

CITY OF DAYTONA BEACH MINUTES

SPECIAL  
MAGISTRATE  
HEARING

July 10, 2012 at 9:00 AM  
City Commission Chambers  
301 South Ridgewood Avenue,  
Daytona Beach, Florida

ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney  
Mr. Hector Garcia, Code Compliance Manager  
Ofc. Sherri Siracusa  
Mr. John Stenson, Code Inspector  
Ms. Aimee Hampton, Board Secretary

Approval of Minutes by:  Special Magistrate

Mr. Vukelja called the Hearing to order at 9:05 a.m.

Mr. Vukelja approved the May 15, 2012 and the June 12, 2012 Meeting Minutes.

Ms. Hampton swore in members of staff.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton advised there were no announcements.

**CASE NO 1 SMG 06-12-52 – Eddie Anderson & Joyce Ann Anderson** is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 2.7(a); Art. 18 Sec. 7.3; Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.7), at **568 Heineman Street** - Violation(s) – Parking in yard; Outside Storage; Accessory structure (fencing) -First Notified – 3/16/2012.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the property was in non-compliance and requested to amend the compliance date until the next cut-off date for compliance.

**Ruling**

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until August 8, 2012 to come into compliance or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000.00 per day until compliance is achieved.

**CASE NO 2 SMG 06-12-53 – Charles Van Steenberg** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.3, 302.4, 302.5, 302.7, 303.1, 303.2, 303.4, 303.5, 303.6, 303.7, 303.10, 303.12.2, 303.14, 303.15, 304.1, 304.2, 304.3, 304.6, 306.1, 504.1, 504.3, 602.1, 604.3, and 605.1), at **815 Lenora Street** - Violation(s) – Sidewalks and driveways; weeds; rodent harborage; accessory structures; protective treatment; structural members; foundation walls; exterior walls; roofs and drainage; stairways, decks, porches and balconies; openable windows; insect screens; doors; interior structure; interior surfaces; interior doors; infestation; plumbing system hazards; heating facilities required; electrical systems hazard; electrical installation - See Attached Housing Inspection Long Form - First Notified – 5/2/2012.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the property was in non-compliance. Mr. Stenson further stated he had no contact with the Respondent and therefore was recommended imposing a fine of \$75.00 per day with a maximum of \$10,000.00.

### **Ruling**

Mr. Vukelja imposed a fine of \$75.00 per day effective July 3, 2012 against the Respondent to continue each day thereafter until compliance is achieved or reached the maximum amount of \$10,000.00.

**CASE NO 3 SMG 06-12-55 – Jimmie L. Sanders** is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 2.7, at **352 Jackson Avenue** - Violation(s) – Parking in yard - First Notified – 4/28/2012.

Respondent was in compliance June 26, 2012.

**CASE NO 4 SMG 03-12-41 – O'Neill Family W&H LP and John Burch** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC 105.1), at **755 Berkshire Road** Violation(s) – Exceeding the scope of permits - First Notified – 2/7/2012 (posted).

John Burch came forward and was sworn. Mr. Burch stated he has submitted the paperwork and he also spoke with Mr. McKittrick who told him to go ahead and apply for a permit.

Mr. Stenson testified on behalf of the City and stated the Respondent has exceeded the scope of the permit by the work being done on the house. Mr. Stenson recommended imposing a fine of \$500.00 per day with a maximum of \$15,000.00.

Mr. Ron Roberts, interim chief building official, came forward and was sworn. Mr. Roberts stated Mr. Burch has exceeded the scope of the permit because the work he has done requires drawings from an engineer and those have not been submitted.

Mr. Vukelja inquired as to how much time it would take for Mr. Burch to obtain a permit.

Mr. Burch stated the time depended on how long it would take the architect to do the drawings.

### **Ruling**

Mr. Vukelja ordered the Respondent to submit a permit application by September 5, 2012 and also ordered the case be continued until the September 11, 2012 meeting. Mr. Vukelja further ordered that if the Respondent has not submitted the permit application by September 5, 2012 he could be fined at the next meeting. Mr. Vukelja also ordered that the property not be rented or utilized and the exterior shall be maintained until compliance is achieved.

**CASE NO 5 SMG 02-12-18 – Ali Darren Jafroodi** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1) further reference Ch. 22-28 Code of Ordinances; See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department Violations as Exhibit "3", at **10 Alison Lane**

(Trailer # 137) - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures; plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms; Unsafe Structure - First Notified – 12/16/2011.

Respondent was in compliance July 10, 2012.

**CASE NO 6 SMG 02-12-19 – Ali Darren Jafroodi** is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 4; Art. 18 Sec. 7.3; Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 604.3 and 302.7 IPMC); Art. 19. Sec. 1.1 (ref. FBC 105.1); Art. 19 Sec. 1.1 (ref. FBC Supp NFPA 1, 13.6.6.8.3); City Ordinance 90-297, at **10 Alison Lane - Common Areas** - Violation(s) – Commercial appearance standards; outside storage; property landscaping and maintenance; electrical system hazards; accessory structure (all fencing); working without permits; fire extinguishers; no occupational license - First Notified – 12/16/2011.

Mr. Darren Jafroodi came forward and was sworn. Mr. Jafroodi stated the dumpster enclosure portion of the violation according to the plan was supposed to be in the 90 day compliance bracket. Mr. Jafroodi also stated he could not pull an occupational license currently because of the non-compliance issues but he was trying to work with zoning regarding the occupational license issue.

Mr. Brian Bowers and Mr. Jerry Gurley also came forward and were sworn.

Mr. Stenson testified on behalf of the City and stated the common areas are in non-compliance as the he still needs a dumpster and the occupational license. Mr. Stenson recommended amending the compliance date until the September 5, 2012 cut-off date as that portion of the violation was supposed to be in the 90 day category.

#### **Ruling**

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until September 5, 2012 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

**CASE NO 7 SMG 02-12-21 – Ali Darren Jafroodi** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1); See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department Violations as Exhibit "3", at **110 Peyton Lane** - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures; plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms. - First Notified – 12/16/2011.

Mr. Stenson testified on behalf of the City and stated he re-inspected the property on June 29, 2012 and it was in non-compliance. Mr. Stenson recommended imposing a fine of \$500.00 per day.

Mr. Jafroodi stated he was in compliance and needed a re-inspection and had previously requested a re-inspection.

#### **Ruling**

Mr. Vukelja continued the case until the August 14, 2012 meeting to allow the inspector to re-inspect the property for compliance.

**CASE NO 8 SMG 02-12-23 – Ali Darren Jafroodi** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1); See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department Violations as Exhibit "3", at **10 Alison Lane (Trailer # 113)** - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures;

plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms. - First Notified – 12/16/2011.

Mr. Stenson testified on behalf of the City and stated he re-inspected the property on June 29, 2012 and it was in non-compliance.

Mr. Jafroodi stated he was in compliance and needed a re-inspection and had previously requested a re-inspection.

### **Ruling**

Mr. Vukelja continued the case until the August 14, 2012 meeting to allow the inspector to re-inspect the property for compliance.

**CASE NO 9 SMG 02-12-25 – Ali Darren Jafroodi** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1); See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department Violations as Exhibit "3", at **10 Alison Lane (Trailer # 121 - Madison Avenue Side)** - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures; plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms. - First Notified – 12/16/2011.

Mr. Stenson testified on behalf of the City and stated he re-inspected the property on June 29, 2012 and it was in non-compliance.

Mr. Jafroodi stated he was in compliance and needed a re-inspection and had previously requested a re-inspection.

### **Ruling**

Mr. Vukelja continued the case until the August 14, 2012 meeting to allow the inspector to re-inspect the property for compliance.

**CASE NO 10 SMG 02-12-30 – Ali Darren Jafroodi** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1); See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department Violations as Exhibit "3", at **10 Alison Lane (Trailer # 103)** - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures; plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms. - First Notified – 12/16/2011.

Mr. Stenson testified on behalf of the City and stated he re-inspected the property on June 29, 2012 and it was in non-compliance.

Mr. Jafroodi stated he was in compliance and needed a re-inspection and had previously requested a re-inspection.

### **Ruling**

Mr. Vukelja continued the case until the August 14, 2012 meeting to allow the inspector to re-inspect the property for compliance.

**CASE NO 11 SMG 02-12-34 – Ali Darren Jafroodi** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1); See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department

Violations as Exhibit "3", at **10 Alison Lane (Trailer # 131 - rear)** - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures; plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms. - First Notified – 12/16/2011.

Mr. Stenson testified on behalf of the City and stated he re-inspected the property on June 29, 2012 and it was in non-compliance.

Mr. Jafroodi stated he was in compliance and needed a re-inspection and had previously requested a re-inspection.

#### **Ruling**

Mr. Vukelja continued the case until the August 14, 2012 meeting to allow the inspector to re-inspect the property for compliance.

**CASE NO 12 SMG 02-12-35 – Ali Darren Jafroodi** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1); See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department Violations as Exhibit "3", at **10 Alison Lane (Trailer # 133 - rear)** - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures; plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms. - First Notified – 12/16/2011.

Mr. Stenson testified on behalf of the City and stated he re-inspected the property on June 29, 2012 and it was in non-compliance.

Mr. Jafroodi stated he was in compliance and needed a re-inspection and had previously requested a re-inspection.

#### **Ruling**

Mr. Vukelja continued the case until the August 14, 2012 meeting to allow the inspector to re-inspect the property for compliance.

**CASE NO 13 SMG 02-12-37 – Ali Darren Jafroodi** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1); See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department Violations as Exhibit "3", at **10 Alison Lane (Trailer # 115 - rear south)** - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures; plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms. - First Notified – 12/16/2011.

Mr. Stenson testified on behalf of the City and stated he re-inspected the property on June 29, 2012 and it was in non-compliance.

Mr. Jafroodi stated he was in compliance and needed a re-inspection and had previously requested a re-inspection.

#### **Ruling**

Mr. Vukelja continued the case until the August 14, 2012 meeting to allow the inspector to re-inspect the property for compliance.

**CASE NO 14 SMG 02-12-39 – Ali Darren Jafroodi** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1); See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department Violations as Exhibit "3", at **10 Alison Lane (Trailer # 101- south east corner of property)** - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures; plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms. - First Notified – 12/16/2011.

Mr. Stenson testified on behalf of the City and stated he re-inspected the property on June 29, 2012 and it was in non-compliance.

Mr. Jafroodi stated he was in compliance and needed a re-inspection and had previously requested a re-inspection.

Mr. Broukner came forward and was sworn. Mr. Broukner stated he was Mr. Jafroodi's contractor. Mr. Broukner stated the inspection that was held on Friday there were some issues that they corrected and some additional small items that have been taken care of which John said they would reschedule an inspection for the following week.

### **Ruling**

Mr. Vukelja continued the case until the August 14, 2012 meeting to allow the inspector to re-inspect the property for compliance.

### **ADJOURNMENT**

The meeting was adjourned at 10:25 a.m.