



# City of Daytona Beach Shores

*"Life is Better Here"*

*"A Premier, Friendly Place to Be"*

**AGENDA**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING**  
**JANUARY 16, 2025**  
**9:00 AM, Shores Community Center, 3000 Bellemead Drive**  
**Daytona Beach Shores, FL 32118**

Notice is hereby given to all interested parties that if a person should decide to appeal any decision made at the aforementioned meeting of the Code Enforcement Special Magistrate, such person will need a recording of the proceedings conducted at such meeting, and for such purpose or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. NOTE: individuals covered by the American with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the Office of the City Clerk at the City Hall of Daytona Beach Shores or by telephone at 763-5353 at least seven working days prior to the meeting.

**1. CALL TO ORDER**

- A. Opening Statements by Special Magistrate deLaroche
- B. Swearing in Witnesses

**2. OPENING REMARKS**

- A. Notification of Items Removed from Agenda by City Staff

**3. MINUTES**

- A. Code Enforcement Special Magistrate Minutes December 5, 2024

**4. ADVANCED HEARINGS (Post-Initial Hearings)**

**5. INITIAL HEARINGS**

- A. Property Owner: JK Daytona, LLC  
Violation Address: 2225 S. Atlantic Ave.

Code Enforcement Case #: FCDEF2024-42  
Volusia County Tax Parcel ID #: 5315 02 02 0010

B. Property Owner: Ocean Court Holdings, LLC  
Violation Address: 2315 S. Atlantic Avenue in Daytona Beach Shores, Florida  
Code Enforcement Case #: SCDEF2023-36  
Volusia County Tax Parcel ID #: 5322 03 01 0110

C. Property Owner: SLF V DBS HOLDCO, LLC  
Violation Address: 2323 S. Atlantic Avenue in Daytona Beach Shores, Florida  
Code Enforcement Case #: CDEF2024-40  
Volusia County Tax Parcel ID #: 5322 03 01 0130

D. Property Owner: SLF V DBS HOLDCO, LLC  
Violation Address: 2323 S. Atlantic Avenue in Daytona Beach Shores, Florida  
Code Enforcement Case #: PCDEF2024-41  
Volusia County Tax Parcel ID #: 5322 03 01 0130

**6. CLOSING REMARKS**

A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, February 20, 2025, at 9:00 a.m.

B. March's C.E.S.M. Meeting is scheduled for Thursday, March 20, 2025, at 9:00 a.m.

C. April's C.E.S.M. Meeting is scheduled for Thursday, April 17, 2025, at 9:00 a.m.

**7. SPECIAL MAGISTRATE COMMENTS**

**8. ADJOURNMENT**

**MINUTES**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING**  
**December 5, 2024**  
**3000 Bellemead Drive Daytona Beach Shores, FL 32118**

**1. CALL TO ORDER**

SM deLaroche called the meeting to order at 9:00 am.

A. Opening Statements by Special Magistrate deLaroche

B. Swearing in Witnesses

All witnesses were sworn in for the day's hearings.

**2. OPENING REMARKS**

A. Notification of Items Removed from Agenda by City Staff

There were no items removed the agenda.

**3. MINUTES**

A. Code Enforcement Special Magistrate Minutes October 17, 2024

SM deLaroche approved the minutes from October 17, 2024.

**4. ADVANCED HEARINGS (Post-Initial Hearings)**

A. Property Owner: OC 3711, LLC

Violation Address: 3711 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-50

Volusia County Tax Parcel ID #: 6302 05 05 0070

Ms. Herstein requested that each of the documents included in the PowerPoint file, whether presented during the hearing or not, by the City for this case be accepted as evidence, most of which have been provided to the Special Magistrate and all of which have been presented to the Respondent or their rep. The Special Magistrate accepted the documents with no objection. It was noted that this was a First Compliance Hearing for the Second Compliance Date. The violations were stated on the record and slides were shown. This case was continued from the October agenda due to a conflict with a religious holiday. The property owner, Pinchas Mamane, had no questions regarding the city's staff report. Mr. Mamane explained that he had already spent over \$100,000 with no reimbursement from his insurance company. He is currently in litigation with them. Mr. Mamane hopes to have construction start in the next 60 days. He has secured Paul Culver Construction and has a civil engineer for the seawall plans. SM deLaroche informed him that would be after his final ordered compliance date. He recommended that the permit be applied for and secured prior to the end of January.

Staff recommended Order #11 be imposed with an additional \$85.53 in Administrative Fees. The current total due is \$396.46. Mr. Mamane indicated the Administrative Fees would be paid within seven days. SM deLaroche issued Order #11 as provided, imposing a daily fine of \$250 a day, retro to July 19, 2024. The total Administrative Fee due within seven days is \$396.46.

- B. Property Owner: National Retail Properties, LP  
Violation Address: 2112 S. Atlantic Avenue in Daytona Beach Shores, Florida  
Code Enforcement Case #: CDEF2022-02  
Volusia County Tax Parcel ID #: 5316 24 00 0121

Ms. Herstein requested that each of the documents included in the PowerPoint file, whether presented during the hearing or not, by the City for this case be accepted as evidence, most of which have been provided to the Special Magistrate and all of which have been presented to the Respondent or their rep. The SM accepted the packet of evidence, including the 30 pages submitted by the Respondent. This was a Second Compliance Hearing for a case with 26 initial violations. Of the 26, only 13 were found non-compliant by the SM ordered date. The longest violation was 779 days at a fine of \$250 per day. The total due is \$194,750.00 in fines and \$234.62 in unpaid Administration Fees. The additional fees due for today are \$142.19, which will bring the total to \$376.81. Ms. Herstein displayed slides that showed the 13 violations which accrued fines, along with their compliance dates. She discussed the permit turnaround time that was brought up in the evidence packet submitted by the Respondent. The typical turnaround time is 1–10 days by the city staff providing all the necessary documents were submitted with the application. The Respondent mentioned that a permit took 180 days and this was not due to city staff. Attorney Christopher Earle was present to represent the property owner along with Kendrick Holliday, Senior Manager of Maintenance. Attorney Earle questioned Ms. Herstein if steady progress had been made on the property, and she said that the project had moved forward with stops and starts, ultimately taking 779 days. He inquired how many phone calls were made from July 2022–Sept 2024. Ms. Herstein stated that the minimum number was included in the packet; there were a minimum of 31 call threads and a minimum of 109 emails. He asked if the city was aware that Dollar General was a tenant, and she replied yes, but the city does not ask for lease documentation. It is the property owner's responsibility that the property be compliant. Attorney Earle questioned who Ms. Herstein had interactions with, and she replied representatives of the property owner and, at times, the tenant. He inquired if she meant Dollar General, and she responded no.

At this point, SM DeLaroche asked Attorney Earle who he represented. At first, he replied to the tenant, Dollar General. Mr. Holliday had an Authorization to Answer from the property owner. The hearing paused while the attorney made a few phone calls and the SM researched the property owner on Sunbiz. It was determined that the authorization was valid, and Attorney Earle was representing the owner. Ms. Herstein called Chief Building Official Steve Edmunds to the podium. He was questioned about the accuracy of the documents and slides shown. He replied they were true and accurate. He had no changes or additions.

Attorney Earle stated that a more timely response could have been made by both the property owner and the landlord. He admits to large gaps in time, January 2023 to July 2023, when no work had been done. He explained that it took some time to obtain contractors for some of the work. Attorney Earle questioned Kendrick Holliday as to his role and responsibility. Mr. Holliday stated he was the Senior Manager of Maintenance for their SE division. The PowerPoint slides were reviewed for his knowledge of the repairs. He stated he became responsible in the summer of 2023 and did his best to become compliant. Ms. Herstein cross-examined Mr. Holliday regarding the landscape work. He had stated it was fully restored by May 2023 prior to him taking over the project. She inquired if he had requested an update about where the violations stood when he took over. Mr. Holliday stated he did not. He stated when he spoke with Ms. Herstein, they discussed the roofing and electrical issues only. Ms. Herstein felt that landscaping had also been discussed with him. It was determined that Ms. Herstein had emailed him a re-inspection report showing the status of all violations. She directed him to the slide depicting Violation C) landscape plants have died. One picture from July 5, 2024, shows no plants near the building, just trees, grass and mulch. Mr. Holliday stated he felt it was compliant as it stood. She had him review an inspection report from November 2023, and it was determined that the landscaping was marked compliant on that date.

Attorney Earle provided a brief closing statement. He stated that both Dollar General and the property owner have taken the violations seriously since July 2023. Roofing & electrical work were the top priority and landscaping was not thought to be as important. Work was done in early 2022, but then Hurricane Ian occurred. Clearly, there was a gap in work of roughly eight months from January 2023 to July 2023. He asked for a reasonable reduction in fines and was willing to concede to pay for the eight months of no work in 2023.

SM deLaroche issued Order #13 removing 11 days for permit issues and another 28 days for Hurricane Ian as there has been no other evidence presented. The total reduction for the 39 days is \$9,750. The new total due is \$185,000. The total Administrative Fee due is \$376.81, payable within 30 days. Ms. Herstein stated that due to a factual error by the city that was made apparent during cross-examination, she recommended SM deLaroche reduce the fines to the eight months that Attorney Earle stated was the fault of the property owner. The fine could be reduced to 240 days total with the fine amount \$60,000 if paid within six months. SM deLaroche accepted the city's reduction to \$60,000 if paid within six months. If not paid, it will revert to \$185,000. The Administrative Fees of \$376.81 must be paid within 30 days.

**5. INITIAL HEARINGS**

**6. CLOSING REMARKS**

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, January 16, 2025, at 9:00 a.m.
- B. February's C.E.S.M. Meeting is scheduled for Thursday, February 20, 2025, at 9:00 a.m.
- C. March's C.E.S.M. Meeting is scheduled for Thursday, March 20, 2025, at 9:00 a.m.

**7. SPECIAL MAGISTRATE COMMENTS**

**8. ADJOURNMENT**

The meeting ended at 11:32 am.

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**Special Magistrate, Steven deLaroche**

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**Recording Secretary, Cheri Schwab**



**CODE ENFORCEMENT CASE SUMMARY  
JANUARY 16, 2025 AGENDA**

**TO:** The Code Enforcement Special Magistrate  
**FROM:** Gwyn Herstein, City Planner  
**PREPARED BY:** Gwyn Herstein, City Planner  
**SUBJECT:** Property Owner: JK Daytona, LLC  
Violation Address: 2225 S. Atlantic Ave.  
Code Enforcement Case #: FCDEF2024-42  
Volusia County Tax Parcel ID #: 5315 02 02 0010

**TYPE OF HEARING:**

Initial Hearing

**CODE(S) CITED:**

*The Code of Ordinances of the City of Daytona Beach Shores, Chapter 11, Section 11.1. Florida Fire Prevention Code adopted by reference., which refers, in part, the Florida Fire Prevention Code, Eighth Edition, Life Safety 101, 2021 Ed., Sections 4.6.12.1, 9.6.1.2., 9.6.1.3., 9.11.1., and 9.11.2.*

**VIOLATION(S) FOUND:**

- a) Fire alarm system is completely inoperable; there is no smoke, heat, or carbon monoxide activation or notification to local fire department or on-site customers**
- b) The site has no fire protection by sprinkler system; fire sprinkler system is completely inoperable, and the extent of damage is unknown**

**REQUESTED ORDER(S):**

#7. Initial Hearing, In Violation w/ fees

**POSSIBLE ORDERS:**

- #1. Continuance
- #2. Dismissal
- #4. Initial Hearing, No Fine Standing Order, currently compliant, w/out fees
- #5. Initial Hearing, No Fine Standing Order, currently compliant, w/ fees
- #6. Initial Hearing, No Violations found
- #7. Initial Hearing, In Violation w/ fees

**SUPPLEMENTARY INFORMATION:**

Please see supplementary document packet.

**ATTACHMENT:** None



**CODE ENFORCEMENT CASE SUMMARY  
JANUARY 16, 2025 AGENDA**

**TO:** The Code Enforcement Special Magistrate

**FROM:** Gwyn Herstein, City Planner

**PREPARED BY:** Gwyn Herstein, City Planner

**SUBJECT:** Property Owner: Ocean Court Holdings, LLC

Violation Address: 2315 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-36

Volusia County Tax Parcel ID #: 5322 03 01 0110

**TYPE OF HEARING:**

Initial Hearing

**CODE(S) CITED:**

*The Code of Ordinances of the City of Daytona Beach Shores, Appendix G - Land Development Code, Section 14-52.9.(C), (D)(2), and (D)(7).*

**VIOLATION(S) FOUND:**

**Violation a) Seawall is structurally flawed/missing with only temporary sandbags preventing further damage to property from high surf events**

**Violation b) Seawall is non-functional and not structurally sound**

**Violation c) Cabana near northwest corner of property is not structurally sound**

**Violation d) Pool deck is broken apart**

**Violation e) Pool is undermined**

**Violation f) Seawall is not in good repair/missing and is not retaining property elements**

**REQUESTED ORDER(S):**

#7. Initial Hearing, In Violation w/ fees

**POSSIBLE ORDERS:**

#1. Continuance

#2. Dismissal

#4. Initial Hearing, No Fine Standing Order, currently compliant, w/out fees

#5. Initial Hearing, No Fine Standing Order, currently compliant, w/ fees

- #6. Initial Hearing, No Violations found
- #7. Initial Hearing, In Violation w/ fees

**SUPPLEMENTARY INFORMATION:**

Please see supplementary document packet

**ATTACHMENT:**     None



**CODE ENFORCEMENT CASE SUMMARY  
JANUARY 16, 2025 AGENDA**

**TO:** The Code Enforcement Special Magistrate

**FROM:** Gwyn Herstein, City Planner

**PREPARED BY:** Gwyn Herstein, City Planner

**SUBJECT:** Property Owner: SLF V DBS HOLDCO, LLC

Violation Address: 2323 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2024-40

Volusia County Tax Parcel ID #: 5322 03 01 0130

**TYPE OF HEARING:**

Initial Hearing

**CODE(S) CITED:**

*The Code of Ordinances of the City of Daytona Beach Shores, Chapter 13, Section 13-5., Chapter 19, Section 19-1.2.(k)(1). and Appendix G - Land Development Code, Chapter 14, Section 14-52.9.(B)(14), (B)(16), (B)(17), (C), (D)(1), (D)(2), (D)(3), (D)(4), (D)(6), (D)(7), (D)(9), (D)(10), & (D)(12), and Chapter 14, Section 14-61.1.(b).*

**VIOLATION(S) FOUND:**

- a) Weeds taller than 12" in places
- b) Loose debris is present in many areas of the property including building materials, sand, and vegetative debris
- c) Construction-type fabric has become tangled in trees and elements of the building
- d) Stucco missing in places
- e) Unpainted plywood in areas of the building can admit dampness
- f) Missing soffit and fascia in areas
- g) Open hole in ceiling of porte cochere
- h) Standing water in pool is green and allows breeding conditions for mosquitoes
- i) Open storage of construction equipment with no associated active building permits
- j) Open storage of building materials with no associated active building permits
- k) Deteriorated doors leave areas unsecured and open to trespassers
- l) Unsecured doors are ajar
- m) Large damaged pool is unprotected
- n) Cracks in multiple places on retaining wall along north and south property lines
- o) Retaining walls are failing in areas
- p) Erosion under the northeast corner of the building

- q) Missing balcony and railings at northeast corner of the building
- r) Property is open to trespassers and easily accessed
- s) Seawall is missing at northeast corner
- t) South retaining wall is missing at corner
- u) Paint is peeling and discolored in places
- v) Paint is deteriorated in places including balconies and walkway railings
- w) Door openings and windows are boarded shut on multiple building faces
- x) Concrete spalls visible in places around building
- y) Concrete spalls around windows and breezeway
- z) Multiple windowsills are deteriorated
- aa) Fire suppression elements are in disrepair
- bb) Damaged air conditioning units including the one on the south side of building
- cc) Abandoned air vent on south side of building
- dd) Windows boarded in areas
- ee) Porte cochere roof is damaged and missing in areas
- ff) Soffit is missing from north side of porte cochere
- gg) Gutters disconnected and missing pieces at porte cochere
- hh) Fascia is unprotected in areas
- ii) Drip edge rusted in areas
- jj) Seawall is missing
- kk) Trap bags are deteriorated
- ll) Multiple cracks in retaining walls on north and south property lines
- mm) Stucco cracked on retaining walls
- nn) Fencing around property is not being maintained, locks are missing and fence is being held shut by buckets of cement with wood inserted
- oo) Monument-style sign damaged
- pp) Monument-style sign cabinet components are deteriorated and rust-covered
- qq) Light fixtures rusted and deteriorated in multiple places on property
- rr) Light fixtures and EXIT signs missing in multiple places on property
- ss) Light pole on south side of property is damaged with exposed wiring
- tt) Parking areas are deteriorated and uneven in places
- uu) Driving pass-through under building at southwest corner of property has been excavated without permits
- vv) Landscaping not being “kept in a neat and well-maintained condition”
- ww) Building remains vacant longer than 60 days without obtaining a Certificate of Habitability Compliance – Vacant Property
- xx) Building has not been registered as a vacant building in the City’s Vacant or Abandoned Building Monitoring Program

**REQUESTED ORDER(S):**

#7. Initial Hearing, In Violation w/ fees

**POSSIBLE ORDERS:**

- #1. Continuance
- #2. Dismissal
- #4. Initial Hearing, No Fine Standing Order, currently compliant, w/out fees
- #5. Initial Hearing, No Fine Standing Order, currently compliant, w/ fees
- #6. Initial Hearing, No Violations found
- #7. Initial Hearing, In Violation w/ fees

**SUPPLEMENTARY INFORMATION:**

Please see supplementary document packet

**ATTACHMENT:** None



## CODE ENFORCEMENT CASE SUMMARY JANUARY 16, 2025 AGENDA

**TO:** The Code Enforcement Special Magistrate

**FROM:** Gwyn Herstein, City Planner

**PREPARED BY:** Gwyn Herstein, City Planner

**SUBJECT:** Property Owner: SLF V DBS HOLDCO, LLC

Violation Address: 2323 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: PCDEF2024-41

Volusia County Tax Parcel ID #: 5322 03 01 0130

### TYPE OF HEARING:

Initial Hearing

### CODE(S) CITED:

*The Code of Ordinances of the City of Daytona Beach Shores, Appendix G - Land Development Code, Chapter 5, Section 5-6. Building Code adopted. which refers, in part, to the Florida Building Code - Sixth Edition (2017), Seventh Edition (2020), and Eighth Edition (2023), Chapter 1, Section 105.1. Required.*

### VIOLATION(S) FOUND:

- a) **Remodel work in guest rooms is unpermitted** (Permits 20190933, 20191867, and 20221261 expired or were revoked by owner or contractor without approved final inspection; Permit application 20220272 expired incomplete or without being paid for/obtained)
- b) **Electrical work in guest rooms is unpermitted** (Permits 20200792 and 20221529 expired or were revoked by owner or contractor without approved final inspection; Permit application 20220271 expired incomplete or without being paid for/obtained)
- c) **Plumbing work in guest rooms is unpermitted** (Permits 20190934, 20200617, and 20221411 expired or were revoked by owner or contractor without approved final inspection; Permit application 20220273 expired incomplete or without having been paid for/obtained)
- d) **Mechanical work for guest rooms is unpermitted** (Permit 20221194 expired without approved final inspection)
- e) **Porte cochere roofing work begun without a permit remains unpermitted** (Permit 20220283 expired without approved final inspection; Permit application 20210050 expired incomplete or without being paid for/obtained)
- f) **Remodel work on common areas of the hotel, including the fence and pool, is unpermitted** (Permits 20190894, 20202116, 20210235, 20220132, 20220263, 20221262, 20221266, and 20221269 expired or were revoked by owner or contractor without approved final inspection;

Permit applications 20200354, 20201811, 20210759, 20220275, 20220277, 20221210, 20221264, 20221265, and 20231595 expired incomplete or without being paid for)

g) **Electrical work on common area of the hotel is unpermitted** (Permit 20210014 expired without an approved final inspection)

h) **Plumbing work on common areas of the hotel is unpermitted** (Permit 20220274 expired without approved final inspection; Permit applications 20200616 and 20210245 expired incomplete or without being paid for)

i) **Mechanical work on common areas of the hotel is unpermitted** (Permit 20220270 expired without approved final inspection; Permit application 20201323 expired incomplete or without being paid for/obtained)

j) **Fire alarm work on common areas of the hotel is unpermitted** (Permit 20190142 was revoked by contractor without approved final inspection; Permit application 20221969 expired incomplete or without being paid for/obtained)

### **REQUESTED ORDER(S):**

#7. Initial Hearing, In Violation w/ fees

### **POSSIBLE ORDERS:**

#1. Continuance

#2. Dismissal

#4. Initial Hearing, No Fine Standing Order, currently compliant, w/out fees

#5. Initial Hearing, No Fine Standing Order, currently compliant, w/ fees

#6. Initial Hearing, No Violations found

#7. Initial Hearing, In Violation w/ fees

### **SUPPLEMENTARY INFORMATION:**

Please see supplementary document packet

**ATTACHMENT:** None