



**CITY OF SOUTH DAYTONA  
SPECIAL MASTER CODE ENFORCEMENT  
Minutes**

March 14, 2024 at 9:00 AM  
CITY COUNCIL CHAMBERS

1672 S. Ridgewood Avenue, South Daytona, Florida

**SPECIAL MASTER: Attorney Matthew Branz, Esquire**

**STAFF:** Josh McEnany, Economic Development Director, Matt Miavez, Code Compliance Officer, Rob Kuhn, Code Compliance Officer, Ben Elkinton, Code Compliance Officer, and Becky Witte, Deputy City Clerk,

**CALL TO ORDER:** Special Master Matthew Branz called the City of South Daytona's Special Master Code Enforcement Hearing to Order at South Daytona's City Hall, City Council Chambers, 1672 S. Ridgewood Ave, South Daytona, Florida at 9:05 am.

**PLEDGE OF ALLEGIANCE.**

Special Master Branz welcomed those in attendance to the City of South Daytona Code Enforcement Special Master hearing. He said that today's proceedings are quasi-judicial in nature. Formal rules of evidence do not apply, but fundamental due process will be observed and govern all proceedings, he explained. Mr. Branz said that all testimony is under oath and will be recorded. There is no "public comment" portion of these proceedings, and all participants must have an active role in the case such as staff, respondent, and/or a witness, he said.

Special Master Branz continued to explain that at the conclusion of each hearing, he shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with the powers granted to the Code Enforcement Special Master. The order may include a notice that it must be complied with by a specified date, and that a fine may be imposed, he said.

Special Master Branz advised that if any party decides to appeal any decision made at this meeting, they will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based, per section 286.0105, Florida Statutes.

**OATHS OF THE CITY OFFICIAL, RESPONDENTS AND WITNESSES:** Executed by Deputy City Clerk, Becky Witte

**APPROVAL OF MINUTES FOR: February 8, 2024 Special Master Hearing.** Attorney Branz approved the minutes with minor modifications.

**NEW BUSINESS:**

**Case:** 24-000063

**Owner:** Landino, Nicholas A III

**Address:** 2845 Oak Lea Drive, South Daytona FL 32119 **Parcel Number:** 533305060010

**VIOLATION:**

1. City of South Daytona Land Development Regulations 7.5(B)(10)(c)(2), Miscellaneous parking regulations MRE
2. City of South Daytona Land Development Regulations 7.5(B)(10)(g)(4), Motor vehicle parking limitation on residential property

**Status:** Non-compliance

**Findings of Fact, Conclusions of Law and Order**

Robert Kuhn, Code Compliance Officer presented the case and requested the property be found in violation.

Respondent, Nicholas Anthony Landino III (2845 Oak Lea Drive), was present and provided testimony.

Based on the testimony and evidence presented, the Special Master found the property in violation of:

1. City of South Daytona Land Development Regulations Section 7.5(B)(10)(c)(2): Major recreational vehicles and equipment including recreational vehicles, boats, and utility trailers: Major recreational equipment (MRE) may be parked or stored outdoors in a residentially zoned district provided the following conditions are met: MRE may be parked or stored in the rear yard, an enclosed garage, carport, or side yard behind the front plane of the house. The ground beneath any MRE stored behind the front plane of the house must be maintained in compliance with city regulations.

Special Master Branz said that the Respondent did not come into compliance in a timely manner but at the date of the hearing was in compliance.

Special Master Branz found that the Respondent is declared to be in compliance as of the hearing and that pending violation proceedings before the Special Master are concluded with no fines assessed.

**Case:** 24-000072

**Owner:** Silver Pond Realty LLC

**Address:** 794 Silver Pond Drive, South Daytona FL 32119

**Parcel Number:** 534431000140

**VIOLATION:**

City of South Daytona Land Development Regulations 7.5(B)(10)(a)(1), Prohibited vehicles

**Status:** Non-compliance

**Findings of Fact, Conclusions of Law and Order**

Josh McEnany, Economic Development Director presented the case and requested the property be found in violation.

Respondent was not in attendance.

Based on the testimony and evidence presented, the Special Master found the property in violation of:

1. City of South Daytona Land Development Regulations Section 7.5(B)(10)(a)(1): Miscellaneous parking regulations. Commercial vehicles and equipment in residential zones and residentially-zoned areas: The following types of vehicles and equipment shall be prohibited from outdoor (to include carports) parking or storage in residentially-zoned areas exclusive of the exceptions cited:

a. *Prohibited vehicles.* The parking of the following vehicles shall be prohibited in residentially-zoned areas:

[1] Vehicles or equipment with a size which exceeds:

- (a) 96 inches in height, measured from the road surface to the highest top point, excluding any antennas.
- (b) 22 feet in length, measured from the most extreme front point to the most extreme rear point, including any bumpers, hitches, or towing devices, etc.
- (c) 80 inches in body width, excluding any mirrors, fenders, or wheel axle assemblies.

Special Master Branz found the property was not in violation based on the photographic evidence and testimony of staff.

Special Master Branz said the Respondent is declared to be in compliance and that pending violation proceedings before the Special Master are concluded.

**Case:** 24-000078

**Owner:** Hill, Richard

**Address:** 2530 S. Nova Road, South Daytona FL 32119 **Parcel Number:** 534416001390

**VIOLATION:**

City of South Daytona Code of Ordinances 16-11, Business Tax Receipt required

**Status:** Non-compliance

**Findings of Fact, Conclusions of Law and Order**

Josh McEnany, Economic Development Director presented the case and requested the property be found in violation.

Respondent, Richard Hill (973 Deer Springs Road, Port Orange), was present and provided testimony, statements, and pictures.

Richard Hill called Chad Safar (2291 Henry Lane, Deltona) and he provided testimony.

Special Master Branz continued the case to the April 11, 2024 hearing to be held in the City of South Daytona Council Chambers located at 1672 S. Ridgewood Avenue, South Daytona, Florida.

**Case:** 24-000085

**Owner:** Jones, Vincent W

**Address:** 2947 Foxcroft Lane, South Daytona FL 32119 **Parcel Number:** 533316000410

**VIOLATION:**

City of South Daytona Land Development Regulations 7.5(B)(10)(c)(2), Miscellaneous parking regulations MRE

**Status:** Non-compliance

**Findings of Fact, Conclusions of Law and Order**

Robert Kuhn, Code Compliance Officer, presented the case and requested the property be found in violation

Respondent was not in attendance.

Based on the testimony and evidence presented, the Special Master found the property in violation of:

1. City of South Daytona Land Development Regulations Section 7.5(B)(10)(c)(2): Major recreational vehicles and equipment including recreational vehicles, boats, and utility trailers: Major recreational equipment (MRE) may be parked or stored outdoors in a residentially zoned district provided the following conditions are met: MRE may be parked or stored in the rear yard, an enclosed garage, carport, or side yard behind the front plane of the house. The ground beneath any MRE stored behind the front plane of the house must be maintained in compliance with city regulations.

Special Master Branz said that the Respondent must correct the violation on or before March 20, 2024 at 4:00pm. A fine of \$50.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to determine whether the Respondent has complied is set for April 11, 2024 at 9:00am in the City of South Daytona Council Chambers located at 1672 S. Ridgewood Avenue, South Daytona, Florida.

#### **OLD BUSINESS**

**Case # 23-000035**

**Owner: Figgins, Scot Alan and Philis Jean Curry**

**Location: 608 Ridge Blvd, South Daytona FL 32119**

**Parcel Number: 532804360080**

#### **VIOLATION(S):**

1. International Property Maintenance Code 302.4, Weeds  
Comments: GRASS MUST BE MOWED, EDGED, AND TRIMMED. BUSHES AND VEGETATION MUST BE TRIMMED BACK
2. International Property Maintenance Code 302.8, Motor vehicles  
Comments: VEHICLE MUST BE REGISTERED WITH A VALID TAG
3. City of South Daytona Code of Ordinances 4-47, Animal License  
Comments: ANIMALS ON PROPERTY MUST REGISTERED WITH THE CITY

**Status: Request Order of Compliance**

Rob Kuhn, Code Compliance Officer, said this case came on for public hearing on March 9, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated March 9, 2023, where the property was found in violation.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master found that the property was in Compliance by **February 15, 2024** for violation of the following:

1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.4: Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.8, Motor Vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

3. City of South Daytona, Code of Ordinances, Chapter 4, Animals and Fowl, Article II. Licenses, Division 2. Licenses to Keep Dogs and Cats. Sec. 4-47. Required. Any person owning, keeping, harboring or having custody of any dog or cat over six (6) months of age within this city must obtain a license as herein provided.

Special Master declared that the Respondent to be in compliance and that pending violation proceedings before the Special Master are concluded with a fine of \$78,625 is due for 314 days of non-compliance including the \$125 Administrative Fee.

#### **REPEAT VIOLATIONS**

**Case # 24-000090**                      **Owner: Ginder, Ricky Lynn and Victoria Marie Maxwell**  
**Location: 2821 Sauls Street, South Daytona, FL 32119**    **Parcel Number: 633701040021**

#### **VIOLATION(S):**

Section: City of South Daytona Land Development Regulations 7.5(B)(10)(c)(1), Miscellaneous parking regulations MRE-No more than 3

Comments: REPEAT VIOLATION FROM FILE #: 23-000399- NO MORE THAN THREE (3) PIECES OF MRE MAY BE PARKED OR STORED OUTDOORS AT ANY ONE RESIDENTIAL PROPERTY.

**Status: Repeat Violation / Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Josh McEnany, Economic Development Director presented the case and requested the property be found in violation.

Respondents' representative, Dean Maxwell (2910 Hardy Avenue, New Smyrna Beach), was present and provided testimony.

Based on the testimony and evidence presented, the Special Master found the property in repeat violation of:

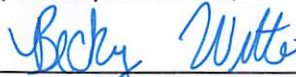
City of South Daytona Land Development Regulations Section 7.5(B)(10)(c)(1): No more than three pieces of MRE may be parked or stored outdoors (including carports) at any one residential property.

Special Master Branz said that the Respondent is in repeat violation starting March 5, 2024 and a fine of \$500.00 per day will be imposed for each day the violation continues past March 5, 2024.

**NEXT MEETING:** April 11, 2024

**ADJOURNMENT.** Hearing adjourned at 10:42 am.

Respectfully submitted,



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Becky Witte, Deputy City Clerk