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# City of Daytona Beach Special Magistrate

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

David A. Vukelja, Special Magistrate

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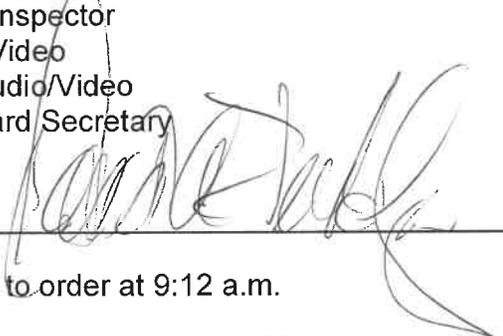
## September 10, 2024 Minutes

**Attendees:**

David A. Vukelja, 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. Mark Bostwick, Code Inspector  
Ms. Abrianna Itani, Code Inspector  
Ms. Sara Kirk, Code Inspector  
Ms. Mariah Quinn, Code Inspector  
Mr. John Stenson, Code Inspector  
Mr. Curtis Wiggins, 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 9:12 a.m.

**Mr. Vukelja** approved the August 13, 2024 Minutes.

**Mrs. Reno** swore in the staff members testifying.

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

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

**CASE # 15 - SMG 09-24-153** - Equity Trust Company FBO Amani Boutros IRA - 440 S Caroline St.

**Compliance September 10, 2024.**

**CASE # 20 - SMG 06-24-92** - Kumaresan Natarajan & Umashankari Santhanavelu - 725 N Peninsula\_Dr.

**Compliance August 22, 2024.**

**CASE # 23 - SMG 08-24-132** - Ashley Marie Gilbert - 909 Gibbons St (Parcel # 4244-02-00-0030).

**Compliance September 9, 2024.**

**Mr. Vukelja** called Case #1

**CASE # 1 - SMG 09-24-142 - C-29 LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1, at 551 Dr Mary M Bethune Blvd. Violation(s) – No permit (concrete work). First Notified – 8/2/2024.

**No Respondent**

**Inspector Garcia** testified to the status of the case, advised it is a field generated case for pouring concrete without a permit in the rear of the property. Requested a finding of non-compliance with compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate found the Respondent in Non-Compliance and ordered to come into Compliance by **October 2, 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 09-24-143 - SP Daytona LLLP** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 603.1), at 437 Jean St. Violation(s) – Inoperable dishwasher. First Notified – 9/26/2023.

**Inspector Kirk** started to testify to the status of the case advising it was a complaint Generated case for inoperable appliance. **Mr. Brian Bengé** came forward and was sworn in and stated his affiliation was as Regional Maintenance Director for apartment management consultants and agreed the violation did exist. The **Special Magistrate** found them in non-compliance and asked the inspector how much time should be required for the respondent to come into compliance. **Inspector Kirk** advised next cut off. **Mr. Brian Bengé** advised as soon as they found out what apartment they ordered the new dishwasher and it has been installed. Discussion on him just needing a final inspection by October 2, 2024.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **October 2, 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 09-24-144 - Lance Stromberg & Eddy Court Residences 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 304.2, 305.3, 404.7, 504.1), at 716 Orange Ave (Parcel 5239-06-28-0220). Violation(s) – Unpermitted interior renovations (door frames, walls), peeling paint, exterior paint not uniform, unsanitary interior walls, missing appliance (stove), inoperable plumbing. First Notified – 5/31/2024.

**No Respondent**

**Inspector Kirk** testified to the status of the case advising this was a compliant generated case. Everything has been completed, except they are waiting on the last permit to be finalized, requested a finding of non-compliance and compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate found the Respondent in Non-Compliance and ordered to come into Compliance by **October 2, 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 09-24-154 - Forsage Miami Inc** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1, at 411 Bellevue Ave. Violation(s) – No permit (fence). First Notified – 3/28/2024.

**Oleksandr Fomin (Owner)/ Alicia Brooks (Fiance)sworn in**

**Inspector Quinn** testified this was for a fence without a permit. They are securing a survey company to come and do a current survey for the property and she had no contact until Friday and initially was going to request next cut off but they're not going to get their survey done and get their permit application done by the next cut off and suggested the November cut off. Everyone was agreeable and the Special Magistrate instructed them to contact the inspector when everything was done to put them in compliance.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **November 6, 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 09-24-156 - Beach Development Group LLC** 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 530 N Beach St. Violation(s) – Damaged metal roof on north facing side of the commercial building. First Notified – 4/11/2024.

**No Respondent**

**Inspector Quinn** testified this was a field generated case, no contact with the owner. There is an issued permit it just hasn't been finalized yet. Requested non-compliance with compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate found the Respondent in Non-Compliance and ordered to come into Compliance by **October 2, 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 09-24-157 - Gregory Karpinski** 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 302.7, 304.10, 304.12), at 311 Cedar St (Parcel # 5339-16-00-0140). Violation(s) – Rotten wood, peeling paint, damaged gutters and down spouts, damaged porch flooring and ceilings, wood rot and faded paint on shed, damaged stairway and deck, missing or damaged handrail and guards. First Notified – 1/18/2024.

**Gregory Karpinski** sworn in and agreed to the violations and was found in non-compliance. requested to add. Mr. Karpinski advised he was going through some treatments and now he can work on the property some since he has regained some strength and requested six months and monthly progress reports.

**Inspector Quinn** discussed the items repaired and that they are currently working on. **Inspector Quinn** spoke to Mr. Karpinski's daughter who agreed to help, so the inspector is comfortable extending the time as long as they give the updates with steady progress.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **March 5, 2025** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day. It was further ordered to not rent be occupied or utilized by anyone other than the owner until compliance is achieved. Progress reports ordered for **November 12, 2024** and **January 14, 2025**.

**CASE # 7 - SMG 09-24-158 - R&J Estates LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1, at **110 Palm PL (Parcel # 5339-71-00-0042)**. Violation(s) – **No permit (full renovation)**. First Notified – 11/8/2023.

**Rosa Alvarado (owner) & Freddie Aucaquizhpi** sworn in agreed to and found in non-compliance.

**Inspector Quinn** advised this is a complicated issue because permitting is wanting them to raise the entire house and put it on stilts. The home is in a flood zone and FEMA is requiring it to be raised. Any of the properties on that street, when they have renovation done it's part of the requirement for the permit. There was interior renovation done without a permit and this was found trying to get an after the fact permit for the renovations. The add displaying the renovations was submitted by Mark Boice Deputy Code Official to Code Compliance Inspector Quinn. The respondents did hire someone to represent them with the city to try to get a waiver to maybe do alternative methods. A retaining wall was not approved. **Freddie Aucaquizhpi** advised the companies they contacted are declining the job because there is no crawl space it is not easy because half the house is on a slab. The respondent has the elevation certificate, and it does not need raised that much probably a quarter of a foot. Discussion on FEMA guidelines and if it is something a variance can be granted or finding an alternative in 30 days.

**DISPOSITION:** Respondent was found in Non-Compliance and case continued to the **October 8, 2024** meeting for the determination of a compliance date. It was further ordered the property shall not be rented, occupied, utilized or sold until compliance is achieved.

**CASE # 8 - SMG 09-24-159 - Rimcim Inc** 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 341 Fairview Ave (Parcel # 5338-32-00-0470). Violation(s) – No permit (exterior stairs), No rental license. First Notified – 5/15/2024.

**No Respondent**

**Inspector Quinn** testified to the status of the case advised it was a complaint generated case and has had contact with the owners who are in the process of securing an engineer to get the permit for the stairs. Requested non-compliance and compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate found the Respondent in Non-Compliance and ordered to come into Compliance by **October 2, 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 09-24-160 - D&J Global Holdings LLC** is cited for failure to correct violations of The Land Development Code, City Code Ch. 90 Sec. 90-297, at 552 N Beach St (Parcel # 5338-20-02-0062). Violation(s) – No valid Business Tax Receipt. First Notified – 6/14/2024.

**No Respondent**

**Inspector Quinn** testified to the status of the case advised it was a complaint generated case and has had no contact with the owner. Requested non-compliance and compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate found the Respondent in Non-Compliance and ordered to come into Compliance by **October 2, 2024** or be returned to a subsequent meeting for consideration of the imposition of a one-time administrative fine of \$250.00.

**CASE # 10 - SMG 09-24-148 - Scott Ibsen** 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 304.6), at 301 Riverview Blvd. Violation(s) – No permit (renovations) and exterior wall staining. First Notified – 5/13/2024.

**No Respondent**

**Inspector Stenson** testified to the status of the case advised it was a complaint generated case and has had no contact with the owner. Requested non-compliance and compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate found the Respondent in Non-Compliance and ordered to come into Compliance by **October 2, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 11 - SMG 09-24-149 - GEA Seaside Investments Inc** 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 304.10), at 507 Phoenix Ave (Parcel # 5309-31-00-0150). Violation(s) – No permits (soffit/siding), damaged railings. First Notified – 4/10/2024.

**No Respondent**

**Inspector Wiggins** Testified to the status of the case advised it was a citizen complaint case and has had no contact with the owner. Requested non-compliance and compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate found the Respondent in Non-Compliance and ordered to come into Compliance by **October 2, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 12 - SMG 09-24-150 - GEA Seaside Investments Inc** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1, at 1928 Marilyn St (Parcel # 5316-10-04-0250). Violation(s) – Expired demolition permit. First Notified – 2/13/2024.

**No Respondent**

**Inspector Wiggins** Testified to the status of the case advised it was a field generated case and has had no contact with the owner permit expired with no inspections. Requested non-compliance and compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate found the Respondent in Non-Compliance and ordered to come into Compliance by **October 2, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 13 - SMG 09-24-151 - GEA Seaside Investments Inc** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.5, 302.8, 304.13.2, 304.2, 305.3, 704.6.1.2), at 121 S Grandview Ave (Parcel # 5304-01-09-0120). Violation(s) – Outside storage, peeling paint, dilapidated wood fence, exterior siding, dilapidated deck/stairwell, boarded windows, missing screens. First Notified – 4/29/2024.

**No Respondent**

**Inspector Wiggins** Testified to the status of the case advised it was a Police complaint case and has had no contact with the owner. Requested non-compliance and compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate found the Respondent in Non-Compliance and ordered to come into Compliance by **October 2, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 14 - SMG 09-24-152 - Amani Group 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), at S Caroline St (Parcel # 5239-15-03-0160). Violation(s) – Overgrown vacant lot, trash & debris. First Notified – 7/26/2024.

**No Respondent**

**Inspector Bostwick** Testified to the status of the case advised it was a field generated case and has had no contact with the owner. Requested non-compliance and compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate found the Respondent in Non-Compliance and ordered to come into Compliance by **October 2, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 16 - SMG 09-24-161 - Gayl Lucinda Smith** 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 304.7), at 443 Walker Ave (Parcel # 5238-18-09-0070). Violation(s) – Dirt & grime, no permit (stairs & patio), damaged soffit. First Notified – 6/10/2024.

**Gayl Smith** sworn in agreed to and was found in non-compliance. **Mr. Vukelja** asked the inspector how long would be required to come into compliance.

**Inspector Itani** advised the special magistrate she is asking for it to be taken care of by next cut off.

**Gayl Smith** asked for more time because the person that was doing this, but she was unaware until she got notice from the city, so she is trying to get someone out there to do it because she doesn't know anything about this stuff. **Mr. Vukelja** asked if she was going to be in compliance by October 2, 2024 and if not tell him why. **Mrs. Smith**. Advised she is going to have to find someone to get a permit for the stairs that got done without a permit and trying to find someone to paint the home. Planning on getting it done and trying to get help to get it done. **Ms. Smith** stated she will just take the October cut off.

**Inspector Itani** requested to extend it to the November cut off.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **November 6, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**Mr. Jackson** requested to hear Lien Review 3&4 as it was resolved.

### **LR-3**

**SMG 09-23-229 - Florida LLC - 710 Loomis Ave.** 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. IPMC304.7, 304.13, 304.14, 305.3, 305.6, 603.1) City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, Violation(s) – Expired Rental License/Business Tax Receipt, defective and unsanitary interior surfaces, ceiling caving in, weak flooring, missing interior doors, missing insect screens, broken windows, inoperable appliances, unpermitted bathroom. First Notified – 6/30/2023. Order Imposing Fine/Lien effective January 4, 2024. \$200.00 a day until compliance achieved. \$24.00 recording fees = \$15,024.00. Compliance August 21, 2024.

**Mr. Ryan Abrams** appeared via zoom on behalf of the defendant Oregon LLC. **Mr. Jackson** provided Mr. Vukelja a copy of the last correspondence showing the agreement with the city, agreeing to a partial release releasing a cross encumbrance of a property 4495 S Atlantic Ave

#302 but the city is continuing on with the remaining issues regarding the lien review which will be heard at the October meeting. **Mr. Ryan Abrams** agreed that is the agreement.

**DISPOSITION:** With the stipulation of the parties ordered the partial release, releasing the cross encumbrance of the property at 4495 S Atlantic Ave #302 with the remaining issues regarding the lien review will be preserved for hearing at the October meeting.

### LR-4

**CEB 04-24-55 - Oregon LLC - 935 S Martin Luther King Blvd.** 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 ; Art. 6 Sec. 6.19.A.3 ; & LDC Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPCM 304.14, 304.15, 305.3, 305.6, 309.1, 504.1, 602.3, 604.3,704.6.1.2) City Code 26 Sec 26-294., Violation(s) – No rental license, boat in driveway, overgrowth, missing insect screens, missing smoke detectors, loose flooring defective interior surfaces, missing & defective doors, infestation, defective plumbing, no heat, broken & loose electrical outlets, and fixtures, interior door closed off without permit. First Notified – 1/17/2024. Order Imposing Fine/Lien effective June 13, 2024. \$100.00 a day until compliance achieved. \$24.00 recording fees = \$5,424.00. Compliance August 6, 2024.

**Mr. Ryan Abrams** requested same to be done with both liens advised this was a different owner but same beneficial owner and didn't believe it was cross encumbered. The special magistrate ordered the same ruling for both cases.

**DISPOSITION:** With the stipulation of the parties ordered the partial release, releasing the cross encumbrance of the property at 4495 S Atlantic Ave #302 with the remaining issues regarding the lien review will be preserved for hearing at the October meeting.

**CASE # 17 - 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. IPCM 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** appeared via zoom & **Thomas Huger** sworn in **Inspector Yates** testified advising no contact since last hearing and no progress, requested a fine in the amount of \$100.00 a day to a maximum of \$20,000.00. **Thomas Huger** advised he is a Florida certified contractor, there is an active permit and apologized for not contacting the inspector, he advised this just transpired over the past few days and they are in the process of making the corrections. Discussion on what is left to be done. **Mr. Huger** advised that he needed to level the rear building and provide connectors for the support. It has to be jacked up, remove the existing peers and bases pour new pad with rebar in it. Place new blocks, pour them solid, and level the building (back building). In the laundry room there are three posts that do not have supports or connectors that will be installed. Three structural (Posts) that have to go in there? **Inspector Yates** advised he believes that was accurately described. Exactly what needs to be done.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **November 6, 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 07-24-110 - S & O Investment USA LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1, at 613 Hillside Ave. Violation(s) – Work without permit (Interior renovations). First Notified – 2/16/2024.

**Steve Yturriaga** sworn in (owner)

**Inspector Wiggins** testified to the status of the case, since the July hearing no progress made, contact with the owner once. Requested a fine in the amount of \$100.00 a day to a maximum of \$15,000.00. **Mr. Vukelja** asked what's left to be done? **Inspector Wiggins** advised that no permit has been submitted. **Mr. Yturriaga** advised that this was originally going to be a small renovation project some drywall, a window or two. Turned into a gigantic project. It's a triplex. He got with an engineer. After many meetings he needed a survey that took over five weeks to get. He will need to demo the one side of the building and not able to build it a two story. Had to wait for permits to tell them what they can rebuild there now since it is more like a rebuild and not a repair anymore requested more time. **Mr. Vukelja** continued the case and advised that if he sees progress, he does not have a problem with the request for 90 days and once satisfied they see work is underway, they may give the remainder of the 90 days.

**DISPOSITION:** the Special Magistrate ruled to continue to the **October 8, 2024** meeting for a progress report on the completion of plans and drawings and status of a permits.

**CASE # 19 - SMG 07-24-124 - Berioza 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 304.2, 304.11), at 494 Seaview Ave. Violation(s) – Unpermitted stairs and decking/2nd floor balcony, outside storage, damaged chimney, peeling paint/exterior staining. First Notified – 5/13/2024.

**No Respondent**

**Inspector Stenson** testified to the status of the case has had contact with little to no progress, permit returned for correction and no permit has been issued. Requested a fine in the amount of \$200.00 a day to a maximum of \$15,000.00.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$200.00** dollars per day will go into effect **September 5, 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 # 21 - SMG 04-24-69 - Virgil & Ellen Rosenfeld Family Trust dated June 22, 2005** 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.

**No Respondent**

**Inspector Stenson** testified to the status of the case has had contact with the owner, property is occupied. Minimal progress, no contact with owner since last hearing, permit issued on May 20, 2024 no other progress and requested compliance by the October cut off.

**DISPOSITION:** Based on the inspectors report the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **October 2, 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 # 22 - SMG 07-24-125 - Larry & Shirley Johnson** is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.B.2.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at 637 Marco St (Parcel # 5339-86-02-0130). Violation(s) – Unpermitted dilapidated accessory structure, overgrown vacant lot, trash & debris. First Notified – 5/2/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case advising had contact with the granddaughter who contacted him this morning saying they are having a family emergency so she could not get the lot cut and was requesting some extra time and with regards to the building they have come into agreement with the city for demolish the property and the city stated it will take about two to three months to get that done. Requested one month to clean up the lot and set a compliance date for the structure for November.

**DISPOSITION:** Noting the absence of the respondent based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **October 2, 2024** to come into compliance as to the overgrown vacant lot maintenance, trash and debris and abutment area, have it inspected and approved by the code enforcement inspector and obtain an affidavit of compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter. It was further ordered that the respondent bring the dilapidated structure into compliance have it inspected and approved by the code enforcement inspector and obtain an affidavit of compliance by November 6, 2024 or return to a subsequent hearing for consideration of the imposition of a fine of up to one thousand dollars per day until compliance is achieved.

**CASE # 24 - SMG 08-24-133 - JPL Investment Corp** is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.C.19.b; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4), at 713 Marion St. Violation(s) – Vehicles parked on a vacant lot, trash & debris, overgrown vacant lot & weeds. First Notified – 6/15/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case advising since last hearing he had no contact or progress and requested a fine in the amount of \$250.00 a day to a maximum of \$15,000.00.

**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 **September 5, 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 # 25 - SMG 08-24-136 - Rosalie Riley** 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 Taylor Ave (Parcel # 5338-38-00-0260). Violation(s) – Overgrown vacant lot, weeds, trash & debris. First Notified – 7/1/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case advising since last hearing he had no contact or progress and requested a fine in the amount of \$250.00 a day to a maximum of \$15,000.00.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **September 5, 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 08-24-137 - Norman H Riley** 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 340 Taylor Ave & 342 (Parcel # 5338-38-00-0250). Violation(s) – Overgrown vacant lot, weeds, trash & debris. First Notified – 7/1/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case advising since last hearing he had no contact or progress and requested a fine in the amount of \$250.00 a day to a maximum of \$15,000.00.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **September 5, 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 # 27 - 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.

**Efraim Brodi & Daniel Parker Sworn in appeared via zoom**

**Field Supervisor Jones** testified permit ready site plans not submitted by Sept 10<sup>th</sup>.

**Mr. Brodi and Mr. Parker** discussed the property replat that was finally recorded over the last few weeks. While they waited for the change of ownership the plans needed changed. Now they are ready to submit but they have to wait because the general contractor changed his corporation's name, so he has to re-register his company with the city and that is now waiting to be approved. Once that is approved and goes through, they will submit and wrap the job up.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **September 24, 2024**, to be in compliance with submitting permit ready site plans and have it inspected and approved by the Code Enforcement Inspector or return to a subsequent hearing for consideration of the imposition of a fine of up to *One Thousand (\$1,000.00) Dollars per day* until compliance is achieved. It was further ordered that Respondent shall appear at the **October 8, 2024** meeting for a progress report and the determination of a Compliance Date on remaining violations.

**CASE # 28 - SMG 11-23-257 - Barbara & James Chester Jones** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 302.9, 304.2, 304.6, 304.7, 304.13, 304.15, 308.1), at 539 & 541-537 Dr Mary M

Bethune Blvd. Violation(s) – Damaged or broken sign, damaged wooden accessory structure, damaged exterior walls, damaged windows, dirt & grime, peeling flaking and decayed paint, exposed wood, damaged roof, trash and debris. First Notified – 8/2/2023.

**No Respondent**

**Field Supervisor Jones** testified that he has been in contact with the redevelopment department there have been some minor issues that they've had to address, they are still planning on purchasing this property and recommended to amend to the January 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 **January 2, 2025** 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 07-24-126 - Destiny L Bonner** 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. 6 Sec. 6.2.H.7.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13, 304.14), at 610 Brentwood Dr. Violation(s) – Outside storage and unmaintained landscaping, dirt & grime, peeling paint, damaged sills and paint, parking commercial vehicles in back yard, damaged windows, missing window screens. First Notified – 3/25/2024.

**Destiny Bonner sworn in**

**Field Supervisor Jones** testified to the status of the case advised he has had contact and progress and requested to amend to the next cut off.

**Ms. Bonner** advised that she may need more time as money is an issue. She was advised it would be \$6000 to repaint the house and she did pay a stucco guy who now is not returning her calls to fix the sill.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **November 6, 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 07-24-109 - Covenant Community Development Corporation of Florida 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, 304.6, 304.7, 308.1), at 507 5th Ave. Violation(s) – Repair exterior walls and re-paint walls, unmaintained landscaping, damaged exterior walls with holes, damaged walls with an a/c unit, remove exposed and damaged wood, damaged roof, trash and debris. First Notified – 4/5/2024.

**Attorney Cederic Donaldson** advised he would like to step back to the July hearing and reviewed the history of the case and discussed specific individual items in detail referring to landscaping, maintaining the property, repairing the holes and securing the property. **Mr. Vukelja** asked if those were current photos, **Mr. Jones** confirmed yes, as of August 7, 2024. **Mr. Donaldson** advised he reached back out after and found out they were being fined. After short discussion gave update on the progress advising they walked the property with contractors. The property will likely need to be gutted out, the contractors told them they have to hire architects and engineers because he cannot submit any type of drawings until he gets the drawings from the architects and engineers and they have already contracted two different architects to tell them exactly what needs to be Agenda - September 12, 2024 -CEB done in order for them to put a roof on there and the architects have already come out and they are waiting for their reports. Once they get the reports they will give them to the contractors. The only thing for them is knowing exactly what is expected because the August hearing they weren't aware that they even needed to be there and now they are being

fined for things that he didn't require them to do in the July hearing. **Mr. Vukelja** looked at the notice of violation and asked **Inspector Jones** if the exterior walls been repaired? **Mr. Jones** advised they are presently most of them have been repaired, yes. **Inspector Jones** explained they were ordered to have the items listed on the violation with the exception of the roof in compliance with by the August 7<sup>th</sup> cut off or be returned for a fine and also ordered a progress report for this month. In August because they did not complete the items that where listed on the violation with the exception of the roof, he was fined \$250.00 dollars a day with a cap of \$200. That has already taken place, and we had photos of the building at that time. Today we were here for the second part of the order a progress report on the roof. At this time there's been no progress that he knows of, and no permit application submitted. **Mr. Vukelja** confirmed the city has heard everything else and entered a fine the only thing we're here on now is progress report on the roof and compliance date and asked what the city proposed for a compliance date. **Inspector Jones** next cut off, only because they have not had any contact on the roof and there's been no permit for the roof. **Mr. Donaldson** advised that there is no way because they need an architectural design to let them know what exactly they can do on the roof before the contractors can submit permits, advised he has emailed Mr. Jones. They have hired a full blown contractor from the City of Daytona who does Coastal work, and they are going through the process and its not as simple as just put a roof on because it was hit by a hurricane in 2022 and it sat there and they acquired it this year, they have been doing everything possible to fix it. **Mr. Vukelja** advised he has yet to hear an actual explanation as to why they don't have a roofing contractor and he's starting on such and such a day. **Mr. Donaldson** advised he has a roofing contractor, and that contractor is the one who is requesting them get the architect. **Mr. Vukelja** asked if he is missing something with regard to this progress report for the roof. **Inspector Jones** has had no discussions in regard to the roof with the property owner and have no information except there's no application on file in the permit department to have the roof redone. **Mr. Vukelja** advised he was giving him one more month to figure it out and continue to the October for a progress report and set a compliance date with or without the input of a roofer who he might talk to or bring down to explain to him how much time he needs and why because with all due respect if all he hears at the next month's meeting is we need these people to explain this and these to explain that, he does not want to hear it. He wants to hear we got a roofing contractor, and you know this is what he needs to do, maybe he's already even submitted a permit application, and he says he needs 30, 60, 90 days to do the roof then he'll hear it. if he hears less than that he's just going to go ahead and give them the fine there looking for already.

**DISPOSITION:** Continue to the **October 8, 2024** meeting for a progress report for the determination of a compliance date for the remaining violations.

**CASE # 31 - 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.

**Leanne Wagner** for the Condominium Association.

**Inspector Yates** testified advising since the last hearing he has had contact and progress. The work has been completed, the engineer has submitted his report and they are waiting for the permit office to finalize and requested to amend to the next cut off as to the balcony.

**Leanne Wagner** agreed

**DISPOSITION:** Based on the consensus of the parties the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents to come into compliance as to balcony repairs by **October 2, 2024**, or return to a subsequent hearing for consideration of the imposition of a fine of up to *One Thousand (\$1,000.00) Dollars per day* until compliance is achieved.

**LR-1**

**SMG 06-24-104 – 811 Tomoka Road LLC- 610 Brentwood Dr (Parcel # 4244-01-30-0022)** 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), 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. Order Imposing Fine/Lien effective July 4, 2024. \$250.00 a day until compliance achieved. \$24.00 recording fees = \$8,024.00. Compliance August 5, 2024.

**Attorney James Pickens** for the respondent confirmed that no agreement was reached.

**Mr. Vukelja** asked for him to explain the hardship and why he should reconsider the fine.

**Attorney James Pickens** from the initial complaint to the notice of violation to the order of non-compliance to the order imposing fine, were all based on the mistaken premise that a building permit was necessary that we know was a mistake because an affidavit of compliance was issued on August 5<sup>th</sup> 2024 without a building permit ever being issued. Taking the simplicity of that into context the violation never existed.

**Field Supervisor Jones** advised this case was opened by the building department after there review of the property appraiser site and the property was listed as a vacant residential and was taxed as a vacant residential parcel. \*Discussion confirming what property was being discussed\*

**Field Supervisor Jones** shared slides showing email dated July 29<sup>th</sup> advising Mark Boice who is the Deputy building official determined that the renovations referenced in the online sales advertisement were cosmetic and do not require a permit. Based on Mark Boice's inspection of the property and the updated property appraiser's records, they now consider the property a legal, non-conforming structure. Once the roof permit is finalized, they will consider the matter resolved as far as the Building Department is concerned.

**Field Supervisor Jones** testified that they revised with the property appraiser the value of the property went and paid the taxes for 2022 and 2023 and brought the property current to the Appraiser's office and paid the balance due. It was not in compliance until they got those items done. Staff requested to reduce the fine to \$6,274.00 for compliance on July 29<sup>th</sup> when the building official agreed its legal non-conforming.

**Mr. Vukelja** asked what they had to do to get the property appraisers office to recognize it's a legal non-conforming use, pay back taxes?

**Attorney James Pickens** No, the project manager said the permit was never needed. They paid the taxes and now paid on the reassessed value as a single family residential unit and taxes had been paid, they were not in delinquency.

**Mr. Vukelja** advised the permit was the hold up and was the component that led to the fine the fine and lien are vacated in its entirety.

**DISPOSITION:** Vacated in its entirety

**LR-2**

**SMG 07-23-180 – Real Land LLC – N Keech St (Parcel # 5238-27-00-0310)** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, Violation(s) – Overgrown vacant lot, outside storage, trash and debris. First Notified – 5/11/2023. Order Imposing Fine/Lien effective August 4, 2024. \$250.00 a day until compliance achieved. \$24.00 recording fees = \$15,024.00. Compliance July 29, 2024.

**Mrs. Reno** advised the city would like to pull this case to return later

**DISPOSITION:** The Special Magistrate Withdrew without prejudice to it being resurrected at a later date.

**Miscellaneous Business**

**Adjournment:** 11:13