMG 08-21-236 - Vishnu LTD & MMA Shantoshi 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, 302.7, 304.1, 304.7, 304.13, 308.1, 304.10, 605.1), at 1000 N Atlantic Ave. Violation(s) – Unmaintained landscaping, dilapidated pool shed, general conditions of exterior structure, dilapidated roof, missing and broken windows, trash and debris, dilapidated stairs, balconies and rails, exposed wiring. First Notified – 5/30/2020.

Attorney Jessica Gow appeared Cobb Cole advised the progress site is under review estimated 4 to 8 weeks left on site plan review. Then they apply for permits and they go under construction. The general timeline that they provided has ten months built in for construction after all permits are received.

Inspector Yates added they are repairing the balconies and the supports reported. **Everyone agreed to a couple months for another progress report.**

DISPOSITION: Continue to the **May 9, 2023** hearing for the Imposition of a Fine.

CASE # 38 - SMG 06-22-170 - ESH Daytona Beach 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 304.2, 304.10), at 1216 N Atlantic Ave. Violation(s) – Dilapidated seawall, peeling paint, dilapidated steps. First Notified – 2/17/2022.

Attorney Jessica Gow appeared. Brian Croft Silver Hills construction sworn in **Mr. Croft** advised they will have 251 units. Under construction for removing the debris. Stated they would not have there product in place installed and restored probably until September.

Inspector Yates requested a progress report in July

DISPOSITION: Continue to the **July 11, 2023** hearing for a progress report.

CASE # 37 - SMG 01-23-30 - St Johns Revoc Living Trust is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.2, 304.10, 304.15, 305.3, 309.1, 504.1, 605.1), at 425 Auburn Dr Apt. 3. Violation(s) – Dirt and grime, peeling paint, dilapidated balcony, loose toilet, fixtures missing globes, infestation, and door seal. First Notified – 7/20/2022.

Donald Kane (owner) sworn in

Inspector Yates testified to the status of the case and stated everything has been completed except the light fixture globes. And to check the toilet.

DISPOSITION: Based on the inspectors report the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **April 5, 2023** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 39 - SMG 09-22-276 - Joseph P Torch is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2,304.10), at 1305 N Atlantic Ave. Violation(s) – Dilapidated steps and balcony. First Notified – 3/26/2022.

Steve Weaver (General Contractor) Sworn in

Inspector Yates testified to the status of the case permit expired and no contact and a stop work order was issued for exceeding the scope and recommended a \$100 a day fine to a maximum of \$10,000.

Mr. Weaver came on board last Tuesday he was verbally retained by Mr. Torch. He has spent last week working with Melissa Phillips in the planning department and reviewed all of the on site conditions and the documents that are related to this matter. The property is unique in that the taking of the road right of way Several years ago to widen, put the entire front of the building in nonconformity and then the improvement in the stairway codes that require a gentler slope that they did when the building was built, makes the stairs require a variance. Mr. Torch didn't quite get that from the information that the building department provided to him. Mr. Weaver has confirmed that is the case and has the variance paperwork and beginning to fill it out and he stated that he knows that's a couple month process and they probably wont be in compliance for 120 days. requested a 60 day progress report. Mr. Vukelja asked for confirmation on following through with the variance and Mr. Jackson added if the application had a deadline? Mr. Weaver confirmed that they will have the variance request submitted withing 30days.

DISPOSITION: Continue to the **May 9, 2023** hearing for a progress report.

CASE # 41 - SMG 09-22-279 - Americano Beach Resort Assoc 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 304.2), at 1260 N Atlantic Ave. Violation(s) – Peeling paint, and dilapidated seawall. First Notified – 2/19/2022.

Attorney Brent Kimball appeared via zoom gave a progress report stating Bryon Smith retained him Friday and shared the communications he had with Mr. yates as well as a series of contracts that have been entered into with VHB to design and get the permitting on new seawall. Stating they are using and making the best of a bad situation like a lot of the developers are doing here or a lot of the associations are doing. And they're actually going to renovate the building itself. The pool the pool deck, so there's a lot of work that's going to be done. He believes those contracts have been shared with Mr. Yates and Mr. Smith was directed to make sure that the contracts were in place in time for this meeting for design work and permitting and that's been achieved. VHB is on schedule to take care of the design and permit submittals completion by July 14th.

Inspector Yates testified that between now and then is that they've contracted for design services, that would require and most likely be until July before they do produce drawings, then they would be submitted to the city that would be the next big step. Inspector requested a progress report in a couple months just to make sure they are hitting their milestones.

DISPOSITION: Continue to the **May 9, 2023** hearing for a progress report.

CASE # 43 - SMG 01-22-12 - Victory Temple of God INC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.7, 304.6, 304.7, 304.8, 304.9, 304.13, 304.13.1, 304.13.2, 304.15, 308.1), at 1047 Madison Ave (Parcel # 5338-01-18-0065). Violation(s) – Lawn maintenance, paint fading and peeling, vacant unused and unsecured buildings, dilapidated buildings,

including accessory structures & sports complex, overgrown lot, landscaping including the right of way, outside trash & debris, damaged doors and windows, broken glass, interior surfaces, roof damage, rotten wood. First Notified – 8/13/2021.

R.T. Hillery appeared via zoom sworn in advised they should get something back from the city this week as far as their site plan review.

Inspector Jean-Baptiste stood in for Field Supervisor Jones requested May cut off

DISPOSITION: Continue to the **May 9, 2023** hearing for a progress report.

CASE # 44 - SMG 02-23-41 - Danial Marashi is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.18.D; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), at Foote Ct (Parcel # 5339-23-02-0021). Violation(s) – Site appearance standards, site restoration, maintenance standards.

First Notified – 9/6/2022.

No respondent

Inspector Jean-Baptiste stood in for Field Supervisor Jones had contact with the owner no progress observed and requested a fine in the amount of \$200 a day to a maximum of \$15,000.

DISPOSITION: Noting the absence of the respondent Based on the testimony of the inspector the Special Magistrate ruled to fine the respondents in the amount of \$200 dollars per day will go into effect **March 9, 2023** and continue to accrue each day thereafter until the property is in compliance or the amount of the fine reaches a maximum of \$15,000.

LR-1

SMG 03-19-69 - James Cortazar - 1041 Berkshire Rd. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6, 304.7) Violation(s) – Peeling paint, fascia & soffit damage and missing siding. First Notified – 12/12/2018. **Order Imposing Fine/Lien effective May 9, 2019. \$100.00 a day to a maximum of \$10,000.00 Compliance = June 6, 2019. \$2,800.00 plus \$24.00 recording fees = \$2,824.00**

Carlos Ferraro's on behalf of James Cortazar it did not take that much time from the date of the imposition to the date of compliance. It's also his understanding that there was that he was looking to pay a maximum of \$1,000 to get this resolved, and that will be paid today through his office.

Mr. cortazar lives out of state and as soon as he found out he got it in compliance.

Mr Vukelja agreed to the Reductio of \$1000.00 if paid within 30days.

LR-2

SMG 04-22-130 - Talib LLC & Jack C Yates Sr. - 601 Main St. is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.10.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 108.1, 302.7, 304.7, 304.8, 304.9, 308.1, 605.1, 605.4) Violation(s) – Working without a building permit, no sign permit, damaged sign, repair damaged second floor deck and submit engineer's survey or certificate, damaged and exposed wood, damaged stairs, failure to remove debris and exterior storage, failure to remove and discontinue using an extension cord for electricity. First Notified – 1/26/2022. **Order Imposing Fine/Lien effective**

August 4, 2022. \$200.00 a day to a maximum of \$20,000.00 Compliance = December 7, 2022. \$20,000.00 plus \$24.00 recording fees = \$20,024.00

No respondent

Mr. Jackson acknowledged the city wants to handle it and if we could continue it and handle it at the next meeting and if they fail to appear at that time, then we'll ask for a denial.

Mr. Vukelja advised that the respondent failed to appear and the request was denied.

Reduced to \$1000.00

LR-3

SMG 11-22-318 - Ranganathan Kumar - 822 Forest Ln. is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.4C.15, Violation(s) – Class A Motor Home parked in front of residence. First Notified – 8/2/2022. **Order Imposing Fine/Lien effective January 5, 2023. \$100.00 a day to a maximum of \$15,000.00 Compliance = February 13, 2023. \$3,900.00 plus \$24.00 recording fees = \$3,924.00**

Ranganathan Kumar sworn in

Inspector Alderman advised the city and the respondent have agreed to reduction in the amount of \$1500 dollars.

Mr. Vukelja asked if Mr. Kumar agreed to the reduction and Mr. Kumar stated yes he agreed.

Mr. Vukelja reduced the lien to \$1500.00

LR-4

SMG 07-22-189 - Total Makeover Properties LLC - 701 N Grandview Ave is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, Violation(s) – **Renovation without permits.** First Notified – 5/2/2022. **Order Imposing Fine/Lien effective January 5, 2023. \$200.00 a day to a maximum of \$15,000.00 Compliance = March 1, 2023. \$11,000 plus \$24.00 recording fees = \$11,024.00**

Mr. Semexant (managing partner)

Mr. Sykes advised there was no agreement.

Mr. Semexant testified to his hardship which included a use determination, and he could not add a second meter, and he got a stop work order. From that day he dealt with the permit department then they finally understood it was a duplex and he could continue his work. The building department had a conference call and had the permit reissued in November and the meter installed in December. Then the hurricane came and caused other repairs that needed to be done. All work was completed by January 7th.

Inspector Stenson testified to the status of the case and the Final permit was not finalized until March 1, 2023.

Discussion on the multiple work orders interior work being done without a permit, the fence, and the Meter box.

Mr. Sykes stated that he has multiple properties and should know the process.

Mr. Vukelja reviewed all dates with Mr. Semexant and Reduced the lien to \$1500.00 if paid within 30 days.

MB-1

CEB 10-20-184 - Abdulaziz H W Houhou - Elm St (Parcel ID # 5338-38-00-0420) is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.c; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 308.1), Violation(s) – Overgrown landscaping (grass, weeds, tree branches, bushes, hedges), trash and debris, rubbish and garbage. First Notified – 12/11/2019. **Order Imposing Fine/Lien effective November 12, 2020. \$250.00 a day to a maximum of \$15,000.00 plus \$24.00 = \$15,024.00**

Jessica and Craig Ross appeared via zoom and were sworn in.

Mr. Jackson stated the case and advised the city would recommend a partial release for the parcel in Deland Reduced to \$500.00 payable in 30days.

Mr. Yates came in and stated he appologized for being late he was trying to find the hearing.

LR-2

SMG 04-22-130 - Talib LLC & Jack C Yates Sr. - 601 Main St. is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.10.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 108.1, 302.7, 304.7, 304.8, 304.9, 308.1, 605.1, 605.4) Violation(s) – Working without a building permit, no sign permit, damaged sign, repair damaged second floor deck and submit engineer's survey or certificate, damaged and exposed wood, damaged stairs, failure to remove debris and exterior storage, failure to remove and discontinue using an extension cord for electricity. First Notified – 1/26/2022. **Order Imposing Fine/Lien effective August 4, 2022. \$200.00 a day to a maximum of \$20,000.00 Compliance = December 7, 2022. \$20,000.00 plus \$24.00 recording fees = \$20,024.00**

Inspector Jean Baptiste advised an agreement has been reached to reduce the lien to the amount of \$1000.00.

The meeting was adjourned at 11:52 PM