

---

---

# City of Daytona Beach Special Magistrate

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

David A. Vukelja, Special Magistrate

---

---

## June 11, 2024, Minutes

### Attendees:

David A. Vukelja, Special Magistrate

### Staff present:

Mr. Anthony Jackson, Deputy City Attorney

Mr. Mark A Jones, Code Field Supervisor

Mr. Mark Bostwick, Code Inspector

Ms. Sara Kirk, Code Inspector

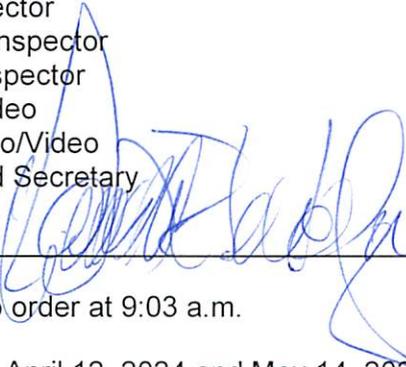
Mr. John Stenson, Code Inspector

Mr. Kevin Yates, Code Inspector

Mr. Joe Graves, Audio/Video

Mr. Xavier Campbell, audio/Video

Ms. Kimberly Reno, Board Secretary

Approval of Minutes by: 

Special Magistrate

The meeting was called to order at 9:03 a.m.

**Mr. Vukelja** approved the April 12, 2024 and May 14, 2024 Minutes.

**Mr. Vukelja** asked if there were any announcements.

**Ms. Reno** announced the following cases in compliance.

**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.

### Compliance June 11, 2024

**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.

### Compliance June 7, 2024

**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.

### Compliance June 7, 2024

**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.

**Compliance June 10, 2024**

**Mrs. Reno** swore in the staff members testifying.  
**Mr. Vukelja** called LR-1 first.

**LR-1**

**SMG 02-08-36 - Gary Groves & Tracy Sawyer 731 Mulberry St** (William Murray) 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.

**Jeannie Spini** appeared on behalf of new owner William Murray sworn presented a notarized statement giving Ms. Spini authorization to speak on his behalf.

**Inspector Stenson** advised an agreement was reached for a reduction to the amount of \$1500.00 dollars

**DISPOSITION:** Reduced the fine to **\$1500.00 to be paid within 30 days**, if not paid in 30 days it will revert back to the original fine.

**CASE # 1 - SMG 06-24-92 - Kumaresan Natarajan & Umashankari Santhanavelu** 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.

**Umashankari Santhanavelu sworn in agreed to the violations advised the status having problems with tenants and working on the violations.**

**Mr. Vukelja** found the respondents in noncompliance asked the inspector what time they should need to come into compliance.

**Inspector Stenson** testified the respondents should be able to be in compliance by the next cut off. Respondent advised that everything was done except the plumbing and requested one more month in case it cannot be done by the next cut off because they need to apply to the city for the plumbing permit.

**Mr. Vukelja** asked if the property was occupied

**Umashankari Santhanavelu** advised that it has three units, one is vacant and two others are occupied and the work that is needed is for all three units.

Discussion on this being an after the fact and the plumber is saying he needs to redo the work and then apply for permit. The special magistrate advised that does not sound right and looked for clarification from the inspector.

**Inspector Stenson** advised that this particular property has two structures on it, the front structure he is assuming is now vacant thatw where the parking and junk vehicles where coming from, they should be able to get it done because the work is already done all they need is a plumber to come in and do whatever they need in the back and get the permit.

**Umashankari Santhanavelu** advised she is not sure she is being told by the plumber he has to redo the work and apply for the permit.

**Inspector Stenson** agreed and clarified the permit needs to be obtained before the work is done.

**Mr. Vukelja** agreed to the extra time because of all the work the respondent has already done.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **August 7, 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 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. **Vernon Weatherholtz General Contractor & Giovanna Calambrogio Argote** sworn in and agreed to the violation.

**Field Supervisor Jones** testified to the status of the case and requested compliance by next cut off.

**Mr. Weatherholtz** advised he was just hired by the owner and is well versed in the permitting process and stated that sometimes it's a little labored and requested an extension and advised they have a set of plans that the owner has engaged an architect in Orlando six months ago to get the plans and in his opinion they're insufficient for the data the city like on their plans so they're going to have them redrawn by a local architect and he thinks they can get this done. There are some things that need to be addressed but he is working on getting a new proposal for all new contractors and subcontractors and asked if they could get another month.

**Mr. Vukelja** advised he has a soft spot for people who make things bigger, better, faster and right so he did not have a problem with any of that and the city confirmed the same. **Mr. Vukelja** advised they understand the building won't be utilized or occupied in the interim.

Discussion on the use of the property being on Seabreeze and will be an Ice Cream Café and will be a vast improvement for the downtown area.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **August 7, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**Giovanna Calambrogio Argote** advised she has an awning permit that has been put on hold because an asbestos assessment was sent to the state, and they have not received word on that which is another reason they haven't attempted to pull the buildout permit because they were asked to wait until they got a response from the state from the asbestos report. They have a signage permit she told them not to submit since her awning permit has been on hold. Is there a way she can push forward at least her awning permit and signage permit? Mr. Jones advised that would be the permitting department and some discussion on this not being a question this board could answer for them.

**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.

**No Respondent**

**Field Supervisor Jones** testified to the status of the case requested compliance next cut off. They now have the after the fact permit and only need to call for the inspection.

**DISPOSITION:** Noting the absence of the respondent based upon the inspector's testimony and the photographs presented found respondent in Non-Compliance and ordered to come into Compliance by **July 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 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.

**Elliot Meadows** owner sworn in disagreed with the violations.

**Field Supervisor Jones** testified to the status of the case advising this was a complaint driven case for not having a permit to convert an unfinished carport utility shed into a residential living space without a permit. Other violations were found, outside storage and fencing which is now in compliance. First notice posted March 15, 2024 with compliance due April 15, 2024. Had communication with the permitting department and there's been no permit application applied for staff recommends the compliance next cut off.

**Mr. Vukelja** asked if the outside storage has been resolved and if that includes the storage container, and the damaged fencing resolved. **Mr. Jones** confirmed yes and described for the special magistrate the violation by describing it was a storage shed that per the Volusia County property records this was a carport storage shed on the property and when the complaint came in from the city to investigate it was found that it had been converted into a residential home without a permit and referred to a for sale sign that was up at that time.

Discussion on the building in the photograph and having discussions with the building department and them having no records of this ever being converted into a residential living space and confirmed that is what needs to be remedied and they would need to get an after the fact permit to make the building into a residential living space unsure of what other development approvals would be required to do that.

**Mr. Vukelja** asked if this structure was on its own lot or is it part of a larger lot? **Mr. Jones** advised it appears that it may have one time been part of a larger lot. This parcel is a separate parcel, and it was difficult to find out going back through the records whether this was part of a larger parcel. That's why it was a storage shed and carport but presently that is a parcel owned by this respondent. **Mr. Vukelja** asked how many square feet are in that structure? **Mr. Jones** confirmed that he did not know because nothing was on file as to what and you can see it was posted that he could not go on the property. **Mr. Meadows** asked if he could give a quick history and advised that building was built in 1948 and he bought the property from the original owners who actually built that structure, they own that entire corner on Center St. which was 200 Center St which is a corner house the little house next to it, the acre and a half next to that now what you can't see in the picture, but where the young woman is walking up the driveway, that's actually an easement that goes back to another lot that they owned that used to have a gym walker house on it that was torn down, the house to the right where you see, the workers with the trucks and stuff, that used to be part of the property also. The city is kind of in a pickle right now because this is what happened four years ago when he bought this place, he owns a construction company, a general contracting business that was WA Long and Sons office building and where they let their workers live since 1955. It is a two bedroom apartment in the back. In the front window that you see (in the photo) is actually a living room that has a bathroom to the left and a kitchen off to the left there's two large bedrooms in the back they have since 1955 they've housed workers there and had the entire back lot filled with stucco materials scaffolding all sorts of debris and whatnot and when he purchased that whole 5 acre parcel from the original homeowners the husband had passed away and in 2020 WA long and sons. **Mr. Vukelja** questioned where the original homeowner's home was. **Mr. Meadows** described it was to the right on the corner about 500 ft to the east. **Mr. Meadows** confirmed that he actually owns four parcels on this corner and the little house itself the address is 610 ½ Brentwood that's what the actual address is per the post office, it has its own parcel number. **Mr. Meadows** advised the woman he spoke to at the city (Kim Flaherty) misinterpreted what she saw when she was looking at this, there is an additional lot behind this giant oak tree and that she said that's always been a vacant lot. **Mr. Meadows** told her actually there was Jim walker home on it and advised Ms. Flaherty thinks that the vacant lot is the lot this little house is on, and didn't understand what she was looking at so **Mr. Meadows** advised he tried to explain to her that this is the parcel that has a home on it, the rule is and everyone knows this, you can't have an accessory structure without a primary, so they are trying to say that this was just some sort of an accessory structure, however it was not, since 1955 there's been a two-bedroom apartment. **Mr. Vukelja** asked if since 1955 has it been an illegal apartment? **Mr. Meadows** advised No, it's been a dwelling they've worked out of, they had their

home. **Mr. Vukelja** that doesn't tell him whether it's legal or not legal it tells him what it was used for. **Mr. Meadows** and **Mr. Vukelja** discussed it being a concrete structure that looks like an accessory structure somebody converted. **Mr. Meadows** advised if the inspector had a picture from East looking this way it would show the home itself, the concrete block home, to the right of the home there are two garages that are wooden door, pull your car in garages, those are the shed garage structures the inspector is talking about. The home in the photo is a two-bedroom. **Mr. Meadows** advised he asked inspector Jones to please come into the interior of the home and take some pictures for the meeting and advised **Mr. Jones** stated he cannot do that. Discussion on the multiple parcels and multiple single family residences on these parcels. **Mr. Meadows** advised that when he purchased the property, he wanted to make it his construction building and work his construction company out of it and the city of Daytona and the permits and Licensing would not let him, telling him that it has to remain a single family residence. He was upset and fought with them. confirmed he was talking about this building on this parcel had to remain a single family residence. So, he moved his uncle and cousins in and have been living there almost four years now. They put it up for sale because his uncle's grandson is coming to live with him, so they are going to sell it and get him a three bedroom. The lady across the street wanted to buy it for 129,000 instead of 169,000 and therefore called code on him and said it was an illegal dwelling. Advised to check the water he has had people in the house even before 2020 all the way back to before city of Daytona even keeps records WA Long and Sons had people living in that dwelling and used the two sheds behind it and almost half an acre that was behind it as work. **Mr. Meadows** described the green sheds showing behind the ladies' head in the photo advising there was a mobile home manufactured home on the property where more workers lived and to check the water bill.

**Mr. Vukelja** asked if we did not have building permits for homes back in 1955? **Mr. Jones** advised he did not know that information. **Mr. Vukelja** asked what the actual violation is being cited. **Mr. Jones** advised per the Volusia County property assessor showing those storage sheds on the parcel was the violation came from it was not a complaint from a neighbor across the street it literally came from City Hall permits & licensing department (City of Daytona Beach). **Mr. Vukelja** asked what the licensing department is saying about the structure. **Mr. Jones** advised that it needs a after the fact permit to be a residential home because it was never considered a residential home in any of their records. **Mr. Vukelja** advised that we have testimony here that he does not hear anybody refuting that it's been utilized as a residence for decades. **Mr. Jones** advised he has no documentation, and he is not sure where he got his documentation, that has never been presented. **Mr. Meadows** advised he has leases. **Mr. Jones** confirmed he has no documentation that this was ever a residential home and through researching it through permits and licensing department they have no records in development or in permits and licensing that this was ever approved for a single family residence on this vacant parcel. At the time the property was cited the property appraiser considered the parcel a vacant parcel with two structures. **Mr. Vukelja** questioned if he understood **Mr. Meadows** to say he tried to do something else with the property only to be told by the city he couldn't do it because he had a residential unit on the property? **Mr. Meadows** confirmed yes, and that information came from the woman that does the business tax receipts on the left side when you walk into the building department behind the glass. (unk name). **Mr. Vukelja** questioned if the person over there is telling him this is a residence, and you (**Mr. Jones**) are telling him it is not a residence. **Mr. Jones** advised if **Mr. Meadows** went to get a license for a business a business tax receipt license, they would have looked up this general area and you cannot have a construction business in this area it's an SR5 area. They would not have been able to run a business out of any location. SR5 stands for Single Family Residence. **Mr. Jones** advised he did not know what kind of research they would have done except to say that this is for single families only not a commercial business. That is what they do at the business tax office is what he (**Mr. Meadows**) is referring to. **Mr. Elliot** advised when he went there, she said no **Elliot** you cannot have your business out of there, that it must remain a single family residence. Discussion on use of the property his wife asked what is he going to do now, so **Mr. Meadows** asked the lady what he can do with it, she said you can rent it if you go apply for a rental license down at this other building in Daytona and decided they didn't want to do that and painted the outside made it look beautiful and put new wood floors on the inside painted the inside put new window unit A/C's in and then moved his uncle in. **Mr. Vukelja** asked if he is paying property taxes on this thing as it's a home? **Mr. Meadows** advised Yes sir for almost four years now. **Mr. Vukelja** asked for clarification and stated what he understood and that it's a residential area, zoned residential, if its residential you cant put a business in

there, the remark about how there's a residence on there already that's curious but the point is what he is hearing is testimony and treatment of this property by the city as a residence for a long, long time and now the city disputes the propriety of it being there, can't find a permit going back to 1955. Mr. Jones advised he would have to go back through the records further and go through Volusia County property appraisers, Mr. Meadows has stated that he is paying taxes on it as a single family home for the tax records it showed it was a vacant parcel, per the city's records they show it as a vacant parcel per permits and Licensing so he would have to do more research through the last few years. Mr. Vukelja advised hypothetically he understands that every home you would expect would have a building permit sitting here at city hall. What do you do when you have a home and there is no building permit. Obviously, it exists and he's not saying anybody gets slapped on the wrist and it's acceptable, and he assumes it has to be rectified. Is there a process or is this (cant imagine) new territory. **Mr. Jackson** advised no it's not new territory. With any permit it's the owner or applicant who's responsible for that record ultimately. The city has a certain time period that they hold on to records but there not kept forever and ever. If this is a dispute obviously, you're going to look at the facts as you are doing. The question here is not how its been used but whether the use was a lawful use in terms of permitting and there's nothing that says this was a lawful use. Even if it was non-conforming use, it wasn't lawful. **Mr. Vukelja** asked if it was residential.

Discussion and disagreement on the parcels, the size of the parcels, and if historically sub divided.

**Mr. Vukelja** advised he may be speculating but that at some point somebody started using it for residential purposes and it's been utilized for that purpose for some time now and he doesn't know if that grandfathers anything in and doubts that it does because the city's building and zoning ordinance concern itself with current use of properties and that concern doesn't stop with whenever something arises or begins that's a continuous obligation so the city would still have a current interest in wanting to make sure that is satisfies all the residential requirement of every other residence in Volusia County, he is assuming that much is true. Mr. Jackson agreed. **Mr. Vukelja** asked what relief the city is looking for. They want a permit after the fact for that structure. **Mr. Jones** added that states that it is approved for a residential home. **Mr. Vukelja** asked Mr. Meadows what his objection to that is. **Mr. Meadows** advised they want this 1955 home to come up to the standards of today. **Mr. Vukelja** advised that's another topic for another day. **Mr. Meadows** but you can't get a permit because what Kim Flaherty said it doesn't meet the side setbacks for the yard. **Mr. Vukelja** advised again, that's another conversation for another day and understands that building and zoning ordinances change over time, whether they're going to apply to an existing structure or not that's a different conversation and not assuming anything, we don't have a baseline yet basically identifying for us what the areas of deficiency would be between that structure and whatever would be currently expected and then once we had that then it might be a matter of needing a variance because of a setback, Mr. Vukelja advised he is not just going to bless history going back to 1955 whether it was right wrong or indifferent and not going to try to understand or sort it out. The city has an interest in making sure its current use applies with all its building and zoning ordinances there are things along the way that may have been done to the property that may not qualify now but that doesn't mean they still wouldn't be allowed now. Mr. Vukelja advised it seems to him as a practical matter until we have a permit application, we don't know what deficiencies were dealing with, until we know what deficiencies were dealing with, we don't know where we go from there and for all we know maybe the city's going to say you can't have it there at all or maybe all he needs is a side yard setback. It was stated were not going anywhere until there's a permit application. **Mr. Meadows** advised that Ms. Flaherty thinks that this parcel that were looking at is the vacant parcel that runs parallel the same length of the property that had an easement on this driveway to go to the Jim Walker home, she's mistaken, and Mr. Jones just said that in the county records this was a vacant piece of land, they're looking at the piece. **Mr. Vukelja** advised Mr. Meadows just told him he was paying property taxes on. **Mr. Meadows** advised he is paying on this one and the one next to it. **Mr. Vukelja** advised Mr. Meadows not to confuse him with the one next to it and stated he is paying property taxes on that. **Mr. Meadows** confirmed yes. **Mr. Vukelja** advised he can filter through all the crud and try to get to the bottom line and the only thing he is hearing of any interest on Mr. Meadows side is it's a house, it's been used as a house forever and he is paying property taxes on it as a house. The city is saying we don't know that it's a house, we don't have any proof that ever was a house, we have our suspicions as to how it came about it shouldn't be there. Okay those are the two contentions. The special magistrate will not be ale to make a decision regarding what does or does not need to be done until he knows what basis there is for the city to be questioning that as a residence at all. Mr.

Meadows could make a permit application if it has deficiencies then we deal with we talk about the deficiencies. **Mr. Meadows** advised he is confused with what is supposed to be on the permit application because he only did the paint and flooring in this unit and put in new appliances that were even used and new window unit AC's. Mr. Meadows advised he asked her, and she says you have to go to Universal Engineering and outside third party and pay money to have them permit this as a brand new home is what the city told him. **Mr. Vukelja and Mr. Meadows** agreed that did not make any sense. Discussion on an existing structure. **Mr. Meadows** asked where the proof is that he did anything wrong in the first place asked for any pictures or anything like what it was before and now it's this, because in 2020 when he bought it where were they to tell him don't buy it Mr. Meadows. They said no make it a single family residence you have to rent it out or have somebody live there and make it a homestead and he said Okay, he can't have his construction business there, he feels like he is getting railroaded. **Mr. Vukelja** advised he was not, that he has a complicated property with a long history and one that is necessary is a determination as to its current legitimacy as a residence and we cant start on that process until there's a permit application. **Mr. Meadows** advised that he asked Mr. Jones to come inspect it and Mr. Jones said he could not until the city of Daytona gave him the blessing even though there's two separate entities. Mr. Meadows asked if Mr. Jones could you please come inspect the inside and Mr. Jones told him no. Discussion with the inspection, he could see it's an old residence with old stuff that's been there for years and years. **Mr. Vukelja** advised that he didn't care about its age, because if it was an Egyptian Pyramid and it didn't belong there, he would tell him to get rid of it. Discussion on not knowing the process or what the permit department requires for an existing residence and what is required for the permit, after the fact permit for scope of work, and or outside architect. **Mr. Vukelja** read the violation, converting an unfinished carport and utility shed into a residential living unit without a building permit. There is no dispute that it's a residential living unit, there's no dispute there is no permit. What needs to be done to get a permit now, to bless this as a residential unit. Mr. Vukelja ordered the respondent to start the application process because that looks like the only way to get to some resolution. Both Mr. Jones and Mr. Meadows agreed the next cut off is enough time to submit a permit application.

**DISPOSITION:** Respondent found in non-compliance and ordered **811 Tomoka Road LLC** to submit permit application by **July 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine of up to \$1,000 per day. It was further ordered this case be continued for a *progress report and the determination of a compliance date to the August 13, 2024*, Special Magistrate Meeting.

The Special Magistrate advised the application should have been sitting here for a good month by then and will determine a compliance date or revisit what progress has been made to date.

**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.

**No Respondent**

**Field Supervisor Jones** testified to the status of the case and requested compliance by next cut off.

**DISPOSITION:** Noting the absence of a respondent based upon the inspector's testimony and photographs presented the Special Magistrate found the respondent in Non-Compliance and ordered to come into Compliance by **July 3, 2024** or be returned to a subsequent meeting for the imposition of a one-time administrative fine of \$250.00 dollars.

**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.

**No Respondent**

**Inspector Bostwick** requested to continue the case to take care of some housekeeping concerns with service.

**DISPOSITION:** Based on the inspectors request the case is Continued to **July 9, 2024** for the determination of compliance or Non-Compliance.

**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.

**No Respondent**

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

**DISPOSITION:** Noting the absence of a respondent based upon the inspector's testimony and photographs presented the Special Magistrate found the respondent in Non-Compliance and ordered respondent to come into Compliance by **July 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine of up to \$1,000 per day.

**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.

**No Respondent**

**Inspector Bostwick** testified to the status of the case, field generated, no contact with the owner but has spoken to the person that's living on the lot and he says its his mothers property and hes going to live there, and requested compliance next cut off.

**DISPOSITION:** Noting the absence of a respondent based upon the inspector's testimony and photographs presented the Special Magistrate found the respondent in Non-Compliance and ordered respondent to come into Compliance by **July 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine of up to \$1,000 per day.

**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.

**Barbara Moyer & Tom Fruda sworn in**

**Mr. Fruda** advised the removed 12 tons worth of work taken off the property and once they got the stop work order they stopped. Advised some debris from next door pushed onto this property. They applied for an after the fact permit and were denied because they cleared the lot next door, and it wasn't them.

**Inspector Bostwick** testified to the status of the case, advised this was a citizens complaint, they cleared the parcel without applying for a permit and trees were removed. Contact from the owner and advised he has an email from the building perits and licensing stating that they are denying the after the fact permit because they cleared the entire lot without the proper requirement.

**Mr. Fruda** advised that they removed some trees that were 4,5,6 inches in diameter and he was under the impression he didn't need a permit to remove those trees, after he did some research and read off something from the county if the tree is chest high and five to six inches in diameter they could be removed and further testified the trees on the right were left because they are much bigger and the three on the left are not on the property.

Discussion on the rules for clearing a lot. Mr. Jackson read the code.

**DISPOSITION:** Based on the evidence the Special Magistrate found the respondent in Compliance as of **June 11, 2024**

**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.

**No Respondent**

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

**DISPOSITION:** Noting the absence of a respondent based upon the inspector's testimony and photographs presented the Special Magistrate found the respondent in Non-Compliance and ordered respondent to come into Compliance by **July 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine of up to \$1,000 per day.

**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.

**Daniel Rice Property Manager sworn in** advised the permit was pulled. Well along on the major section. They have a minor and major section. West back wall repairing structural damage underneath. The next milestone would more work on the stucco being done.

**Inspector Stenson** testified that there has been good progress and requested a progress report in 60days.

**DISPOSITION:** Continue the determination of a compliance date to the **August 13, 2024** meeting.

**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.

**Timothy Hudson** sworn in

**Inspector Kirk** testified that since the last hearing the permit has been finalized on April 12, 2024. He did fail the rental inspection for missing smoke detectors and has a new one rescheduled this month and requested to amend to next cut off.

**Mr. Hudson** agreed to July 3<sup>rd</sup> 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 **July 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 # 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.

**Charles Farro Jr. Public Insurance adjuster for the client** sworn in

**Field Supervisor Jones** testified to the status of the case no change to the property, no progress made and requested a fine in the amount of \$100 a day to a cap of \$20,000.00. Discussed the photos.

**Mr. Vukelja** asked where the previous respondent that usually appears was.

**Field Supervisor Jones** advised that he went through the IMS system and didn't see any contact Inspector Alderman had with the owner and Inspector Alderman has retired from the department and this is why he has the case and did not see any contact in the file.

**Mr. Farro** advised they are in preparation with a general contractor for pulling a permit on that retaining wall and for the roof, the carrier and the policy that they had they have just finally started releasing money to Jacqueline and Shown James which is her son. The roofers have told him they've been in contact with the client as far as exchanging everything and filing for that permit to start moving on work. **Mr. Vukelja**

asked when are we going to see something happen? **Mr. Farro** advised everything is honestly lined up as far as materials and everything per the contractor this morning. Hopes by the time the money comes in which this was last Thursday to where once it processes the general contractor can go in and get the permits that are needed to start work hopefully before the start of next month. **Mr. Vukelja** asked if anybody mad a permit application yet. **Mr. Farro** did not know and would check with the general contractor. **Mr. Jones** confirmed that he did not see any permits submitted. Discussion on the length of the case and the carrier holding in Escrow because it is a force place polickey. He was hired and they concluded it is an insurable loss from the Hurricane Ian and they don't really have grounds right now to hold that money in escrow when its actually needed to do what its supposed to do. They are negotiating to avoid litigation and they responded by releasing some money so the work can begin. **Mr. Farro** roof is first. **Mr. Vukelja** If progress is seen he will hold off on the fine.

**DISPOSITION:** Continue to **July 9, 2024** for the imposition of a fine.

**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.

**Scott Frank (son)** sworn in and testified a permit has been issued for the roof and work should start within the next 60 days. Mr. Frank described the picture as a stand alone unoccupied storage building.

**Field Supervisor Jones** testified that the city is fine with giving them time to get the roof done, the permit was pulled and issued on June 3<sup>rd</sup>. if they are looking at two months to come into compliance he has no problem with that.

**DISPOSITION:** Based on the progress and the obtaining of the roofing permit and to the scope of the work remaining to be done the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **August 7, 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 # 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.

**Cris West & Leanne Wagner** appeared on behalf of the respondents **Cris West** advised they did not receive notice on this hearing they just found out last night there was a hearing today by virtue of a link that was sent so council is not here, but he can give any update to the best they can neither them or council saw notice for the meeting today.

**Inspector Yates** Testified to the status of the case and the details of who is in charge of what repairs. Both individuals have the required permits. Requesting the work on the garage to start by August and to submit a construction schedule. The Balcony repairs are underway and the scope has expanded and the work continues. Requested a August compliance.

**Leanne Wagner** advised she understands that they had to have custom storefront glass windows ordered to replace what had to be removed to do the concrete work inside two units that's now necessary because of the ongoing balcony work so depending on when those are delivered and installed, she thinks that's very near the end of the project, and they should be able to complete at that point she just don't know when they'll be there, unk date but possibly September and have no hard dates.

**DISPOSITION:**

- **Daytona Beach Resort and Conference Center Condominium Association, INC.** the Special Magistrate amended the current order of non-compliance to allow them until September 4, 2024, to come into compliance or be returned to the Special Magistrate for consideration of a fine of up to *One Thousand (\$1,000.00) Dollars per day* thereafter.

**Mr. West** agreed to the city's request and advised the only thing that is really outside of their control is, they are awaiting the general contractor to put together the timeline and schedule and their final bid and contract according to his notes they anticipate having that hopefully this week, but he thinks that August date is very reasonable for them to have everything together that they need to begin. Mr. Vukelja asked if they could have the construction schedule by the next cut off July 3<sup>rd</sup>. Mr. West advised that is probably too tight and confirmed he likes the August date in getting it, they will make best efforts, but he thinks if there is some back and forth on the dates, they may need more time.

- **That Daytona Beach Resort LLC the Special Magistrate is Amending the order to allow the respondent Until August 7, 2024** to commence construction on the garage repairs and to provide a construction schedule including hard dates failing either of those that respondent will be returned to the Special Magistrate for consideration of the imposition of a fine of up to *One Thousand (\$1,000.00) Dollars per day* thereafter.

**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. **Herb Kawesch** sworn in appeared via zoom

**Inspector Yates** provided communication submitted from Mr. Kawesch to the Special Magistrate and testified to the status of the case and requested to have the permit for the rear building at the August permit.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **August 7, 2024** to come into compliance with obtaining the permits for the remaining violations or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**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.

**No Respondent**

**Inspector Bostwick** testified to the status of the case, contact with the owner and has a signed contract with Gel Recycling to clear up the beachside of the property. requested to amend to the next cut off. discussion of the removal of all the seawall concrete, trash & debris and rebar.

**DISPOSITION:** Noting the absence of a respondent based upon the inspector's testimony and photographs presented the Special Magistrate found the respondent in Non-Compliance and ordered respondent to come into Compliance by **July 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine of up to \$1,000 per day.

**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.

**No Respondent**

**Inspector Bostwick** testified to the status of the case no contact and requested a fine in the amount of **\$250.00** dollars per day to a maximum of \$15,000.00.

**DISPOSITION:** Noting the absence of a respondent based on the inspector's testimony and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **June 6, 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 # 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.

**No Respondent**

**Inspector Bostwick** testified to the status of the case no contact and requested a fine in the amount of **\$250.00** dollars per day to a maximum of \$15,000.00.

**DISPOSITION:** Noting the absence of a respondent based on the inspector's testimony and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **June 6, 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.

**Miscellaneous Business:**

**Mr. Vukelja** revisited case number #16 368 Dr Mary M Bethune Blvd stated they are looking to get the insurance money to work on the property and the first thing they plan on doing is the roof and the notice of compliance says repair damaged wall, remove exterior bricks and debris on site, asking if we have taken a left-hand turn here on this case that he didn't know about? The special magistrate is all in for fixing the building and didn't want to bring it up right then and there because he was caught off guard, but he didn't see where the roof is part of the violation.

**Mr. Jones** advised originally they weren't allowed to do any work until they got their insurance adjuster out there and doesn't know why the property has remained in such disarray with the wall and you could see from the photographs, they have parts of stairwells hanging down they're using yellow tape to block off the stairwell that's why the city had been looking towards getting some solution to that to correct it.

**Mr. Jackson** asked did he imply that (inaudible) **Mr. Jones** advised yes that's what he stated that doing the roof first then they'd be able to work on the exterior repairs. He does not know for sure what that has to do with the wall.

**Mr. Vukelja** advised that he just didn't know if anything needed to be amended given sounds like they're getting into areas that we hadn't specifically mentioned.

**Adjournment: 10:52**