

Agenda

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

SPECIAL MAGISTRATE PROCEEDING

NOTICE – Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not prepare or provide such a record. Any discussion or contact outside the Special Magistrate hearing with the Special Magistrate concerning any quasi-judicial matter which is, or will come, before the Special Magistrate for a decision are to be disclosed and made part of the record prior to or at the hearing on the matter.

CITY OF
DAYTONA BEACH

David A. Vukelja, Special Magistrate

	For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8023		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
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In accordance with the Americans with Disabilities Act (ADA), persons with a disability needing a special accommodation to participate in the Board meeting should contact the City Clerk's Office, 301 S. Ridgewood Ave, Room 210, Daytona Beach, FL 32114, Ph: (386) 671-8023, Email: clerk@codb.us not later than 72 hours prior to the proceedings. If you are hearing or voice impaired contact the relay operator at 1-800-955-8771.

May 14, 2024 - 9:00 A.M.

1. **Call to Order**
2. **Approval of February 13, 2024, March 1, 2024 & April 9, 2024 Minutes**
3. **Announcements**
4. **Hearing of Cases**

New Cases:

CASE # 1 - SMG 05-24-83 - Betty Williams-Prince is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 305.1, 305.3), at **1290 9th St Apt. 208**. Violation(s) – **Unit 208 Bathroom floor collapsed onto unit 204 causing damage to the unit.**

First Notified – 2/1/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Roosevelt Butler, Jr.)

CASE # 2 - SMG 05-24-82 - 2020 Wexford Separate Property Trust dated September 24, 2021, Maria Luisa Miglas as Trustee is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S. 1, at **400 S Grandview Ave**. Violation(s) – **Expired interior demo permit.**

First Notified – 10/5/2022.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Sara Kirk)

CASE # 3 - SMG 05-24-86 - Delmar 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), at **S Atlantic Ave (Parcel # 5309-15-01-0250)**. Violation(s) – **Exposed concrete slabs, exposed rebar, bricks, pipes, etc.**

First Notified – 12/20/2023.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 4 - SMG 05-24-88 - Ernestine Johnson 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 **464 S Caroline St**. Violation(s) – **Overgrown lot, trash & debris, overgrown weeds and bushes & overgrown abutment area with trash & debris.**

First Notified – 3/14/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 5 - SMG 05-24-90 - Phillip Guillaume 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), at **1359 Cedar Bluff (Parcel # 424415000490)**. Violation(s) – **Overgrown vacant lot, overgrown underbrush and weeds.**

First Notified – 4/8/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 6 - SMG 05-24-91 - Nitu Enterprises 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 **Marion St (Parcel # 533949000300)**. Violation(s) – **Overgrown lot, trash & debris, overgrown weeds and bushes & overgrown abutment area with trash & debris.**

First Notified – 3/20/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 7 - 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.e.i; Art. 11 Sec. 11.5, at **128 Live Oak Ave.** Violation(s) – **Operating food pantry.**

First Notified – 10/13/2023.

ACTION TO BE TAKEN: Cont'd from April: Compliance or Non-Compliance

DISPOSITION _____

(Mark A. Jones)

Continued Cases:

CASE # 8 - 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.

ACTION TO BE TAKEN: Cont'd from April for the imposition of a fine.

DISPOSITION _____

(Clifford W. Recanzone III)

CASE # 9 - 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.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Mariah Quinn)

CASE # 10 - 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.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Sara Kirk)

CASE # 11 - SMG 01-24-02 - Faith Temple Church of God is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7), at **330 N Keech St.** Violation(s) – **Dilapidated roof.**

First Notified – 5/11/2023.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Sara Kirk)

CASE # 12 - 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.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(John C. Stenson)

CASE # 13 - SMG 04-24-69 - Virgil & Ellen Rosenfeld Family Trust dated June 22, 2005 Ellen Rosenfeld as Trustee is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 304.6) City Code Ch. 90 Sec. 90-297, at **419 N Wild Olive Ave.** Violation(s) – **Damaged driveway, damaged exterior walls, failure to obtain a Business Tax Receipt.**

First Notified – 12/7/2023.

ACTION TO BE TAKEN: Cont'd from April hearing: Progress report and set a compliance date.

DISPOSITION _____

(John C. Stenson)

CASE # 14 - 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.

ACTION TO BE TAKEN: Cont'd from January hearing: Progress report and determine a compliance date.

DISPOSITION _____

(Kevin Yates)

CASE # 15 - 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.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Kevin Yates)

CASE # 16 - 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.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Kevin Yates)

CASE # 17 - SMG 04-24-79 - Michael D Eady and Julie A Herbart-Eady is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **Wisteria Rd (Parcel # 5316-02-00-0330)**. Violation(s) – **Unpermitted accessory wall**.
First Notified – 2/7/2024.

ACTION TO BE TAKEN: Cont'd from April hearing: Progress report and set a compliance date.

DISPOSITION _____

(Mark Bostwick)

CASE # 18 - 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.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Steve Alderman)

CASE # 19 - 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.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Steve Alderman)

CASE # 20 - SMG 04-24-71 - 901 6th Street Daytona 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, 404.4), at **901 6th St**. Violation(s) – **Construction without permit**.
First Notified – 1/19/2024.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Steve Alderman)

CASE # 21 - SMG 04-24-72 - Sussmans Inc is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 3 Sec. 3.2.A; Art. 6 Sec. 6.12.D; 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, 302.4, 302.7, 304.1, 304.15, 304.2, 304.4, 304.7), at **303 Seabreeze Blvd.** Violation(s) – **Peeling paint (all structures), damaged awnings, damaged/missing gutters, overgrown trees and hedges, dilapidated roof, roof trusses rotted, overhangs roted, and rotted missing doors and windows on accessory structure (permits required), rotted storage shed, damaged fencing.**

First Notified – 1/23/2024.

ACTION TO BE TAKEN: Cont'd from April for a progress report and to establish a compliance date and further ordered to have permits by May 8th .

DISPOSITION _____

(Steve Alderman)

CASE # 22 - 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.

ACTION TO BE TAKEN: Cont'd from April to establish a compliance date and further ordered to have permits by May 8th.

DISPOSITION _____

(Steve Alderman)

CASE # 23 - SMG 03-24-56 - Edward E Kemp III & Bobby C. Vaught 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 facia and rotted rafter tails.**

First Notified – 7/14/2023.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Steve Alderman)

CASE # 24 - SMG 02-24-43 - Hajgden International College Inc 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, 302.9, 304.1, 304.6, 304.2, 304.7, 308.1, 605.1), at **228 N Ridgewood Ave (Parcel # 5339-02-53-0071).** Violation(s) – **Unmaintained landscaping, damaged exterior walls, graffiti, dirt and grime, damaged soffit and fascia board, trash and debris, failure to repaint, exposed electrical wires.**

First Notified – 8/18/2023.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Steve Alderman)

LR-1

SMG 11-23-263 – Eldorado Property Holdings LLC (Gonzalo Diaz) 427 N Caroline St 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, Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 9/19/2023. **Order Imposing Fine/Lien effective January 4, 2024. \$250.00 a day to a maximum of \$15,000.00 plus \$24.00 recording fees = \$15,024.00 Compliance April 9, 2024.**

DISPOSITION _____

(Mark Bostwick)

LR-2

SMG 06-22-164 - Doron Nissim TR - 1915 N Atlantic Ave is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, Violation(s) – Unpermitted work to electrical, mechanical, demo, and windows systems. First Notified – 2/24/2022. **Order Imposing Fine/Lien effective August 4, 2022. \$200.00 a day to a maximum of \$20,000.00 plus \$24.00 recording fees = \$20,024.00 Compliance April 3, 2024.**

DISPOSITION _____

(Kevin Yates)

LR-3

SMG 06-21-145 – Giniya International Corp (Mason Quick Stop) (Sirisha Gadiparti) - 580 Mason 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 301.3, 304.2), Violation(s) – Landscaping, dirt and grime. First Notified – 9/8/2020. **Order Imposing Fine/Lien effective July 8, 2021. \$250.00 a day to a maximum of \$13,750.00 plus \$24.00 recording fees = \$13,774.00 Compliance September 1, 2021.**

DISPOSITION _____

(Roosevelt Butler, Jr.)

LR-4

SMG 10-23-245 - Henley Corp INC (Roger Bronk) - 404 Seabreeze Blvd. 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 112.1), **Violation(s) – Construction without permit (stop work order).** First Notified – 6/16/2023. **Order Imposing Fine/Lien effective January 4, 2024. \$100.00 a day to a maximum of \$1,900.00 plus \$24.00 recording fees = \$1,924.00 Compliance January 23, 2024.**

DISPOSITION _____

(Steve Alderman)

LR-5

SMG 10-08-165 - Joy M. Brown (Marie Adonis) 634 Cannon Street. is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 7 & Art. 19 Sec. 1 (ref. 302.7 and 304.13 IPMC), **Violation(s) – Outside Storage; fencing; detached garage, windows.** First Notified – 2/21/2008. **Order Imposing Fine/Lien effective November 5, 2008. \$100.00 a day until compliance achieved. Interest \$18,065.92 and \$22.00 recording fees = \$32,587.92 Compliance March 13, 2020.**

DISPOSITION _____

(John C. Stenson)

5. Miscellaneous Business

6. Adjournment: