
City of Daytona Beach Special Magistrate

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

David A. Vukelja, Special Magistrate

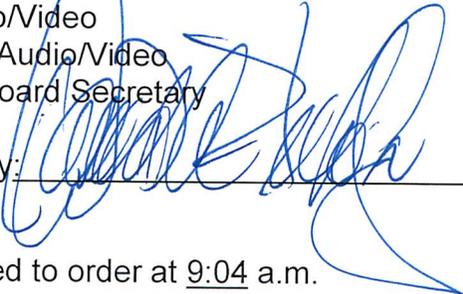
April 11, 2023 Minutes

Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney
Mr. Denzil Sykes, Code Compliance Manager
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. 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 9:04 a.m.

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

Mr. Vukelja asked if there were any announcements.

Mrs. Reno called the following cases in compliance.

CASE # 5 - SMG 04-23-102 - Sean M & Rikki I Barron is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a, at 228 N Hollywood Ave 232. Violation(s) – Parking in the front yard. First Notified – 3/6/2023.

Compliance 04/10/23

CASE # 12 - SMG 04-23-111 - Hardik Patel is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13, 308.1), at **833 Mason Ave.** Violation(s) – Damaged sign, windows covered with plywood, dirt and grime on rear retainer wall & building, trash and debris, peeling paint on retainer wall, overgrown landscape, rotted fence, damaged fence. First Notified – 2/3/2023.

Compliance 4/7/23

CASE # 17 - SMG 04-23-79 - Mary H Yan & Sharon Hawkins-Holden 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 **N Lincoln St (Parcel # 5338-98-02-0310)**. Violation(s) – Tree debris piled on vacant lot. First Notified – 2/4/2023.

Compliance 4/6/23

Mrs. Reno swore in the staff members testifying.

Mr. Vukelja called case #34 first.

CASE # 34 - SMG 09-22-271 - Crossroads of Daytona LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **110 Jean St.** Violation(s) – No permit for asphalt millings and expired demo permit. First Notified – 5/23/2022.

Colleen Miles sworn in

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

Colleen Miles advised the only thing left was the landscaping and she is hoping it will be there in a week.

DISPOSITION: Based on the stipulation of the parties 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.

Called Case # 41

CASE # 41 - 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.

Mr. Kawesch & Steve Weaver sworn in

Mr. Weaver testified as the general contractor brought on by Mr. Kawesch that he has done a couple inspections and brought on the Architect and will submit plans to the building department unk when. Discussion on the building being occupied and safe. it was advised it will take time because they need a flood zone certificate for the raising or lowering of house and is complex 3 or 4 structural issues on 3 different buildings, stairs to design, leveling concern, placement of door, several handrail issues will be addressed as well.

Mr. Vukelja asked as far as the areas of the house that are occupied are they safe. And nobody will get hurt during the time needed.

Mr. Weaver went over the individual situations and agreed the property is safe.
Inspector Yates testified to the status of the case and asked to amend to the June hearing for another progress report, saying hopefully at that point they will have drawings and can move forward with a more concrete timing.

Mr. Weaver and Mr. Kawesch confirmed that they would be at the June hearing for a progress report.

DISPOSITION: Continue to the **June 13, 2023** hearing for a progress report and if possible, the determination of a compliance date.

Called case number #1

CASE # 1 - SMG 04-23-97 - CCO Investment LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 603.1) City Code Ch. 90 Sec. 90-297, at **311 Country Club Oval 104**. Violation(s) – No Business Tax Receipt, non-functional HVAC. First Notified – 8/18/2022.

No Respondent

Inspector Yates testified to the status of the case, advised the HVAC has been fixed, the only item left is the Business Tax Receipt. Recommended compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #2

CASE # 2 - SMG 04-23-98 - Vivian & Dorian Bozza is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **309 Trixie St**. Violation(s) – New steps installed without permit. First Notified – 1/20/2023.

Vivian Bozza sworn in

Inspector Yates testified to the status of the case recommended compliance next cut off. Ms. Bozza has a contractor and he has now provided proof he had a license for Volusia County. That has been submitted and now just waiting for the permit to be issued.

DISPOSITION: Respondent was found in Non-Compliance and ordered 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.

Called case number #3

CASE # 3 - SMG 04-23-99 - 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 304.6, 304.7, 304.8, 304.13, 304.14), at **506 N Halifax Ave**. Violation(s) – Exterior staining, damaged roof, damaged lattice, broken inoperable windows/damaged screens. First Notified – 2/13/2023.

No Respondent

Inspector Stenson testified to the status of the case, requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #4

CASE # 4 - SMG 04-23-100 - Andre Rondeau & Odette Perreault 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 304.6, 304.7, 304.10, 304.12, 304.13, 304.13.2, 304.14, 304.15, 305.3, 309.1, 504.1, 504.3, 604.3, 605.4) City Code Ch. 26 Sec. 26-294 and Ch. 90 Sec. 90-297., at **209 Oakridge Blvd.** Violation(s) – Outside storage, exterior walls, damaged roof, damaged stairs, damaged handrails, broken windows, windows painted shut, missing screens, dilapidated exterior doors, damaged interior surfaces, infestation, plumbing system general disrepair, plumbing system hazard, electrical system general hazard, electrical wiring, lack of required Business Tax Receipt, and Rental License and inspection. First Notified – 2/13/2023.

No Respondent

Inspector Stenson testified to the status of the case, requested compliance next cut off.

Attorney Jackson asked if it is occupied **Inspector Stenson** advised they are occupied.

Mr. Jackson asked if any of the hazards (electric or plumbing) that were mentioned, life safety level? **Inspector Stenson** advised that they were not at this time.

Mr. Vukelja asked has the respondent done anything yet? **Inspector Stenson** advised no.

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.

Called case number #6

CASE # 6 - SMG 04-23-103 - David Clarke is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.5, 304.6), at **37 S Peninsula Dr.** Violation(s) – Failure to repair damage concrete, failure to repair damaged retaining wall. First Notified – 2/2/2023.

David Clarke sworn in advised he is not clear what the violations are.

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

Mr. Clarke advised that he is not sure of the procedure as he is simply an owner occupant.

He purchased the property April 15 2022. Not aware of the non-compliance. stated this has been a long standing issue that had been brought to the previous owners, which was not disclosed to him when he purchased. **Mr. Clarke** advised that he was made aware of the

issues in January. He was given a list of probably 20 different things that had issues with the

city. **Mr. Clarke** stated that he has been working on the property since purchasing non-stop. They began with renovating the interior, which was gutted, it's done. Now started on the

exterior and first meeting with Jean-Baptiste he complimented them on all of the work that had been done. Now its down to the wall and at the last meeting they were told he would

give them time to address this. **Mr. Clarke** stated he is not sure of how it lands on his property as it does not fall within the setback. It's 24ft from the center of the street. **Mr.**

Clarke requested to meet with him to take a measurement. He didn't get back to him, then when he finally did, he stopped by, and **Mr. Clarke** was not home.

Mr. Vukelja asked if that was his wall, **Mr. Clarke** responded that he did not know if that was his wall or the cities. As far as zoning and the setback, it's on city property. **Mr. Vukelja** stated that it might be in a right of way, but he didn't know that it would be the city's property. Apparently, the respondent is raising an issue as to ownership of the wall and responsibility, which would go to the matter of compliance or noncompliance. **Mr. Vukelja** asked what does the city say regarding the suggestion that the property owner is in doubt as to whether that's his wall?

Inspector Jean-Baptiste advised they can go back and look at the information that has been brought up, and as far as he was concerned, as the inspector on site, it appears that it is within the bounds of the property. It is leaning on the sidewalk, but one would be able to tell that this is part of the retaining wall of the property. **Mr. Vukelja** advised that he assumes it is the property owner's wall. The fact that it's leaning over the sidewalk is the property owner's responsibility, not the city's responsibility. But since the issue has been brought up, he will continue this matter till next month's meeting. At that point in time, the two of you can address who owns the wall. **Inspector Jean-Baptiste** stated that sounds good. **Mr. Vukelja** suggested that before anybody goes and starts spending a lot of money is that it probably belongs to the property owner. While there may be easements as far as right of ways and things of that nature, he doesn't believe that changes ownership. But that having been said, everybody has the right to pursue their legal remedies to the utmost they choose to.

DISPOSITION: Continue to the **June 13, 2023** hearing in its entirety and will focus on the ownership of the wall.

Mr. Vukelja added that if in the interim, if they find out that the wall does in fact belong to the property owner, then he might want to contact the inspector and start talking about a reasonable amount of time to make the fix happen.

Called case #7

CASE # 7 - SMG 04-23-104 - Sussman's 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, 304.9), at **303 Seabreeze Blvd.** Violation(s) – Failure to repair damaged awnings, failure to repair damaged exterior wall header. First Notified – 11/3/2022.

No Respondent

Inspector Jean-Baptiste testified to the status of the case requested 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case #8

CASE # 8 - SMG 04-23-105 - Sig Global FLP 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 304.6), at **509 E Intl Speedway Blvd.** Violation(s) – Failure to repair damage retaining walls, failure to remove dead vegetation, failure to remove all trash and or debris. First Notified – 3/21/2022.

Jessica Gow attorney for the respondent and agreed to noncompliance.

Inspector Jean-Baptiste testified to the status of the case reminding the Special Magistrate this case belongs with a previous case heard last month and they were given until May and he would like to amend this case to the next cut off to have everything come into compliance. Discussion on the retaining wall on ISB. And the respondent was supposed to go before the city board to figure out what's the next step.

Mr. Vukelja asked if we are deferring the determination of compliance?

Ms. Gow stated they were not involved last meeting, she understood the direction was to reach out to the city, find the history of the wall. Eddie reached out to them and they got engaged. The wall meanders onto the property and the property behind it, where you can see the fences are built and all of those. They requested a specific purpose survey to see where the exact location of the wall is right now on the survey, it just says on the property line instinctually, and we're working with engineers, retaining walls are put in by the lots that are developed when they bring in fill to bring it up to grade, they can either grad it down to level with the property line or put a retaining wall so they can be higher, which lends the thought that the wall was put in when those houses were built to keep their fill in place. They do not want to just remove the wall because it could damage their foundation, causes issues. **Mr. Vukelja** stated the walls on your clients property Ms. Gow stated at some point, maybe, that's why they are getting that specific purpose survey to make sure where it is. They were built in like 1920. **Ms. Gow** stated they should have the survey in about four weeks. It has been requested they are just behind. If there is a repair needed and it meanders across both, they are happy to work with the neighborhood and see what happens, but it affects about eight houses in the area. Mr. Jackson asked if it was her conclusion that they would need to get a variance? Ms. Gow stated she didn't know what the variance would be to, she didn't know that you can get a variance for a wall repair. Mr. Jackson stated that the respondents position was that it had to remain. **Ms. Gow** agreed she thinks it has to remain and they are looking into who owns it what's the maintenance obligation, when was it put in? How do we repair it? Lets all work together is their suggestion. They want it to be fixed and don't want to rip it out and ruin the houses.

DISPOSITION: Continue to the **June 13, 2023** hearing for the determination of a compliance date.

Called case number #9

CASE # 9 - SMG 04-23-106 - Sig Global FLP 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 304.6), at **220 S Wild Olive Ave**. Violation(s) – Failure to repair damaged retaining walls, failure to remove dead vegetation, failure to remove all trash and debris. First Notified – 3/21/2022.

Jessica Gow agreed to non-compliance.

Inspector Jean-Baptiste testified to the status of the case being the same as the previous case.

DISPOSITION: Continue to the **June 13, 2023** hearing for a compliance date.

CASE # 44 - SMG 09-22-256 - 2000 Atlantic 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, and 304.10), at **2100 N Atlantic Ave**. Violation(s) – Dilapidated seawall, damaged steps, and peeling paint. First Notified – 2/22/2022.

Jessica Gow attorney for the defendant

Inspector Yates testified to the status of the case requested to amend to the June cutoff to allow work to continue.

Ms. Gow testified advising the hurdles they have to overcome with the upcoming Turtle season coming up.

DISPOSITION: Based on stipulation with the parties, Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **June 7, 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 # 45 - SMG 09-22-257 - 2000 Atlantic 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, 304.10), at **N Atlantic Ave (Parcel # 4225-05-01-0060)**. Violation(s) – Dilapidated seawall, damaged steps, and peeling paint. First Notified – 3/7/2022.

Jessica Gow attorney for the defendant

Inspector Yates confirmed that this was the same circumstance as the previous case and agreed to the June cut off.

DISPOSITION: Based on stipulation with the parties, Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **June 7, 2023** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

Called case number #47

CASE # 47 - SMG 03-22-115 - Blue Daytona One, 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.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.2, 304.5, 304.6, 304.10, 304.12), at **103 S Ocean Ave**. Violation(s) – Discolored and peeling paint, damaged concrete, rust, dirt & grime, dead vegetation. First Notified – 7/26/2021.

Jessica Gow attorney for the respondent

Inspector Jean-Baptiste testified to the status of the case and has had contact and progress is ongoing. Property is vacant. **Jessica Gow** advised they are ahead of the game a bit as their permit has been issued and believe they can have the work completed by the May 1st cut off. for sea turtle season. And includes the seawall.

DISPOSITION: Based on the testimony presented 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.

Called case number #10

CASE # 10 - SMG 04-23-109 - Masonova Daytona LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.8, 304.2, 308.1, 308.2.2, 604.3.1), at **1021 Mason Ave**. Violation(s) – Exposed electrical wires, junk vehicle storage, commercial truck

storage, recycle storage, trash and debris, refrigerator storage, pallet storage, discarded furniture, loose metal roofing, hanging wire, damaged signs. First Notified – 2/8/2023.

No Respondent

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

Mr. Vukelja asked if the issues were throughout the entire property. **Inspector Alderman** confirmed that they are addressing the entire property, and gave a list of items the respondent has taken care of already.

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.

Called case number #10

CASE # 11 - SMG 04-23-110 - 855 Mason LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.8.G; Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 308.1, 603.1), at **855 Mason Ave.** Violation(s) – Signs advertise vacant structure, trash enclosure damaged, dirt and grime on retainer wall, trash and debris, unmaintained landscaping, ADA sign covered, AC damaged. First Notified – 2/10/2023.

No Respondent

Inspector Alderman testified to the status of the case requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #13

CASE # 13 - SMG 04-23-112 - Daniel M. & Haesun McCune is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.8, 304.2, 304.6), at **801 Mason Ave.** Violation(s) – Broken window, sign maintenance, peeling paint, trash and debris, overgrown landscaping, unlicensed vehicle parking. First Notified – 1/31/2023.

No Respondent

Inspector Alderman testified to the status of the case requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #14

CASE # 14 - SMG 04-23-113 - Nova Commercial LLC 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. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4.A; Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.8.C; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC

302.7, 304.2, 304.6, 304.9, 304.13.1, 304.19), at **1210 N Nova Rd.** Violation(s) – Hazardous exterior lighting, hazardous electrical wiring, damaged signs, abandoned (sign brackets, supports and wiring), Broken window, damaged gutter, peeling paint, rotted plywood over exterior door, rotted accessory structure, nonpermitted exterior seating area. First Notified – 1/23/2023.

No Respondent

Inspector Alderman testified to the status of the case requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #15

CASE # 15 - SMG 04-23-114 - Global Plaza USA Inc 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. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.1, 304.2, 304.4, 304.6, 304.7, 304.13, 304.13.3, 304.151, 306.1.1, 604.3, 601.1, at **622 Mason Ave.** Violation(s) – Hazardous electrical wiring, damaged overhead lighting, perimeter roof damage, peeling paint all structure, dirt and grime on walls, vines growing on wall, damaged rear door, plywood over window, hot water heater outside, hazardous block A/C support structures, damaged parking poles, trash and debris, electrical permit required. First Notified – 2/20/2023.

No Respondent

Inspector Alderman testified to the status of the case stating contact and a lot of progress. requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #16

CASE # 16 - SMG 04-23-115 - Daytona Express Convenience Store Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.7, 304.2, 304.6, 304.9, 308.1), at **848 N Beach St.** Violation(s) – Damaged island poles and supports, loose hanging metal, signs have incorrect advertisement print or open, peeling paint on main structure and island support poles, missing parapet and overhang, hanging electrical wires, unmaintained landscaping, trash & debris, holes in exterior walls, accessory structure damage. First Notified – 2/10/2023.

No Respondent

Inspector Alderman testified to the status of the case, contact and progress, requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #18

CASE # 18 - SMG 04-23-80 - Norman H Riley - Est 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 **340 Taylor Ave 342 (Parcel # 5338-38-00-0250)**. Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 2/9/2023.

No Respondent

Inspector Bostwick testified to the status of the case requested 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #19

CASE # 19 - SMG 04-23-81 - Rosalie Riley 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 **Taylor Ave (Parcel # 5338-38-00-0260)**. Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 2/9/2023.

No Respondent

Inspector Bostwick testified to the status of the case spoke to daughter requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #20

CASE # 20 - SMG 04-23-83 - Qatami Abdulwahab FN AL Faisal Al Qatami Steel Bldg 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 **Fremont Ave (Parcel # 5339-90-10-0030)**. Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 1/31/2023.

No Respondent

Inspector Bostwick testified to the status of the case, no contact, requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #21

CASE # 21 - SMG 04-23-84 - Joshua Lee Swift is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.C.19.B; 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 **526 Wallace St.** Violation(s) – Travel trailer parked on vacant lot, outside storage, overgrown landscaping. First Notified – 2/15/2023.

No Respondent

Inspector Bostwick testified to the status of the case, no contact, requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #22

CASE # 22 - SMG 04-23-85 - Shirley Baker Anderson 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 **Kentucky St (Parcel # 5238-38-00-2080)**. Violation(s) – Overgrown vacant lot, trash and debris. First Notified – 2/1/2023.

No Respondent

Inspector Bostwick testified to the status of the case, no contact, requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #23

CASE # 23 - SMG 04-23-86 - Paul George Koreniuk 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 **Illinois St (Parcel # 5238-38-00-1130)**. Violation(s) – Overgrown vacant lot. First Notified – 1/25/2023.

No Respondent

Inspector Bostwick testified to the status of the case, no contact, requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #24

CASE # 24 - SMG 04-23-87 - Paul George Koreniuk 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 **Illinois St (Parcel # 5238-38-00-1120)**. Violation(s) – Overgrown vacant lot. First Notified – 1/27/2023.

No Respondent

Inspector Bostwick testified to the status of the case no contact requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #25

CASE # 25 - SMG 04-23-88 - Deric Smith 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 # 5339-86-01-0013)**. Violation(s) – Overgrown vacant lot. First Notified – 1/28/2023.

No Respondent

Inspector Bostwick testified to the status of the case no contact requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #26

CASE # 26 - SMG 04-23-89 - Chirag Ranjitbhai Patel 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, 302.7) City Code Ch. 78 Sec. 78-112, at **Wallace St (Parcel # 5339-32-04-0150)**. Violation(s) – overgrown vacant lot, trash and debris, fallen trees, dilapidated fence. First Notified – 2/17/2023.

No Respondent

Inspector Bostwick testified to the status of the case, no contact, requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #27

CASE # 27 - SMG 04-23-90 - TRSTE LLC as Trustee of the 330 Loomis Land Trust 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 **Loomis Ave (Parcel # 5339-01-17-0010)**. Violation(s) – Overgrown vacant lot, trash and debris. First Notified – 2/14/2023.

No Respondent

Inspector Bostwick testified to the status of the case no contact, requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #28

CASE # 28 - SMG 04-23-91 - TRSTE LLC as Trustee of the 330 Loomis Land Trust 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 **Loomis Ave(Parcel # 5339-01-17-0011)**. Violation(s) – Overgrown vacant lot, trash and debris. First Notified – 2/14/2023.

No Respondent

Inspector Bostwick testified to the status of the case, no contact, requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #29

CASE # 29 - SMG 04-23-92 - Idella Sipp is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.C.19.B; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4, 302.7)City Code Ch. 78 Sec. 78-112, at **Washington St (Parcel # 5338-92-01-0210)**. Violation(s) – Junk vehicles on vacant lot, overgrown landscaping, outside storage, dilapidated fence. First Notified – 2/24/2023.

No Respondent

Inspector Bostwick testified to the status of the case, all vehicles moved but one, still has some work to do, spoke to nephew said he would get everything cleaned up, requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #30

CASE # 30 - SMG 04-23-93 - Qatami Abdulwahab FN AL Faisal Al Qatami Steel Bldg 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 **Whitehall St (Parcel # 5339-54-00-0100)**. Violation(s) – Overgrown vacant lot, trash and debris. First Notified – 2/10/2023.

No Respondent

Inspector Bostwick testified to the status of the case, no contact, requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #31

CASE # 31 - SMG 04-23-95 - Stephen Hamel 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, 308.1), at **N Clyde Morris Blvd (Parcel # 5211-00-00-0160)**. Violation(s) – Vacant lot with trash and debris. First Notified – 2/25/2023.

No Respondent

Inspector Bostwick testified to the status of the case, police complaint, homeless camp, no contact, requested compliance 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 **May 3, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Called case number #32 hearing video time 56:50

CASE # 32 - 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 (Allison Worsham)

Inspector Recanzone testified to the status of the case advised no contact since last hearing, paperwork that was submitted was rejected by the city and requested a fine in the amount of \$100 a day to a max of \$15,000.

Mr. Vukelja questioned the respondent not being present. Inspector Recanzone advised he didn't know.

DISPOSITION: 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 **April 6, 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. It was further ordered the respondent return on June 13, 2023 for a case review.

CASE # 33 - 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.

Mr. Aversano sworn in

Mr. Hughes appeared (attorney for respondents)

Manager Sykes filling in for Supervisor Jones testified to the status of the case no contact and no submittals. Requested a progress report

Mr. Hughes advised he agreed to be the point man, he reached out to Mr. Jones and left phone messages last week, and advised he did not get any back, but what he wanted to report to him was that the engineer from Upham Engineering, Roger Strcula, had reached out to him to find out what was going on. He had indicated that he had a tentative appointment with Hannah Ward for tomorrow Wednesday, advised who Hannah Ward was with the cities (planning department). Mr. Hughes advised they would have to coordinate the installation of a parking lot with the planning commission. There would have to be a site plan drawn up, engineering, landscaping. At the March hearing, he had suggested to the special magistrate that this meeting scheduling this for this April was a little to aggressive and suggested a May meeting as they would have more progress. They do not have a lot of progress yet because of the trouble getting the engineering going because of the workload of the engineers. **Mr. Vukelja** questioned what to expect by the May meeting. **Mr. Hughes** advised he would hope that he would have met with Hannah Ward and that they would have started the process of getting the site plan developed, determining what the city is actually going to require. Mr. Strcula indicated he had a good report with the city and with Hannah Ward, that they would be able to work together. Mr. Hughes stated this is going to be a process which is not going to be something that's accomplished within 30 or 60 days. **Mr. Vukelja and Mr. Hughes** confirmed that a small parking lot is being put in for a quadruplex, four units, so they need eight parking places.

DISPOSITION: Continue to the **June 13, 2023** hearing for a progress report.

CASE # 35 - 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 requested a fine in the amount of \$250 a day to a max of \$ 15000.

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 **April 6, 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 # 36 - 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 sworn in property manager.

Inspector Butler testified to the status of the case had contact and minimum progress requested a fine in the amount of \$100 a day to a max of \$15,000.

Mr. Mckin testified it is insulated, the drywallers were supposed to show up last weekend, which they didn't. they rescheduled for this coming weekend, and he has been going about it all wrong. There's a door, it's on the little storage place, the water heaters the only thing in it but he will put a new door on there right away, advised he didn't know that was what the holdup was, and advised it's almost done just needs to drywall and paint. **Mr. Vukelja** advised he would give him until **May 3, 2023** and will fine him if it's not done.

DISPOSITION: Based on the inspectors report 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 # 37 - 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.

David Shaw sworn in

Inspector Bostwick testified to the status of the case on combining the lots. Ms Long has submitted all the paperwork to the city planner, she is working on it to submit it to Volusia County for them to either approve it or deny it. requested to amend to the next cut off.

Mr. Shaw advised he has been clearing and maintaining the lots.

Inspector Bostwick confirmed the paperwork according to Ms. Long that he submitted, it's on her desk finalizing it to submit to Volusia County, and it's up to Volusia County to sign off. at that point he can have a storage shed on his combined parcel. He can't have a shed on a vacant lot. **Mr. Shaw** advised he got the county's approval first then he had to go back to the city and get the city approval, get survey and to get everything done. **Mr. Shaw** advised he thought everything was done.

Inspector Bostwick requested a continuance to the June meeting.

DISPOSITION: Continue to the **June 13, 2023** meeting for the imposition of a fine.

CASE # 38 - 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.

No Respondent

Inspector Bostwick testified to the status of the case advised more progress was made since the last hearing, spoke to the owner on April 3rd 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 **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 # 39 - 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, no progress or contact requested a fine in the amount of \$250 a day to a max 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 **April 6, 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 # 40 - 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 lot has been cleared and have a trailer 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 **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 # 42 - SMG 07-22-210 - Ocean Winds Condo Assoc is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **2101 N Atlantic Ave**. Violation(s) – Unpermitted concrete work to building. First Notified – 12/29/2021.

Susan Bridges HOA sworn in stated.

Inspector Yates testified to the status of the case advised he has had contact and progress and requested to amend to the June cut off, at which point he believes they should be able to be done or pretty close to it.

Ms. Bridges advised they are now signed with the contractor and they have submitted all the paperwork for the permitting and they are going to be imminently starting, she advised their completion 90 days is what they said from start to finish. Everything redone, all the work done, repainted everything.

Everyone agreed to the July 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 **July 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 # 43 - SMG 09-22-275 - Daytona Beach Bella Vista 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 **N Atlantic Ave (Parcel # 4225-03-02-0020)**. Violation(s) – Dilapidated seawall, peeling paint. First Notified – 2/22/2022.

Doug Shannon sworn in testified they need a special longshore and Harbor workers comp insurance.

Inspector Yates testified to the status of the case advised he had contact an progress and requested to amend to the May cut off to allow the work to be completed.

Doug Shannon testified he thought he had everything in place then got an email from the plan inspector/plan review. That said they need longshore and Harbor workers comp insurance to work on the beach. It is a four foot high wall and advised he contacted his insurance company. They have \$2million in insurance coverage for workman's comp and liability, with Volusia County named on the policy. Mr. Vukelja asked what kind of insurance was he being told he has to have? Mr. Shannon read it from the email stated "longshore and Harbor workers comp" Mr. Vukelja advised him he would give him until May cut off to figure it out and if not to remind him of the conversation.

DISPOSITION: Based on the inspectors report 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 # 46 - 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.

Kelsey Jolin sworn in (property manager)

Inspector Jean-Baptiste testified to the status of the case 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 **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 # 48 - SMG 07-22-195 - Daytona Lands 1 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 302.4, 302.4, 302.7, 304.2, 304.6, 304.10, 304.12, 304.13.2, 308.1, 304.14), at **161 E Intl Speedway Blvd & 155.** Violation(s) – Failure to repair entrance gate, failure to repair damaged wooden stairs, loose planks and rotten wood, failure to remove exterior storage, failure to repair discolored walls and peeling paint, failure to repair broken windows, failure to clean dirt and grime, failure to repair door screen enclosure, failure to repair windows, unmaintained landscaping. First Notified – 1/22/2022.

Dana Speer agent for owner

Inspector Jean-Baptiste testified to the status of the case had contact 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 **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 # 49 - SMG 03-22-113 - Sandals US, 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.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 302.7, 304.5, 304.6) City Code Ch. 90 Sec. 90-297., at **140 S Ocean Ave.** Violation(s) – Failure to obtain and maintain an established parking lot master plan, trash and debris, damaged concrete wall, unmaintained landscaping, no Business Tax License for paid parking, failure to remove wood poles. First Notified – 10/27/2021.

No Respondent

Inspector Jean-Baptiste testified to the status of the case contact and the site plan was submitted and currently under review with the permit department and requested to amend to the June 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 **June 7, 2023** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

LR-1

SMG 05-22-157 - Fai Hung & Hang Lou Lo - 582 Mason Ave is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.2.H.7.c, Violation(s) – No right-of-way encroachment, parking spaces, stacking spaces and loading areas shall not encroach upon, no portion of any vehicle shall overhang the right-of-way any road, street, alley or walkway. First Notified – 9/27/2021. Order Imposing Fine/Lien effective January 5, 2023. \$250.00 a day to a maximum of \$20,000.00 Compliance = February 27, 2023. \$13,250.00 plus \$24.00 recording fees = \$13,524.00

Mr. lo (Son) sworn in

Inspector Butler advised the status of the case acknowledged the violations corrected.

DISPOSITION: Approved the stipulation of the parties and reduced the order imposing fine lien to the sum of \$3,000.00 dollars that is subject to being paid withing 30 days.

LR-2

SMG 01-17-04 - Nicholas M. Ulsch - 341 Maple Street. is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S; Art. 6 Sec. 6.19.A.3.a; Art. 8 Sec. 8.2.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 308.1, 605.1, 304.7, 305.3, and 504.1); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, Violation(s) – Unpermitted addition; outside storage; non-conforming use (renting rooms); infestation; damaged electrical fixtures; damaged roof; damaged interior surfaces; damaged plumbing fixtures; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL).First Notified – 10/27/2016. Order Imposing Fine/Lien effective May 4, 2017. \$300.00 a day to a maximum of \$15,000.00 Compliance = March 13, 2023. \$15,000.00 plus \$24.00 recording fees = \$15,024.00

Matthew Mclean sworn in discussed ownership

Inspector Stenson testified to the status of the lien request and agreement for \$ 3000.00 for both liens LR-1 \$1,500.00 & LR-2 \$1,500.00 each.

DISPOSITION: Approved the stipulation of the parties (partial release) and reduced the order imposing fine lien to the sum of \$1,500.00 dollars for each lien that is subject to being paid withing 30 days.

LR-3

SMG 06-20-32 - Village Resources & Real Estate, LLC TR - 341 Maple St. is cited for failure to correct violations of The Land Development Code, City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/16/2019. Order Imposing Fine/Lien effective February 23, 2017. \$100.00 a day to a maximum of \$15,000.00 Compliance = March 13, 2023. \$15,000.00 plus \$24.00 recording fees = \$15,024.00

Matthew Mclean previously sworn in

Inspector Stenson testified to the status of the lien request and agreement for \$ 3000.00 for both liens LR-1 \$1,500.00 & LR-2 \$1,500.00 each.

DISPOSITION: Approved the stipulation of the parties (partial release) and reduced the order imposing fine lien to the sum of \$1,500.00 dollars for each lien that is subject to being paid withing 30 days.

Recalled case # 32

CASE # 32 - 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.

Allison Worsham sworn in

Mr. Vukelja asked the Inspector why he should impose the fine?

Inspector Recanzone advised he had no contact with he property owner since the last hearing, the paperwork that was turned in earlier last month was rejected by the planning, and they haven't reentered it, so there has been no progress, no forward movement. Mr. Jackson clarified reentered to mean resubmitted. **Inspector Recanzone** responded, as requested by the emails to them from the planning department.

Mr. Vukelja advised that is why they were fined and the fact they were not there.

Ms. Worsham commented on last month's hearing stating she was in Jacksonville, and she missed her time slot on zoom. She was there caring for a family member at the Mayo clinic and there most of the month, she (family member) had two kidneys and a colon removed and was her lead of her health care team. She advised she was on zoom and waited from around 11 until 2. Mrs. Reno told her that she apologized that she had missed, it was already passed her time was at 942, so that was the reason why she didn't attend.

Mr. Vukelja asked what was going on with the property.

Mr. Worsham advised they had to get red of the last engineer, so they had to hire a brand new engineer, Lotus Construction and Engineering. They have done a full set of plans that they submitted about two weeks ago. They're in process of reviewing it. confirmed they submitted a

full set of plans and can show the email she emailed them to Hannah. Mr. Vukelja asked what happened with the rejection of the first plans? Mr. Worsham advised that was the first engineer, he kept giving them the same thing and he refused to do the full set of plans. They had to give them a little bit of time to get familiar with the project and go over all the comments from the city, and he made a full set of plans they submitted two weeks ago.

Inspector Recanzone confirmed the plans submitted on 3/20/23 were the plans rejected.

Ms. Worsham stated they didn't get notice of being rejected.

Chronology notes pulled up on screen.

Ms. Worsham stated she submitted electronically on Friday and then submitted the papers on Monday, advised them they do have everything, and they did start it. discussion on what was rejected and what was submitted.

Mr. Vukelja advised he is not going to change what he already did. But he is putting this case on the June meeting and that'll give everybody plenty of time to straighten everything out. and hopes somebody will show him where some progress is either been made or is going to be anticipated shortly. He is leaving the ruling as is right now because he hasn't heard anything that would persuade him that its necessarily wrong, but he is being told things by both parties that at the June 13th meeting, if they want him to reconsider the order he just put in there because its not what he is hearing, that its totally different then he will hear you out on June 13th.

Mr. Jackson asked if this would be called a case review.

Mr. Vukelja advised yes, it's a case review, he is not changing his order and he is not saying he's reconsidering it. Advising we will do a case review on June 13th because the respondent says there's an additional information that he hasn't had the opportunity to consider, and the parties seem to have a conflict over the accuracy of those statements, so he is giving everyone until June 13th to straighten it out.

The meeting was adjourned at 10:43 AM