
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

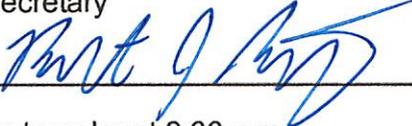
March 12, 2024 Minutes

Attendees:

Robert J. Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Deputy City Attorney
Mr. Denzil Sykes, Code Compliance Manager
Mr. Mark A Jones, Code Field Supervisor
Sgt. Timothy Blowers, Code Liaison
Mr. Steve Alderman, Code Inspector
Mr. Mark Bostwick, Code Inspector
Mr. Tom Clig, Code Inspector
Mr. Daniel Garcia, Code Inspector
Ms. Sara Kirk, Code Inspector
Ms. Mariah Quinn, Code inspector
Mr. Clifford 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

Mr. Riggio called the meeting to order at 9:00 a.m.

Mr. Riggio asked for announcements and there were two at this time. Mrs. Reno called the following cases in compliance:

Page 3 case #7 SMG 03-24-63 (S. Atlantic Ave. Parcel) in compliance 3/7/2024

Page 8 case #25 SMG 02-24-50 (Park Street Parcel) in compliance 3/12/2024

Mr. Riggio gave instructions for the proceedings.

The Board Secretary swore in members of the staff who will be testifying.

Mr. Riggio called in the first case.

LR-1 - SMG 01-23-18 - Paul W & Beatrice I Zivitski - 840 N Halifax Ave 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 304.2), at Violation(s) – Outside storage, exterior staining/paint. First Notified – 9/1/2022. Order Imposing Fine/Lien effective February 9, 2023. \$100.00 a day to a maximum of \$15,000.00 plus \$24.00 recording costs = \$1,824.00. Compliance February 27, 2023

Mr. Zivitski came forward and was sworn in.

Inspector Stenson and Mr. Zivitski agreed with a reduced fine of \$900.

DISPOSITION: The Special Magistrate ordered the fine to be reduced to \$900 payable within 30 days or the fine reverts to the original amount.

LR-2 - SMG 04-22-133 - KBI Investments LLC (Diane M Myers Miller) 209 S Ridgewood Ave. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.5, 304.13), Violation(s) – Failure to maintain exterior wood (rotten), dirt & grime, canopy dirt, missing windows. First Notified – 7/17/2021. Order Imposing Fine/Lien effective May 5, 2022. \$100.00 a day to a maximum of \$20,000.00 plus \$24.00 recording costs = \$20,024.00. Compliance February 1, 2024

Ms. Diane Myers came forward and was sworn in.

Inspector Clig and Ms. Myers agreed with a reduced fine of \$10,000. The agreement breakdown of \$4,000 in 30 days \$3,000 in 60 days and \$3,000 in 90 days.

DISPOSITION: The Special Magistrate ordered the fine to be reduced to \$10,000 payable agreement of \$4,000 in 30 days, \$3,000 in 60 days and 3,000 in 90 days or if payment is not made in those days the fine reverts to the original amount.

LR-3 - SMG 11-21-312 - ASTK LLC (Kracimir Stefanof) Elm St Parcel # 5338-38-00-0420. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3) City Code Ch. 78 Sec. 78-112, Violation(s) – Overgrown grass & weeds, trash & debris. First Notified – 9/21/2021. Order Imposing Fine/Lien effective January 6, 2022. \$500.00 a day to a maximum of \$15,000.00 plus \$24.00 recording costs = \$15,024.00. Compliance February 28, 2024

An email was sent by Mr. Stefanof to agree to the reduced amount of \$1500 with stipulations.

Inspector Garcia agreed to and confirmed the amount reduction of \$1500 with stipulations.

DISPOSITION: The Special Magistrate ordered the fine to be reduced to \$1500 to be paid in 30 days or the fine reverts to the original amount.

LR-4 - SMG 03-15-08 - Frank P. Heckman, III Estate 46 S. Oleander Avenue. is cited for failure to correct violations of The Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 302, 302.1, 302.6, 302.7, 304, 304.10, 304.12, 304.13, 304.13.1, 304.13.2, 304.14, 304.15, 304.18.1, 304.2, 304.6, 304.8, 604, 604.3), Violation(s) – Exterior paint fading, peeling or missing; exhaust vents broken; porch railing loose or missing pieces; damaged or broken windows; damaged, broken, deteriorated or decayed doors; decorative features; cornices/eaves fascia; exterior walls issues (holes and breaks); cracks, loose, missing and rotting materials; exterior electrical hazard; porch lights broken and/or missing parts. First Notified – 12:00:00 AM. Order Imposing Fine/Lien effective August 5, 2015. \$250.00 a day to a maximum of \$20,000.00 plus \$24.00 recording costs = \$20,024.00.

Mr. Capri came forward as a representative of the property and sworn in.

Mr. Sykes spoke to the representative and agreed to the recommendation to the chair that the fine be waived due to the special circumstances of the case.

DISPOSITION: The Special Magistrate ordered the fine to be waived in its entirety.

CASE # 8 - SMG 03-24-65 - 1405-1431 S. Atlantic LP is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 302.7), at S Atlantic Ave (Parcel # 5309-39-00-0070). Violation(s) – Accessory wall leaning into sidewalk, peeling paint. First Notified – 5/19/2023.

Mr. Cory Brown, the attorney with Storch Law Firm for the case, came forward.

Inspector Bostwick testified to the status of the case. No communication with the owners directly, only a local representative, Mr. Ott. Mr. Bostwick requests a finding of non-compliance and a compliance due by next cut-off.

Inspector Bostwick stated the owner repaired the wall (pictures shown) but the repairs were done without a permit. The owner will have to get an after-the-fact permit and then paint the wall.

Attorney Brown stated that he spoke with the property owner, and he stated that he could get the permit and the work done in 30 to 45 days.

Mr. Riggio stated that they would set it for the next cut-off date of April 3, 2024. He found the owner in non-compliance and that a fine could be imposed if the work was not completed.

Inspector Bostwick agreed to the extension of 30 to 45 days.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **April 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 28 - 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.

Ms. Jessica Gow, the attorney for the case, came forward.

Inspector Yates testified about the status of the case. Progress and contact were made. He recommends amending the case until the May cut-off.

Attorney and Inspector Yates came to an agreement for the May cut-off.

DISPOSITION: Based on the testimony presented, the Special Magistrate ruled to amend the current order of non-compliance to allow the respondent until **March 8, 2024** 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 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.

Ms. Jessica Gow, the attorney for the property, came forward.

Inspector Yates testified about the status of the case. Progress and contact were made. He recommended to amend the case until May cut-off.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondent until **May 8, 2024** 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 # 11 - 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. Hughes, the attorney, spoke on his client's behalf, Mr. Aversano. Mr. Dotel appeared via Zoom and was sworn in.

Field Supervisor Mark A. Jones testified to the status of the case. This case was brought to magistrate twelve times since the original date. No contact with the owner or the attorney regarding the instructions that were given at the last meeting. Recommendation of \$300 per day, up to \$20,000.

Mr. Dotel testified to the status of the case and the instructions to the city. Survey and percolation test completed. Architect needs a percolation test with a K value – unable to find someone to complete the test.

The attorney stated that the owners are rectifying a situation that they were not aware of when they bought the property.

Field Supervisor Mark A. Jones testified to the update of the issues and corrections that the owners have completed.

Mr. Riggio discussed the issues of finding a company to complete the test and issue or not following up with the issues. Recommendation \$300 a day to \$50 a day until \$20,000.

Attorney Jackson discussed the breakdown of why the recommendations of the amount was given.

Mr. Dotel pleaded his case of not ignoring the case and issues at hand.

Mr. Riggio refuses his plead and makes the decision of \$100 a day with up to \$20,000.

DISPOSITION: Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$100.00** dollars per day will go into effect **March 12, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$20,000.00** dollars.

LR-5 - SMG 01-22-31 - Brian H & Dionne B Jackson 610 Division St. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7, 308.1), Violation(s) – Overgrowth, missing identification numbers, unpermitted fence, outside storage, debris, rotted wood, dirt & grime. First Notified – 7/14/2021. Order Imposing Fine/Lien effective February 10, 2022. \$100.00 a day to a maximum of \$15,000.00 plus \$24.00 recording costs = \$15,024.00.

Mr. Brian Jackson, one of the owners, was present and sworn in.

Inspector Kirk and the owner agreed to reduce the fine to \$5,500.

DISPOSITION: The Special Magistrate orders the fine to be reduced to \$5,500 payable and to be paid within 30 days or the fine will revert to the original amount.

CASE # 22 - SMG 02-24-44 - Daytona Ridgewood LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.4, 304.1, 304.2, 304.6, 308.1, 605.1), at 200 N Ridgewood Ave. Violation(s) – Failure to remove all exterior trash and debris, failure to repair holes in wall, repair damaged gutter drain pipes, repair damaged asphalt, failure to repair parking lot, Unmaintained landscaping and overgrowth, Clean dirt and grime off all exterior walls, Exposed electrical wires, peeling paint on walls. First Notified – 8/3/2023.

In house counsel for property owner Ashley Rose & Counsel for the tenant Christan Hoffman via zoom for the respective.

Inspector Bostwick testified to the notes given from previous Inspector Jean-Baptiste.

Ms. Rose discussed the meaning of being on the hearing as a progress report regarding the lien issues. Bids are undergoing with both the landlord and the tenant for the repairs. She is asking for a return date in May.

The attorney discussed the issues that the property has occurred in the past. Related to the current owner and previous owner. Request that the property be in compliance by the cut-off of May 8th.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **May 8, 2024** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 1 - SMG 03-24-53 - Fralau Investments 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; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.2, 304.6, 304.13.1) City Code Ch. 90 Sec. 90-297, at 201 N Ridgewood Ave. Violation(s) – Faded, chipped and peeling paint, outside storage, broken windows, damaged free standing sign, no Business Tax Receipt for upholstery business, unmaintained landscaping. First Notified – 5/24/2023.

Daniel Ballard and Patrick Franceski were sworn in.

Inspector Quinn testified of the status of the property.

Mr. Ballard asked for leniency to get the sign replaced but in a catch 22 because he needs the city to sign off on the code issues.

Inspector Quinn testified that per the Business License Office (Ms. Kim Flarity) cannot issue a Business Tax receipt until the owner repairs the sign.

Mr. Ballard asked for 30 more days to get the property completed.

Inspector Quinn recommends that the owner gets more time until the next cut-off date to work with the Business License Office to amend the fine.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **April 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 2 - SMG 03-24-54 - First Premier Management Holdings LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 304.14) City Code Ch. 26 Sec. 26-294, at 224 N Hollywood Ave. Violation(s) – Unpermitted renovations, outside storage, damaged roof, damaged/missing screens, no rental license. First Notified – 12/5/2023.

The respondent was not present.

Inspector Stenson testified on the status of the case. No contact, responses or repairs done in this case.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **April 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 3 - SMG 03-24-56 - Edward E Kemp III is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.1, 404.4), at 511 North St & 515. Violation(s) – Deteriorated overhang, rotted fascia and rotted rafter tails. First Notified – 7/14/2023.

The respondent was not present.

Inspector Alderman testified to the status of the case. Recommendation of non-compliance and be on the next cut-off of April 3, 2024.

Mr. Riggio asked again for any respondent to the case.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **April 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 4 - SMG 03-24-61 - Housing Authority of Daytona Beach is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 305.3, 602.3, 603.1, 604.3), at 155 Ontario Ct (116 Salt Lake Ct). Violation(s) – Defective HVAC system, defective dishwasher, no heat, missing electrical covers, defective interior surface conditions. First Notified – 1/12/2024.

The respondent was not present.

Inspector Kirk testified to the status of the case. Recommendation of non-compliance and be on the next cut-off of April 3, 2024.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **April 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 5 - SMG 03-24-62 - Housing Authority of Daytona Beach is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 305.3, 602.3, 603.1), at 155 Ontario Ct (252 Ontario Ct). Violation(s) – Defective HVAC system, no heat, defective interior surface conditions. First Notified – 1/12/2024.

The respondent was not present.

Inspector Kirk testified to the status of the case. Recommendation of non-compliance and be on the next cut-off of April 3, 2024.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **April 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 6 - SMG 03-24-59 - DB 153 Corp 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, 302.7), at 141 S Ocean Ave. Violation(s) – Concrete, rubble, rebar, pipes, trash and debris, dilapidated fence on a vacant lot. First Notified – 12/22/2023.

Mr. Deigo Handel as the representative for the property was sworn in.

Inspector Bostwick testified to the status of the case. Requesting non-compliance and to come into compliance by the next cut-off date of April 3, 2024.

Mr. Deigo testified on the status of the issues regarding the property. He requests more time due to securing a company to complete the repairs.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **April 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 9 - SMG 03-24-64 - Beville Commercial LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3), at 1106 Beville Rd (Parcel # 5340-05-22-0060). Violation(s) – Failure to repair damaged uneven driving surface with potholes. First Notified – 1/10/2024.

The respondent was not present.

Inspector Bostwick testified to the status of the case. Contact was made with the owner of the property, and they requested a continuation to the next cut-off date of April 3, 2024.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **April 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 10 - 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.

The respondent was not present.

Inspector Recanzone testified to the status of the case. Previous update from the property owner, was that the architect has contacted the city with the submittal. The plan is to make the vacant lot into a contractor storage yard. No work in two and half years to get the property in compliance. The city is requesting that the property owner remove all property and the property return to the vacant lot by the next cut-off date of April 3, 2024.

Mr. Riggio stated that Inspector Recanzone has worked hard with the owner for a long period of time. No respondent being present.

DISPOSITION: The Special Magistrate ordered compliance by **April 3, 2024**, with everything being off of the property so that it can be a vacant lot as it was previously or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 12 - SMG 10-23-244 - 555 Seabreeze LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.1, 304.2, 304.6, 304.9), at 555 Seabreeze Blvd & 533. Violation(s) – Peeling paint, damaged exterior walls, damaged awning/overhang. First Notified – 5/6/2023.

The respondent was not present.

Inspector Garcia testified to the status of the case. Progress has been made, property almost complete and permits pulled on everything else. Recommendation to extend it to the next cut-off day to April 3, 2024.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **April 3, 2024** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 13 - SMG 02-24-38 - Housing Authority of Daytona Beach is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 305.3, 504.1, 605.1), at 155 Ontario Ct (112 Salt Lake). Violation(s) – Unsanitary interior surfaces, faulty electrical and defective plumbing. First Notified – 11/7/2023.

The respondent was not present.

Inspector Kirk testified to the status of the case. The recommendation of the inspector is fine \$100 per day up to \$15,000.

Mr. Riggio stated that there was no respondent present.

DISPOSITION: Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$100.00** dollars per day will go into effect **March 12, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 14 - SMG 01-24-21 - Bat Development 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, at 711 Park Dr. Violation(s) – Unpermitted fence, no rental license. First Notified – 5/4/2023.

Mr. Timothy D. Hudson present to represent the property.

Attorney Jackson asked that he state his relationship to the property.

Mr. Hudson stated that he is the owner/president of the property.

Inspector Kirk testified to the status of the property. Contact made with the owner and the staff recommends the May cut-off on May 8, 2024.

Mr. Hudson agreed to the recommendation.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **May 8, 2024** 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 01-24-27 - Masonova Daytona LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC

302.3, 302.7), at 1021 Mason Ave. Violation(s) – Hazardous potholes throughout parking lot, open/unrepaired utility ditch, damaged fence, damaged non-working parking lot illumination, missing ADA striping, parking location striping missing, permits required. First Notified – 10/16/2023.

Mr. Devorah Davidzada (didn't speak), Efraim Brody via zoom and was sworn in.

Attorney Jackson asked about the relationship of Mr. Brody to the property.

Mr. Brody is the owner of the property.

Inspector Alderman testified to the status of the property. No contact or improvements on the property. The city requests \$300 per day to a max of \$45,000.

Attorney Jackson asked for a compliance date for the property.

Inspector Alderman request a compliance date of up to 30 days for the issues to be completed.

Mr. Riggio discussed the issues and no permits being pulled.

Mr. Brody stated that 30 days will be enough time to complete the work.

Inspector Alderman explained further the issues at hand regarding the property.

Mr. Brody explained some issues were fixed when he receives them. Also, the permit for the landscaping and the replat. The replat was recorded.

Mr. Riggio asked questions regarding the issues with the replat. There are issues with property taxes being paid first.

Inspector Alderman discussed that it is important that it should be noted that the owner and representative were notified at the last hearing regarding the permit and replat.

Mr. Riggio discussed the importance of permits not being approved or issues that may come forward.

Attorney Jackson discussed the circumstances of the repairs to be done and the issues to be moved forward as discussed in the last meeting.

Mr. Riggio asked the city what they would like to do regarding this issue.

Attorney Jackson would like to remain with the time frame that was presented from the Inspector Alderman.

Mr. Riggio discussed the importance of communication between Mr. Brody and notify the city inspector and the city permits office to make sure that any issues which might arise are promptly dealt with. city permits office.

DISPOSITION: The Special Magistrate ruled to continue the matter to the April 9th, 2024, meeting with the specific actions to be as follows: This matter is to be continued to the April 9th,

2024 when a when date to establish a compliance date shall be established and furthermore permits be in hand by April 8th, 2024 meeting. If a permit is not issued, then respondent shall provide proof that they have applied for the permit. Actions or efforts that show that you have taken to apply for the permits by April 8th, 2024. If the permits have not been applied for there may be a fine considered at the next meeting.

Session starts back at 11:20am

CASE # 17 - SMG 09-23-208 - Sunshine Ventures & Management, 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.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7, 302.9, 303.1), at 999 N Atlantic Ave. Violation(s) – Lack of required renovation permits, commercial property maintenance, graffiti, pool maintenance, damaged fencing, unsecure vacant property. First Notified – 6/16/2023.

No one was present for the property.

Inspector Stenson testified to the status of the case. The city requires the property to be maintained – landscaping, edging and painted. Request for the next cut-off date.

Attorney Jackson spoke on the importance of this property owner being held accountable for the actions at hand.

Citizens – Bradford Gonzalez & Emily Nice (neighborhood watch chairman) testified about the hazardous conditions at the site and the owner's failure to obtain permits or correct violations. When a fine is assessed, the owner seems to move faster with fixing the issues with the property. Ms. Nice has evidence of the issues of the condition of the current issues with measurements and affecting the residents of the neighborhood.

Attorney Jackson discussed the past fines and actions that have been taken to help the owner with the issues. The city asks for compliance in 30 days or a progress report.

Mr. Riggio asks the status regarding the property commercial or residential. If there are any code rules for a time frame to have a building abandoned.

Attorney Jackson explained that he has never heard or has insisted of the city making an owner be in court. He is requesting a progress report to be done and presented at the hearing.

Denzel Skyles – Permits in hand at the time of the next meeting.

Mr. Riggio stated that he would like a list of issues at hand to be completed by the next meeting and if not a fine will be imposed.

Inspector Stenson – permits, building secured, maintained (outside lawn), boarded painted/secured structures, pool maintained and secured, no outside storage or debris.

DISPOSITION: The Special Magistrate stated actions to be taken at the property by the next magistrate meeting on April 9, 2024: the owner be present at the next meeting, permits, building secured, maintained (edging outside lawn), boards painted, unpainted structures, pool

maintained and secured, no outside storage or debris by the next hearing date. Failure to appear or report progress on the project will result in a fine.

CASE # 18 - SMG 01-24-35 - Elephant Group Hotel 7 Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.3, 302.4, 302.5, 304.6, 304.13, 304.13.13.2, 304.14, 304.15, 304.2, 305.3, 305.4, 305.6, 309.1, 309.2, 602.3, 603.3, 603.1, 605.2, 605.4, 704.6.1.2), at 2401 N Atlantic Ave. Violation(s) – Commercial property maintenance, property sanitation, sidewalks and driveways, weeds, rodent harborage, exterior walls, windows, openable windows, screens, exterior doors, protective treatment, interior surfaces (walls, ceilings, floors), walking surfaces, interior doors, infestation, pest elimination (owner), heating facilities (heat supply), mechanical equipment clearance, mechanical equipment (appliances), electric receptacles, electrical wiring, fire protection (smoke alarms). First Notified – 11/17/2023.

Menachem Freeman, property manager was sworn in.

Inspector Stenson testified to the status of the case. Requesting a compliance date of April for the cut-off date.

Mr. Freeman asked for a May cut-off. Also gave an update on the progress of the property.

Mr. Riggio asked the status of the motel for residency.

Mr. Freeman states that no one lives on the property and its easier make progress on the work at the property without tenants present.

DISPOSITION: The Special Magistrate ordered the owner appear in front of the Special Magistrate on **April 9, 2024**, with a progress report regarding the work at the property. A compliance date is set for **May 8, 2024**.

CASE # 16 - SMG 02-24-41 - 1215 N Atlantic DB LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.8.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 304.9, 304.12, 307.1, 604.3.1.1), at 1215 N Atlantic Ave. Violation(s) – Permit required, deteriorated overhang, damaged fencing, trash & debris, overgrown landscape, exposed electrical lighting. First Notified – 8/21/2023.

No one was present for the property.

Inspector Alderman testified to the status of the case. The new property manager has contacted the inspector. No progress or permit pulled for the property.

DISPOSITION: Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$100.00** dollars per day which will go into effect **March 12, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$20,000.00** dollars.

CASE # 19 - SMG 09-23-215 - RE Equity Investment Group LLC & JJ Equity LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 302.7, 304.1, 304.1.1, 304.5, 304.6, 304.13, 304.18, 305.1.1, 308.1),

at 736 S Beach St. Violation(s) – Unmaintained landscaping, failure to repair broken windows, failure to maintain exterior walls, failure to repair damaged walls, failure to repaint, failure to repair exposed electrical wires, failure to repair all damaged exterior, failure to remove trash and debris, failure to repair damaged fence. First Notified – 7/7/2023.

No one was present for the property.

Inspector Bostwick testified on behalf of previous Inspector Jean-Baptiste – on the status of the case. He is requesting a compliance date of the May 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 **May 8, 2024** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 20 - 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, the owner, was present to represent the property.

Inspector Bostwick testified to the status of the case. Partial completion of the work.

Mr. Clarke testified that the first contractor quit on the project, and he had to hire a new contractor to finish. Pinnacle Paving will be the new contractor to finish the work on the property starting March 2024 with permits already pulled.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **May 8, 2024** 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 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.

Mr. Bryon Smith present via zoom to represent the property.

Inspector Yates testified to the status of the case. Communication with the property owner regarding the status of the project.

DISPOSITION: The Special Magistrate continued to the matter on **March 14, 2024**, for a progress report and determination of a compliance date.

CASE # 31 - 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.

Ms. April Bassett, owner to represent the property.

Inspector Yates testified to the status of the case. Communication with the property owner regarding the status of the project. The city is asking to amend to the May cut-off to allow the work to be complete.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **May 8, 2024** 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 06-23-152 - Jacqueline Manning 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 304.6, 308.1), at 368 Dr Mary M Bethune Blvd. Violation(s) – Failure to repair damaged wall, failure to remove exterior bricks and debris on site. First Notified – 2/9/2023.

No one was present for the property.

Mr. Riggio stated that a progress report was to be presented at this hearing.

Inspector Bostwick stated that he spoke with the owner previously. The agreement with the owner and the city to amend the order for the June cut-off date.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **June 5, 2024** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 23 - SMG 02-24-45 - Cerberus Investments LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at Valencia Ave (Parcel # 5239-08-00-0580). Violation(s) – Overgrown vacant lot including abutment area, trash and debris. First Notified – 11/29/2023.

No one was present for the property.

Inspector Bostwick testified to the status of the case. No contact from the owner or progress on the property. The city requests a fine of \$250 per day with a max of \$15,000.

DISPOSITION: Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **March 12, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 24 - SMG 02-24-46 - Jonah Beaulieu is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 5 Sec. 5.3.B.2.a; Art. 9 Sec. 9.2.A (Ref. FBC

Supp. IPMC 301.3, 302.1, 302.4), at 531 N Lincoln St. Violation(s) – Unpermitted structure on vacant lot, tree debris. First Notified – 12/15/2023.

No one was present for the property.

Inspector Bostwick testified to the status of the case. Communication made with the owner of the property. The city requests a fine of \$250 per day with a max of \$15,000.

Mr. Riggio asked if the vehicle remains on the property.

Inspector Bostwick stated that the property owner moved into the shed to live. The shed and vehicle need to be removed to make the property in compliance.

DISPOSITION: Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondent in the amount of **\$250.00** dollars per day will go into effect **March 12, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 26 - SMG 02-24-51 - U21 Holdings LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at Clark St (Parcel # 5339-68-00-0051). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 11/3/2023.

No one was present for the property.

Inspector Bostwick testified to the status of the property. Communication and progress have been made on the property. The owner needs to clean up the remaining debris on the property. The city would like to amend to the next cut off day in April to give them more time.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **April 3, 2024** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 30 - 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.

No one was present for the property.

Inspector Yates testified to the status of the property. Communication and progress have been made on the property. The city would like to amend the next cut off in June to give them more time.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **June 5, 2024** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 32 - SMG 11-23-279 - The Seventh Day Baptist Church of Daytona Beach Inc. is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.2.B.13.i.d; Art. 5 Sec. 5.11.5, at 128 Live Oak Ave. Violation(s) – Operating food pantry. First Notified – 10/13/2023.

No one was present for the property.

Mr. Riggio stated the property was continued from February 2024 to have a progress report in March.

Attorney Jackson stated that it was continued from January 2024 for the issues of having an open food pantry. The respondent has shut down the use of the food pantry. The respondent is requesting a continuance due to some medical issues. Owner will be following the ordinance per the city and will not operate until the review is complete.

DISPOSITION: The Special Magistrate ordered the case to be continued until **April 9, 2024**, for determination of compliance or non-compliance.

6. **Adjournment:** 12:36 pm