

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.

June 11, 2024 - 9:00 A.M.

1. **Call to Order**
2. **Approval of April 12, 2024 and May 14, 2024 Minutes**
3. **Announcements**
4. **Hearing of Cases**

New Cases:

CASE # 1 - SMG 06-24-92 - Kumaresan Natarajan & Umashankari Santhanelu is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.2.H.7.a; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.10, 304.13.2, 304.2, 304.15, 305.3, 305.6, 504.1, 602.3, 603.1, 604.3, 605.2, 605.4, 704.6.1.2), at **725 N Peninsula Dr (Parcel #5305-01-08-0030)**. Violation(s) – **Unpermitted plumbing and exterior door, parking in front yard, outside storage, dilapidated stairs to second floor unit, dilapidated stairs on the exterior of property, windows painted shut, dilapidated exterior door (rear unit downstairs), peeling paint in various locations on exterior of structures, damaged walls and ceilings in the interior of the unit, missing interior closet doors, damaged kitchen faucet, lack of required heating system, inoperable refrigerator, electrical system not supporting living units, exposed electrical wiring, lack of required smoke detectors.** First Notified – 3/25/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(John C. Stenson)

CASE # 2 - SMG 06-24-94 - Argogio LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **305 Seabreeze Blvd**. Violation(s) – **No active permit.** First Notified – 2/2/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark A. Jones)

CASE # 3 - SMG 06-24-98 - 322 Daytona Beach 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 308.2.2), at **322 Seabreeze Blvd**. Violation(s) – **Construction without permit, unsecured refrigerator stored behind business.** First Notified – 2/8/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark A. Jones)

CASE # 4 - SMG 06-24-104 - 811 Tomoka Road 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 302.7), at **610 Brentwood Dr (Parcel # 4244-01-30-0020)**. Violation(s) – **Outside storage and storage container, converting an unfinished carport & utility shed into a residential living unit without a building permit, damaged fencing.** First Notified – 3/15/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark A. Jones)

CASE # 5 - SMG 06-24-107 - Darren Ottman is cited for failure to correct violations of The Land Development Code, City Code Ch. 90 Sec. 90-297, at **552 Foote Ct & 554 (Parcel # 5339-01-23-0045)**. Violation(s) – **No Buisness Tax License**.
First Notified – 2/27/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark A. Jones)

CASE # 6 - SMG 06-24-95 - Daytona Universal Trucking Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1), at **550 Foote Ct (Parcel # 5339-21-01-0070)**. Violation(s) – **Outside storage, trailers, tractors, canoe, etc.**
First Notified – 6/25/2022.

ACTION TO BE TAKEN: Impose Fine - Repeat Violation (SMG 09-22-267)

DISPOSITION _____

(Mark Bostwick)

CASE # 7 - SMG 06-24-96 - Forsage Miami Inc is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 5 Sec. 5.3.C.19.b; Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.8), at **Bellevue Ave (Parcel # 5339-03-70-0017)**. Violation(s) – **Multiple junk vehicles parked on vacant lot, vehicles parked on unapproved surface, no permit for approved parking surface, junk and unregistered vehicles parked on vacant lot.**
First Notified – 3/20/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 8 - SMG 06-24-97 - Plinio A Sepulveda Torres 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 **Live Oak Ave (Parcel # 5339-37-01-0101)**. Violation(s) – **Overgrown vacant lot, trash & debris, overgrown weeds and bushes, unmaintained abutment area.**
First Notified – 3/7/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 9 - SMG 06-24-100 - Rose M Tompert 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) City Code Ch. 78 Sec. 78-112, at **448 Arthur Ave.** Violation(s) – **Outside storage on vacant lot, trash and debris.**

First Notified – 4/17/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 10 - SMG 06-24-101 - Barbara A Moyer 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 302.1), at **1371 Vine St.** Violation(s) – **No tree permit for clearing lot, trash and debris on vacant lot.**

First Notified – 4/15/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 11 - SMG 06-24-103 - LAD Trust Holdings LLC & Jason Herman 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, 304.6) City Code Ch. 78 Sec. 78-112, at **Madison Ave (Parcel # 5338-01-11-0090).** Violation(s) – **Overgrown vacant lot, weeds, dirt & grime, unmaintained abutment area with trash and debris**

First Notified – 4/22/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 12 - SMG 06-24-105 - LAD Trust Holdings LLC & Jason Herman 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, 304.6) City Code Ch. 78 Sec. 78-112, at **N Segrave St (Parcel # 5338-01-11-0085).** Violation(s) – **Overgrown vacant lot, weeds, unmaintained abutment area with trash and debris.**

First Notified – 4/22/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

CASE # 13 - SMG 06-24-106 - Three Oaks Inn 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 **331 S Palmetto Ave (Parcel #5339-01-04-0031)**. Violation(s) – **Overgrown vacant lot, trash & debris, overgrown weeds and bushes, unmaintained abutment area.**

First Notified – 4/22/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____

(Mark Bostwick)

Continued Cases:

CASE # 14 - 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 May hearing: Progress report and set a compliance date.

DISPOSITION _____

(John C. Stenson)

CASE # 15 - 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 # 16 - 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.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Mark A. Jones)

CASE # 17 - 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 May hearing for a progress report and to establish a compliance date and permits by June 5th .

DISPOSITION _____

(Mark A. Jones)

CASE # 18 - SMG 09-22-278 - Daytona Beach Resort LLC & Daytona Beach Resort and Conference Center 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 304.10), at **2700 N Atlantic Ave.** Violation(s) – **Damaged columns, dilapidated balcony, peeling paint, damaged, cracked, or broken concrete on exterior and interior of parking garage, dirt and grime.**

First Notified – 11/6/2021.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Kevin Yates)

CASE # 19 - 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.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Kevin Yates)

CASE # 20 - 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: Impose Fine

DISPOSITION _____

(Mark Bostwick)

CASE # 21 - 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: Impose Fine

DISPOSITION _____

(Mark Bostwick)

CASE # 22 - 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 # 4244-15-00-0490)**. Violation(s) – **Overgrown vacant lot, overgrown underbrush and weeds.**

First Notified – 4/8/2024.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____

(Mark Bostwick)

CASE # 23 - 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 # 5339-49-00-0300)**. 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: Impose Fine

DISPOSITION _____

(Mark Bostwick)

LR-1

SMG 02-08-36 - Gary Groves & Tracy Sawyer 731 Mulberry St. is cited for failure to correct violations of The Land Development Code, Art. 19 Sec. 1 (Ref. FBC Supp. IPMC 302.7, 304.2, 304.15, 304.6, 304.8), Violation(s) – **Peeling paint, exterior doors, accessory structure, exterior surfaces, skirting.** First Notified – 11/15/2007. **Order Imposing Fine/Lien effective June 4, 2008. \$200.00 a day until compliance achieved. \$24.00 recording fees = \$10,024.00. Compliance July 21, 2009.**

DISPOSITION _____

(John C. Stenson)

5. **Miscellaneous Business**

6. **Adjournment:**