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# City of Daytona Beach Special Magistrate

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

David A. Vukelja, Special Magistrate

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## August 8, 2023 Minutes

Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Mr. Mark A Jones, Code Field Supervisor

Sgt. Timothy Blowers, Code Liaison

Mr. Steve Alderman, Code Inspector

Mr. Mark Bostwick, Code Inspector

Mr. Daniel Garcia, Code Inspector

Mr. Clearvens Jean-Baptiste Code Inspector

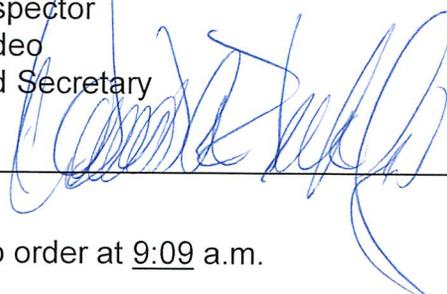
Ms. Sara Kirk, Code Inspector

Mr. John Stenson, Code Inspector

Mr. Kevin Yates, Code Inspector

Mr. Joe Graves, Audio/Video

Ms. Kimberly Reno, Board Secretary

Approval of Minutes by: 

Special Magistrate

The meeting was called to order at 9:09 a.m.

Mr. Vukelja approved the July 13, 2023 meeting minutes.

Mr. Vukelja asked if there were any announcements.

Mrs. Reno called the following cases in compliance.

**CASE # 28 - SMG 07-23-173 - Herbert S.B. & Lorin Kawesch** 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 302.8), at 327 N Caroline St. Violation(s) – Outside storage, junk vehicle. First Notified – 5/1/2023.

**Compliance 8/03/23**

**CASE # 43 - SMG 07-23-179 - Thomas B & Esther B Lawton** 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 Seaman PI (Parcel # 5339-16-00-0190). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 5/17/2023.

**Compliance 8/03/23**

**CASE # 45 - SMG 07-22-202 - Harbour Beach Resort Condominium Association** 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.

**Compliance 8/03/23**

Mrs. Reno swore in the staff members testifying.

Mr. Vukelja called case #17 first.

**CASE # 17 - SMG 06-23-150 - Michael A & Barbara M Thrower** is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.2.B.19.J; Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.3, 302.4, 302.7, 302.8, 304.2, 304.9, 308.1), at 562 W Intl Speedway Blvd. Violation(s) – Dirt & grime all exterior surfaces, failure to conduct vehicle service within enclosed structure, have vehicles parked or stored as a source for parts, trash & debris, damaged fence and wooden gate, inoperable/damaged boats & vehicles, holes in exterior wall, damaged canopy, damaged unpermitted rear wooden structure, damaged and rusted signs, exposed electrical wires, unmaintained landscaping. First Notified – 2/17/2023.

**Inspector Jean-Baptiste** advised property was in compliance as of today.

**Compliance 8/8/23**

**CASE # 18 - 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.

**Attorney Jessica Gow**

**Inspector Jean-Baptiste** testified to the status of the case no permit issued and requested a compliance date be set for next cut off.

**Mr. Vukelja** confirmed that date is September 6, 2023.

**Ms. Gow** advised the permit has not been issued, it has been applied for. The city had initial permit review comments. The city wants a topographical survey. The retaining wall seems to benefit the offsite owners by keeping their grading up, so the city has asked for a topographical survey to show that when the wall is removed, how they are going to grade the property back down so there's not a drop, and to make sure that drainage on the site is not going to go off site. The topographical survey will be about three weeks to obtain, and requested the cut off following September, but they can provide an update on where that is and really push for that. Discussion on the topographical survey to show drainage, and time it would take to remove the wall. It was advised that it would be about one week.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ordered the respondent to be in compliance by **October 4, 2023** or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 19 - 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.

**Attorney Jessica Gow**

**Inspector Jean-Baptiste** stated case #18 is the same as #19 and #20.

**Mr. Vukelja** confirmed all three cases are going to be subject to this topographical survey that was just talked about. And whatever the violations are for 19 and 20 will be cured with the removal of the wall and a few other miscellaneous things that look minor.

**DISPOSITION:** Based on the Inspectors report, based upon respondent's counsel's apparent consent regarding cases 19 and 20 the Special Magistrate ordered the respondent be in compliance by **October 4, 2023** or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 20 - 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.

**Attorney Jessica Gow**

**Inspector Jean-Baptiste**

**DISPOSITION:** Based on the Inspectors report, based upon respondent's counsel's apparent consent regarding cases 19 and 20 the Special Magistrate ordered the respondent be in compliance by **October 4, 2023** or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 35 - 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** advised since the last hearing, they've continued enclosing the walls of the existing structure, they have one floor left. They are working on a graffiti issue. They have met with the county a few times to discuss the allocation of a license agreement for parking adjacent to the site and the county parking area for the hotel. They are undergoing site plan review and they are going through a variance process for some of the nonconforming site criteria. Ms. Gow advised she spoke to Inspector Yates, and he wants a more detailed construction schedule for when they think completion is. Inspector Yates has some concerns that it wont be met and she told him she would follow up with them to see if that needs revised. **Inspector Yates** requested a progress report for December.

**DISPOSITION:** Continue to the **December 12, 2023** hearing for a progress report.

**CASE # 34 - SMG 06-22-166 - Mark A & Julie L Wallschaeger** 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 1700 N Atlantic Ave. Violation(s) – Dilapidated seawall and peeling paint. First Notified – 2/24/2022.

**Attorney Cory Brown** gave a progress report stating that they are still waiting on the sheet piling. They got the permit extended until October 30<sup>th</sup>. As soon as they get the sheet piling in, the contractor is ready to do the work, put it up, and be done. Discussion on sheet piling being the slabs of concrete.

**Inspector Yates** confirmed that it will be a wall replacement.

**Attorney Brown** advised that the piling where supposed to be there in August now the best they can do is hope they get the product and have it done by the end of the extended permit date of October 30<sup>th</sup>. November would seem in order to give an update. Discussion on the peatrap bags are the approved temporary, and now just waiting on delivery of final materials. Unk timeline on receiving the product.

Discussion on the home occupancy or non-occupancy and the driveway permit.

**Mr. Vukelja** asked for compliance by November 14, 2023 and Mrs. Reno requested clarification for the compliance date being the cut off date not the hearing date. Mr. Vukelja advised the Compliance date was November 8, 2023 and restated the order.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **November 8, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 38 - SMG 06-23-149 - Be Good Developments LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.12.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2 304.15, 605.1), at 145 Orange Ave. Violation(s) – Work without permit, overgrown landscaping, trash and debris, broken light fixture, areas of rust, peeling paint, expired permits. First Notified – 8/13/2022.

**Mr. Hopkins** was sworn in and gave a progress report stating that they made an application to the building department, and it is currently under review. As soon as the permit is issued, they are set to initiate redevelopment of the structure. There were some other violations and appearance standards and so forth that have been brought into compliance, so the only outstanding item right now is issuance of a building permit to continue redevelopment of the structure. Mr. Vukelja asked when they expect permits to be in hand. Mr. Hopkins advised that sometime this month.

**Inspector Yates** agreed with everything they said and requested they come back in October for a progress report, at which point hopefully, he will be able to give a compliance date.

**Mr. Vukelja** asked once they have the permit, then what, we have major construction to be done?

**Mr. Hopkins** advised they estimate probably about six weeks worth of work to do on the interior. But theres also going to be a companion site plan permit for the exterior of the property. so this violation involves the building itself and the grounds and appearance standards. The request that they hve before the city right now is for a building permit to renovate the building and the interior. They have to also process the site plan to improve the exterior of the site. It is a separate process and not really part of this violation, just want to be clear that there is a two part process to this.

**DISPOSITION:** Continue to the **October 10, 2023** hearing for a progress report and the determination of a compliance date.

**CASE # 1 - SMG 08-23-191 - Albert Campbell** 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 Cedar St (Parcel # 5339-44-02-0130). Violation(s) – Overgrown vacant lot, trash and debris. First Notified – 5/4/2023.

**No Respondent**

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

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **September 6, 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 08-23-192 - Stephan Alexander Steele** is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.C.19b, at Division St (Parcel # 5339-31-00-0210). Violation(s) – Boat, trailer, truck parked on vacant lot. First Notified – 5/31/2023.

**Stephan Steele** sworn in agreed to the violations.

**Inspector Bostwick** advised compliance by next cut off.

**Stephan Steele** advised he has been working trying to get the big boat that's on the lot, and the other items have been removed except for the truck, which is the neighbors. He has been trying to get a company to remove the boat that was left on the lot.

**Mr. Vukelja** advised him to get in touch with the inspector to let him know what efforts he is putting into getting it fixed and satisfy him that he is doing everything he can to get it rectified.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **September 6, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 3 - SMG 08-23-193 - Darius & Ruby Fletcher** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1) City Code Ch. 78 Sec. 78-112, at Division St (Parcel # 5339-31-00-0190). Violation(s) – Tree debris on abutment area in front of the property. First Notified – 5/22/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case, no contact and requested compliance next cut off.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **September 6, 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 08-23-194 - Alik Afghani Tr** 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 # 5339-28-05-0040). Violation(s) – Overgrown vacant lot. First Notified – 5/20/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case, has had contact with owner and requested compliance next cut off.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **September 6, 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 08-23-195 - Willie Mae Lane** 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 Division Ln (Parcel # 5339-28-06-0010). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 5/24/2023.

**No Respondent**

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

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **September 6, 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 08-23-196 - Chuckie D Edwards** 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 329 Division Ln. Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 5/24/2023.

**No Respondent**

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

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **September 6, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 7 - SMG 08-23-198 - George R & Angelina M Alves** 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 Division St (Parcel # 5339-31-00-0100). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 6/19/2023.

**No Respondent**

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

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **September 6, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 8 - SMG 08-23-199 - Randy Rocco Et al & Thomas Bolick** 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 Frederick Ave (Parcel # 5238-30-03-0230). Violation(s) – Overgrown vacant lot. First Notified – 6/15/2023.

**No Respondent**

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

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **September 6, 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 08-23-204 - Earl McCrary III** is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.c.19.b; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4), at Pinewood St (Parcel # 5212-01-00-0670). Violation(s) – Overgrown landscaping, trash and debris, vehicles parked on vacant lot. First Notified – 7/5/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case, no contact with owner, contact with the individual who is parking all the vehicles and he's trying to clean them off, requested compliance next cut off.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **September 6, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 10 - SMG 08-23-200 - Mystic Oak South LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.6, 304.7, 308.1), at 2721 W Intl Speedway Blvd. Violation(s) – Damaged concrete, dirt and grime, potholes in parking lot, damaged marquee sign post, damaged fascia boards, damaged exterior walls, damaged dumpster gate/fence, dumpster area (trash & debris), chipped paint. First Notified – 5/17/2023.

**Austin Lovin** Regional Manager (Wing House) sworn in

**John McKinley** General Manager (Wing House) sworn in they are tenants of Mystic Oak South LLC

**Mr. Vukelja** asked if they agreed to the violation, they respondents for Wing House agreed and they were found in non-compliance. and asked the inspector how much time should reasonably be required for the respondent to come into compliance?

**Inspector Jean-Baptiste** requested compliance by next cut off.

**Mr. McKinley** advised that the people that own the Baymont, they own the wing house property also, and they are the tenants, and have fixed the wing house building, they have put a bunch of money into it, and have current pictures of all the stuff that's fixed, the hotel has nothing to do with them.

**Inspector Jean-Baptiste** stated he could provide some clarity, the entire property is owned by Mystic Oak South LLC. testified to the status of the case advised they have had contact with wing house and they have done their part but the property as a whole is still not in compliance and requested compliance by next cut off.

**Mr Jackson** asked the respondents if they were appearing on behalf of Mystic Oak South LLC? **Mr. McKinley** advised he is only there on behalf of Wing House.

**Mr. Vukelja** advised it sounds like this owner has multiple buildings on this site, he may be involved in one of them, but not all of them. Consequently, he doesn't have the authority to speak on behalf of the owner. **Mr. Vukelja** asked if anybody from Mystic Oak South LLC to his knowledge, was going to be appearing this morning? **Mr. McKinley** stated he has never even met them. **Mr. Lovin** also advised he does not know. **Mr. Vukelja** advised the Inspector they will back up and to go through your standard spiel so he can find them in noncompliance.

**Inspector Jean-Baptiste** testified to the status of the case advised they have had contact with wing house and they have done their part but the property as a whole is still not in compliance and requested compliance by next cut off. **Mr. Vukelja** stated based upon the testimony of our inspector, the photographs presented and the absence of the respondent, he finds the respondent in non-compliance.

Discussion on everything Wing House has done and how much time they think would be reasonably required to bring the rest of the matters into compliance? **Mr. McKinley** advised it is an eyesore for their store because they just put a bunch of money into their store, and they haven't done anything. They have pods on demand on the side of the building.

**Mr. Vukelja** asked, since they showed up, if they had anything else to add. It was discussed, the ones responsible were not there and if someone was going to convey to the

owner that there's work to be done and a compliance deadline out there? **Mr. McKinley** stated he would relay the message, and the **Inspector** advised he has had contact.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **September 6, 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 08-23-201 - Shurgard-Daytona Beach Joint Dept PT FL-08741** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6), at 1144 Beville Rd. Violation(s) – Trash and debris, dirt & grime, peeling paint. First Notified – 4/26/2023.

**No Respondent**

**Inspector Jean-Baptiste** testified to the status of the case advised no contact and requested compliance next cut off.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by September 6, 2023 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 12 - SMG 08-23-202 - TH Daytona Beach 2595 IS LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.19.A.3, at 2595 W Intl Speedway Blvd. Violation(s) – Damaged sign, unmaintained landscaping. First Notified – 5/19/2023.

**Attorney Brad Kettelle** agreed to non-compliance.

**Krystal Resendez, Kate Hirsch, and Roshan Sonthalia**

**Inspector Jean-Baptiste** requested compliance by next cut off.

**DISPOSITION:** Respondent was found in Non-Compliance and Based upon stipulation of counsel, stipulation of the parties, ordered to come into Compliance by **September 6, 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 08-23-206 - Daytona Commons LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D.8, at 1415 S Nova Rd. Violation(s) – Failure to repair potholes in parking lot. First Notified – 7/20/2023.

**Attorney Matt Jacobson** of Carlton Fields on behalf of Case numbers 13 and 14 for Daytona Commons, LLC

**Harry Spitzer** owner Representative sworn in.

Mr. Vukelja found the respondent in non-compliance.

**Attorney Matt Jacobson** advised that he understands that all the violations have since been corrected and at his client has been in continual conversations and meetings with the inspector and evidence of the compliance has been transmitted to the inspector.

**Inspector Jean-Baptiste** inspector stated the case is now in compliance

**Compliance 8/04/23**

**CASE # 14 - SMG 07-23-186 - Daytona Commons LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.8, 304.2, 304.6), at 1415 S Nova Rd. Violation(s) – Junk vehicles,

failure to repair damaged sign post, dirt & grime, damaged concrete curbing. First Notified – 3/18/2023.

**Attorney Matt Jacobson**

**Harry Spitzer**

**Inspector Jean-Baptiste** advised he had communication with mr Spitzer and visited the property as well. work was ongoing and he received an email stating the work was done, but he hasn't had the opportunity to go out to inspect it for his self. And requested compliance next cut off so he could go out to do an inspection.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **September 6, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 15 - SMG 11-22-323 - 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.

**Mike Bretzel**, a real estate Broker with the property management company, present on behalf of the trust.

**Inspector Jean-Baptiste** testified to the status of the case, no contact and no progress. Requested a fine in the amount of \$100 a day to a maximum of \$20,000.

**Mike Bretzel** advised the owner of the property passed away, and there were two sisters that inherited it. One sister in Apopka passed away a few months ago and the mail has been going to her, and they just found out about this yesterday. The roof has been repaired on the property. They had to start at the top. Permit pulled roof done. Just got the drawings printed yesterday from the architect, the engineer for the work that needs to be done on the back, and John Banks, the builder, has been secured to put in an application for a permit and pull a permit. They have done work inside the property. If they had 30 days, they could come back and give an update on what will be done. **Mr. Vukelja** asked if there was any reason any of this has not been communicated with the city of Daytona Beach? **Mr. Bretzel** advised the sister in California is handicapped and been in contact now with the attorneys for the Family Trust, and they've got the funds to do it. They had to pay the architect, pay for the roof and they've put the funds aside for John Banks builders. So, communication has not been strong with he owner because she's handicapped and dealing with the attorney at this point. They have moved forward; the hallways have been painted on the exterior of the property. **Mr. Vukelja** asked if the scope of improvements that they are contemplating cures whatever the violations are that are before the court. **Mr. Bretzel** added that they will be adding Awnings, all the stucco will be repaired, all the wood frames will be repaired, and the painting. Discussion on the roof being done about eight months ago with a permit. Mr. Vukelja asked when they expected to resume work at that location. John Banks will be submitting application for a permit today and should take about 90 days.

**Mr. Jackson** requested that Mr. Bretzel keep in touch with the inspector.

**DISPOSITION:** Continue to the **September 12, 2023** hearing to establish a compliance date.

**CASE # 16 - 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.

**Fabrizio Lucchese** Officer of the company sworn in

**Inspector Jean-Baptiste** testified to the status of the case stating he has had contact with Dana Spears the manager for the property. the property has been demolished and the final was due today and wish to amend to give time for the demo to be finalized.

**Fabrizio Lucchese** advised the property is going to be graded and sodded, he believes the contractor is doing it today.

**DISPOSITION:** Based on the agreement of the parties the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **September 6, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 21 - SMG 07-23-187 - Daytona Center LLC** 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 302.1, 302.8, 304.2, 304.6), at **1002 W Intl Speedway Blvd**. Violation(s) – **Damaged signs**. First Notified – 2/7/2023.

**Dee Ettinger** Property Manager sworn in advised they have a signed permit; the sign company was able to obtain a permit on August 1<sup>st</sup>. They stated they would need 45 days to complete the sign and they have ordered everything.

**Inspector Jean-Baptiste** stated they are agreeable to that timeframe, so we would amend to October.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **October 4, 2023** or 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 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.

**Rt Hillery** sworn in and appeared via zoom (pulled over) advised they cleaned up the stuff they were asked at the last hearing. He got a response back from the city on Thursday and should get comments back by the end of the week. The inspector advised there is a hole in the other building and trash somebody dropped on their property, he would get it cleaned up by the end of this week. Mr. Vukelja asked if they have a milestone coming up that he can latch on to that tells him some progress is being made that either can tell him about? **Supervisor**

**Jones** advised he was hoping Mr. Hillary could tell the progress as to where he stands with the city and his approval for this development. Mr. Hillary advised the site plan review is what they are going through, and Ms. Hanna gave her response to the engineer on Thursday that well get a response back from them by the end of this week. That was the only thing he was able to port over to him via email that their engineer got back to them and he had nothing more than that besides what he asked me to do last time, put the tarp on, close some doors, trash, and the other hole. They already have purchased all the shingles and everything to be able to get going, they just cant do anything until after they get the approval from the city. **Mr. Vukelja** asked if everything goes smoothly, when do you anticipate site plan approval? **Mr. Hillery** said he wants it now, so whatever the comments that they have, they just need to know what the new comments are and then the engineer will be working on it. They just haven't got a response back from them since the last time we met. Once they have site plan approval, they can start the construction to the roof, getting all that stuff done up and then everything else that they've approved for them to be able to get done, to get inside the building, get the building open, already have the roof permit, shingles in storage and roofers on standby. Waiting on site plan approval. **Mr. Vukelja** advised that he hopes to see people staring on the roof at the next meeting.

**Supervisor Jones** advised that debris piled up and they have another building with a hole in the roof, would like for it to be covered and have access issues and need openings closed up to keep transients out. Mr. Vukelja listed reasons we will work with them and to keep in touch with the inspector to find out what these interim issues are that he needs to be attending to while we keep working on the project itself.

**DISPOSITION:** Continue to the **September 12, 2023** hearing for a progress report.

**CASE # 23 - SMG 07-23-182 - 410 Pleasant St Trust dated February 21, 2019** is cited for failure to correct violations of The Land Development Code, City Code Ch. 26 Sec. 26-294, at 410 Pleasant St. Violation(s) – No Rental License. First Notified – 4/14/2023.

**No respondent**

**Inspector Garcia** testified to the status of the case no contact no progress requested \$100 a day to a max of \$15,000.

**DISPOSITION:** Noting the absence of the respondent Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$100** dollars per day will go into effect **August 3, 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** dollars.

**CASE # 24 - 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.

**Julia Parker** sworn in (Daughter)

**Inspector Kirk** testified to the status of the case had contact requested a fine in the amount of \$100 to a maximum of \$20,000.

**Julia Parker** advised that they have been working to correct the noncompliance issues. They went in to do the windows and the shower pan, and they have a window permit. When they took out the shower pan, they found plumbing issues they must address now, and while they were in

there, they decided to go ahead and paint and do the flooring, which didn't require a permit, and once they realized there was plumbing issues the contractor applied for the renovation permit yesterday. Discussion on the newly discovered work and how much time would be needed to get this property in compliance. Ms. Parker advised 30days. The windows, smoke detectors, and shower are complete. There is a smoke detector outside the bedroom but there needs to be on inside the bedroom. Mr. Vukelja reviewed the case aloud, advising they are just about two years into this now, they started doing some work along the way and discovered that they have more work to do than they anticipated and after six amended orders of noncompliance, you're saying you're going to have it done in 30days? **Ms. Parker** agreed and stated they are already in there and the only thing that needs to be taken care of is the plumbing. **Mr. Vukelja** advised if he gave the 60 days, he wanted Ms. Parker to get in touch with the inspector to make sure she knew what all work needed done and if she was back in the same position that she is in now, then the inspector may get the fine she requested, but we would rather people get their properties fixed and fixed properly. Inspector Kirk clarified there was more work, a lot of work that needed to be completed for compliance (other work without permit) stairs/air-conditioner.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **October 4, 2023** or 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 07-23-171 - Xaverius Proprietates Agris LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; City Code Ch. 26 Sec. 26-294 & City Code Ch. 90 Sec. 90-297, at 239 S Lanvale Ave. Violation(s) – Work without a permit (fence, gate and deck) no Rental License, No Business Tax Receipt. First Notified – 2/3/2023.

**No Respondent**

**Inspector Kirk** testified to the status of the case no contact no progress and requested a fine in the amount of \$100 a day to the max of \$15,000.

Discussed the history of the case and failing the rental inspection.

**DISPOSITION:** Noting the absence of the respondent Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$100** dollars per day will go into effect **August 3, 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** dollars.

**CASE # 26 - SMG 07-23-189 - AJT Capital Group LLC** is cited for failure to correct violations of The Land Development Code, City Code Ch. 90 Sec. 90-297 and Ch. 26 Sec. 26-294, at 824 S Kottle Cir. Violation(s) – No rental license, No BTR. First Notified – 4/7/2023.

**No Respondent**

**Inspector Kirk** testified to the status of the case had contact did not get the rental results until yesterday and requested to amend to the next cut off.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **September 6, 2023** or 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 06-23-165 - Waldemar Rucinski** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7) City Code Ch. 26 Sec. 26-294 and Ch.90 Sec. 90-297, at 342 Nautilus Ave. Violation(s) – Outside storage, parking in yard, damaged fencing, unlicensed rental property. First Notified – 4/13/2023.

**Deanne Yount** property manager sworn in

**Inspector Stenson** testified to the status of the case has had contact and has an eviction hearing at the end of the month and requested to amend to the September cut off to allow them to finish that part of the case.

**Ms. Yount** advised that they have been dealing with hostile tenants who do not respond to them at all.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **September 6, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 29 - 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.

**Stephen Weaver Sr.** Sworn in General Contractor

**Herb Kawesch** appeared via zoom sworn in

**Inspector Yates** testified to the status of the case has had contact and progress a permit was issued for the stairs and requested to amend to the November cut off.

Mr. Weaver advised they got a stair repair permit, and a survey was retained, and the demo of stairs done. The owner is attending to some of the smaller items, and at this time he believed that the client's intent is to ultimately have Mr. Weaver contracted to do all the work with subcontractors. The only thing not included in his scope of work right now is a water heater installation. Everything else is on his shoulders and by November 1<sup>st</sup> have a structural plan for the leveling of the other building and general repairs permit to get all the little stuff done that he doesn't have a handyman for.

**DISPOSITION:** Continue to the **October 10, 2023** hearing to establish a compliance date.

**CASE # 30 - SMG 04-23-99 - Andre Rondeau & Odette Perreault & Inose LLC** 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 – 3/13/2023.

**Juying Krug** sworn in

**Inspector Stenson** testified to the status of the case advised multiple items will need a permit and the only thing completed is that a new roof has been installed and that was final on August 4, 2023. Requested a fine in the amount of \$100 a day to a maximum of \$15,000.

**Mr. Vukelja** asked about the roof, and if it was a minor or major roof job. **Mr. Stenson** confirmed that they replaced the entire roof. **Ms. Krug** advised they submitted the permits back in July and

it is under review. For stucco and windows. Discussion on the different permits and Ms. Krug advised that she has a contractor to do the work for the listed violations. **Mr. Vukelja** advised the respondent to concentrate on the exterior to handle the violations for this case then work on the interior later.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **September 6, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 31 - SMG 04-23-100 - Andre Rondeau & Odette Perreault & Inose LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6 19. A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 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.

**Juying Krug** sworn in

**Inspector Stenson** testified to the status of the case advised the electrical work was permitted and completed, and that is the extent of the work that has been completed on that piece of property and requested a fine in the amount of \$100 a day to a maximum of \$15,000. The tenant finally just moved out and she is waiting for permits for this property, and it depends on permits to get projects done.

Discussion on what progress needs to be reported by next hearing and try to provide a date of completion at the October 10, 2023 meeting.

**DISPOSITION:** Continue to the **October 10, 2023** hearing for a progress report and ordered the property not be rented or occupied until it's in compliance.

**CASE # 32 - SMG 07-23-183 - Atlantis of 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.B; 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, 302.9, 304.1, 304.3, 304.9, 308.1, 605.4 NFPA 1,11.1.5), at 2739 N Atlantic Ave. Violation(s) – Damaged trash containment structure, overgrown landscape, retainer wall (overgrowth & graffiti), trash and debris, missing soffit, damaged signs, electrical (extension cord). First Notified – 2/28/2023.

**No Respondent**

**Inspector Alderman** testified to the status of the case has had contact and progress requested to amend to the October hearing.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **October 4, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 33 - SMG 05-23-136 - Stefan Liebe** is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.2.B.28.e; 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, 308.1) City Code Ch. 90 Sec. 90-297, at 815 Mason Ave. Violation(s) – Hole in exterior wall, fading metal roofing, overgrown landscape, trash

& debris, damaged unlicensed and wrecked vehicles, damaged fencing, obtain Business Tax Receipt. First Notified – 3/28/2023.

**Tish and Neville Keiser** sworn in

**Inspector Alderman** testified to the status of the case there has been contact and progress. The remaining violations are overgrown trees, shrubs and vines and damaged fence on the south and west side of the property and recommended a fine in the amount of \$200 a day to a maximum of \$25,000.

**Neville Keiser** advised they want to make sure the fence is theirs; they want to take it down. If it is. They do not have a survey.

**Inspector Alderman** confirmed if they take down the fence that handles the overgrowth.

**Mr. Vukelja** advised he was giving them 30 days, and he wants them to take the fence down or come back with something that proves to him it definitively its not theirs.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **September 6, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 36 - 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.

**Stephan Weaver** General contractor

**Joseph Torch** sworn in

**Inspector Yates** testified to the status of the case, no permit for the stairway and the addition. Requested a fine in the amount of \$100 a day to a maximum of \$10,000.

**Stephan Weaver** advised that over the last two months he thought Mr. Torch was keeping in touch with Mr. Yates. He has had over 20 emails back and forth with the zoning department regarding this matter, and he has worked extensively with Mr. Urquhart, the building official, on discussions of this matter. **Mr. Torch** retained a surveyor, Melissa Phillips, in the planning department and has confirmed that they don't need a variance for the porch enclosure. His architect, James Gilgenbach, is in the process of drawing plans for the porch enclosure. The stairs. However, they had a surveyor do a comparative overlay analysis and they're in the exact same footprint as the prior stairs, if not smaller however the planning Department wont waive the need for \$1,000 three month variance process. He got that information directly from Dennis Mrozek. He had some friends in the industry who felt that it was unreasonable to require a variance for steps going back to the exact same location. This week they had contact with Cobb Cole regarding potential representation for an unreasonable interpretation of the variance code. Today they met again with Melissa Phillips to determine what and to explain to Mr. Torch his options at this point. As of today, he has decided to proceed with the variance, even though we do not believe he should be required to have a variance to put steps back in the same location. The plans for the enclosure of the addition will not require a variance, it will be done in 15 to 20 days. the stairs are done except for the top railing, but cant be completed. Mr. Torch, when they got the survey and they gave it to the zoning department, indicated there was a fence built without a permit, and they subsequently got a permit for the fence and he's calling for the final on it. The building official lifted the stop work order and allowed a roof permit, which has been done, completed and finaled. Discussion on the variance need or representation. Mr. Torch discussed at length how the steps had alternate steps and that they did go all the way to A1A. and the impact of the new code. Inspector Yates advised he would be open to extending to the next cut off to see what progress they could make.

Mr. Weaver advised he would make sure **Mr. Torch** would either have an attorney or apply for the variance. Discussion on the original permit was for repairing his steps and not replacing them and Mr. Weaver advised the permit did have drawings for the original permit before zoning changed.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **September 6, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**Mr. Vukelja** advised that he was also going to order you two to give Inspector Yates everything he needs within the next 48 hours to bring him up to speed as far as what has transpired with this property, in front of the Board of Adjustments, the planning department, and anything else he needs to know. So, he and Inspector Yates can try to understand what the big picture is here. **Mr. Weaver** advised he would get him everything and apologized.

**CASE # 37 - SMG 09-22-279 - Americano Beach Lodge Resort Condominium Association INC** 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.

**Bryon Smith** sworn in advised submitted the demo permit for the interior of the building, submitted to DEP they are running two paths here, repairing the broken seawall. Has a contractor pricing waiting on two more bids. They are moving forward with replacing that seawall and continue with designing a full replacement further down the road.

**Inspector Yates** stated he agreed and advised they submitted the documentation and requested a November cut off for a further progress report where hopefully they will be able to set a timeline for compliance.

**DISPOSITION:** Continue to the **November 14, 2023** hearing to establish a compliance date.

**CASE # 39 - SMG 07-23-167 - Mohammed Abdullah Alsabab** 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 # 5339-03-71-0095). Violation(s) – Overgrown vacant lot. First Notified – 4/18/2023.

**No respondent**

**Inspector Bostwick** testified to the status of the case no contact and no progress and requested a fine in the amount of \$ 250 a day to a maximum of \$15,000. The property recently was put up for sale and he called the real estate company to let them know what was going on and they said they would try to get in touch with them.

**DISPOSITION:** Noting the absence of the respondent Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250** dollars per day will go into effect **August 3, 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** dollars.

**CASE # 40 - SMG 07-23-168 - Esam Hamad** 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 770 S Segrave St. Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 5/1/2023.

**No respondent**

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

**DISPOSITION:** Noting the absence of the respondent Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250** dollars per day will go into effect **August 3, 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** dollars.

**CASE # 41 - SMG 07-23-175 - Abdullah F N AL Qatami** 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 Cedar St (Parcel # 5339-50-02-0050). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 4/20/2023.

**No respondent**

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

**DISPOSITION:** Noting the absence of the respondent Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250** dollars per day will go into effect **August 3, 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** dollars.

**CASE # 42 - SMG 07-23-177 - Robert & Susie Owens** 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 435 Model St. Violation(s) – Overgrown vacant lot. First Notified – 5/11/2023.

**No respondent**

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

**DISPOSITION:** Noting the absence of the respondent Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250** dollars per day will go into effect **August 3, 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** dollars.

**CASE # 44 - SMG 07-23-180 - William 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 N Keech St (Parcel # 5238-27-00-0310). Violation(s) – Overgrown vacant lot, outside storage, trash and debris. First Notified – 5/11/2023.

**No respondent**

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

**DISPOSITION:** Noting the absence of the respondent Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250** dollars per day will go into effect **August 3, 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** dollars.

**CASE # 46 - SMG 06-23-154 - Abdulwahab FN AL Qatami** 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 School St (Parcel # 5339-83-02-0060). Violation(s) – Overgrown vacant lot, trash and debris. First Notified – 3/20/2023.

**No respondent**

**Inspector Bostwick** testified to the status of the case no contact, but someone is cleaning the lot, requested to amend to the next cut off to let them finish.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **September 6, 2023** or 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 02-21-25 - Brandon Wilson - Birch St (Parcel # 5237-25-02-0050)** 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), **Violation(s) – Overgrown landscaping.** First Notified – 11/11/2020. **Order Imposing Fine/Lien effective May 4, 2023. \$250.00 a day to a maximum of \$20,000.00 Compliance = June 12, 2023. \$20,000.00 plus \$24.00 recording fees = \$20,024.00**

**Brandon Wilson** sworn in

**Mr. Jones** advised they had met in advance and agreed to the reduction to \$10,000 and Mr. Wilson also agreed.

### LR-2

**SMG 10-15-42 - Nivrah Consulting & Investment Group, LLC - 713 Marion Street.** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.3, 302.4, 304.2, 307.1), Violation(s) – Trash and debris throughout the property; overgrown grass/hedges; chipped and faded paint. First Notified – 6/22/2015. **Order Imposing Fine/Lien effective December 8, 2015. \$100.00 a day to a maximum of \$10,000.00 Compliance = none. \$10,000.00 plus \$24.00 recording fees = \$10,024.00**

**Dr. Harvin** sworn in requested the partial release to clear the 520 Martin Luther King Blvd property that was previously heard from this lien too.

**Ms. Williams** appeared via zoom confirmed a partial release was all that they were seeking.

**Mr. Jones** asked for a reduction of \$2000 for this partial release.

**Mr. Vukelja** ruled that if the 3500 payment is made from the prior ruling Martin Luther King Blvd will be released from the lien that was imposed directly upon it and released from any obligation for the lien at 713 Marion St.

6. **Adjournment:** 11:43 am