



# City of Daytona Beach Shores

*"Life is Better Here"*

*"A Premier, Friendly Place to Be"*

## **AGENDA**

### **CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING**

### **FEBRUARY 20, 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 Jan. 16, 2025

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

- A. Property Owner: Debra Ann Nifong for the Debra Ann Nifong Life Estate  
Violation Address: 3727 Cardinal Blvd. in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2023-07  
Volusia County Tax Parcel ID #: 6302 05 08 0131

- B. Property Owner: Oceanside Inn Condominium Association, Inc.  
Violation Address: 1909 S. Atlantic Ave. in Daytona Beach Shores, Florida  
Code Enforcement Case #: PCDEF2022-55  
Volusia County Tax Parcel ID #: 5316 31 00 0001
  
- C. Property Owner: Pirates Cove (Volusia County) Condominium Association, Inc  
Violation Address: 3501 S. Atlantic Ave. in Daytona Beach Shores, Florida  
Code Enforcement Case #: SCDEF2023-47  
Volusia County Tax Parcel ID #: 6302 36 00 0001
  
- D. 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

**5. INITIAL HEARINGS**

**6. CLOSING REMARKS**

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, March 20, 2025, at 9:00 a.m.
  
- B. April's C.E.S.M. Meeting is scheduled for Thursday, April 17, 2025, at 9:00 a.m.
  
- C. May's C.E.S.M. Meeting is scheduled for Thursday, May 15, 2025, at 9:00 a.m.

**7. SPECIAL MAGISTRATE COMMENTS**

**8. ADJOURNMENT**

**MINUTES**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING**  
**January 16, 2025**  
**3000 Bellemead Drive Daytona Beach Shores, FL 32118**

**1. CALL TO ORDER**

SM deLaroche called the meeting to order at 9:03 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

**3. MINUTES**

A. Code Enforcement Special Magistrate Minutes December 5, 2024

SM deLaroche approved the minutes from 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

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. General Manager, Shamila Mohamed was in attendance for the Respondent. This is an Initial Hearing with two code violations for fire prevention. The violations were read for the record. The property is a 5-story hotel. The property was placed on Fire Watch in January 2023 due to the fire system malfunctioning. In April 2024, inspection reports by DynaFire were provided to Lt. Medders demonstrating that neither the fire alarm system nor the fire sprinkler system was functioning properly. Lt. Medders emailed the hotel GM the same reports. In September, the property was re-inspected by Lt. Medders and very few violations were rectified. On November 18th, a Notice of Violation was generated and hand delivered to the hotel front desk. Lt. Medders re-evaluated the file on January 6, 2025. There was no forward movement including no permit applications being submitted. A Statement of Violation/Request for Hearing and a Notice of Hearing were generated and hand delivered to the hotel front desk. In the last week, Lt. Medders issued an Order for Immediate Closure if the hotel fails to secure a third-party security service to establish and maintain

a 24-hour Fire Watch and to submit Fire Watch daily logs until all fire systems are fully restored and all violations addressed. Ms. Herstein requested an Order #7 be issued giving six months (July 16, 2025) to correct the violations or else a \$250 daily fine be imposed. She also requested reimbursement of \$162.89 in Administrative Fees.

Ms. Herstein questioned LT Norman Medders. The SM inquired how the private security company would alert guests in the event of a fire. He explained that they are required to walk the floor every hour and they have a system in place to call 911 if it is needed. He was questioned about the accuracy of the documents and slides shown. He replied they were true and accurate. He stated the events presented were also true and accurate. He had no changes or additions.

Ms. Mohamed stated that after the hurricanes of 2022, the hotel began a full renovation. They have hired a security company as was required. She felt the alarm system should be functional within a couple of days per the contractor.

The Special Magistrate issued Order #7 allowing only 30 days for the fire alarm system to be fully functional. The remaining work on the fire suppression system will have 6 months for compliance (July 16, 2025) or a fine of \$250 per day will be imposed. The Administrative Fee of \$162.89 is due within 30 days.

- 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

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. The case began initially in 2022 after the hurricanes damaged the seawall and pool deck area. In September 2023, with no permit applications submitted, a Notice of Violation was sent by Certified Mail. In January 2024, there was inconclusive USPS tracking so the Notice of Violation was hand delivered to the hotel. Ms. Herstein spoke with the GM Hannah Grafenstein regarding securing permits and making permanent repairs. After an inspection on January 3, 2025, and no forward movement, a Statement of Violation/Request for Hearing and Notice of Hearing were generated, sent by Certified Mail, First Class Mail and hand delivered. A few days later, contractor Michael Fuquay came to the office and reported that he would be taking care of the seawall and backfill. He explained that the emergency seawall permit was just re-instated but would expire April 2, 2025. Slides were shown of the violations for the record. Ms. Herstein requested Order #7 be issued and allow 6 months (July 16, 2025) to rectify Violations a,b,e & f and to obtain required permits and final inspections. The Respondent would have one year (January 16, 2026) to rectify Violations c & d. She requested reimbursement of the Administrative Fee of \$149.09. A daily fine of \$250 would be imposed for non-compliance. The SM asked why there was no violation for an unsecured pool area. It was explained that there is a 24-hour active monitoring presence on the property as the Ocean Court is a functioning hotel. If anyone was in the area, they would be trespassed for private property.

Project Manager Michael Fuquay spoke for the Respondent. He felt the timelines given for the repairs were fair and accurate. They have an active permit from FDEP and plan to have the seawall completed by April 2nd. The materials for the project have been acquired. He stated that he has submitted plans for the pool and cabana area to the hotel for consideration.

The Special Magistrate issued Order #7 as provided with Violations a,b,e,& f rectified within 6 months (July 16, 2025) and obtaining approved final inspections of all required City of Daytona Beach Shores permits. Violations c & d are to be rectified within one year (January 16, 2026) or a daily fine of \$250 be imposed. The Administrative Fee of \$149.09 is due within 30 days.

- 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

Ms. Herstein explained that the next two cases would have representatives of the Respondent joining by telephone. Ms. Erica Killam, Seawall Project Manager, and Thomas Christopher, part of the owner's group, joined by phone.

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. Ms. Herstein provided background on the hotel itself. In 2019, remodel work began without proper permits. In November 2021, the property was cited when permits had expired, and it was no longer an active job site. In January 2022, the case was brought before the SM. In late 2022, the property's seawall was destroyed by the hurricanes. In early 2023, the property owner filed for bankruptcy protection. In October 2023, the property was purchased by the current owner. In mid-October of 2024, Building Official Steve Edmunds received a call related to permits. It was then that the city discovered that the property had been acquired. On October 16, 2024, an incomplete permit application was received to repair undermined concrete slabs. On November 14, 2024, a re-inspection was conducted, and additional violations were found for a total of 50. A Notice of Violation was sent, and good service was achieved. After another re-inspection on January 3, 2025, a Statement of Violation/Request for Hearing and Notice of Hearing were sent, and good service was achieved. Slides were shown of the 50 violations. Ms. Herstein recommended Order 7 be issued with specified dates to the SM.

Ms. Herstein questioned Chief Building Official Steve Edmunds about the accuracy of the documents and slides shown. He replied they were true and accurate with no changes or additions. Mr. Edmunds provided an update on the permit that was submitted for repairs of the undermining of the building in October. He stated that there were three comments sent back on it. One was for an FDEP permit, one showed wood on the property that was not termite treated wood, and a drawing by the engineer that was not acceptable. The permit had been resubmitted, and the FDEP permit had been obtained, but the remaining two issues were not addressed. He stated that the permit would have a comment letter issued by the end of the week. Ms. Gillum thought the new drawings had been sent in to the city and apologized if they weren't.

Ms. Gillum provided an update to the SM on work that is being done on the property. She confirmed they had just received the FDEP permit last week. The concrete undermining repairs will begin very soon. The seawall material has arrived in Florida, and the permit will be picked up, so work can begin. The rebar that is seen in the photos is for the seawall installation. They have been speaking with a management company to do many of the building cleanup items on the violation list.

SM deLaroche questioned Mr. Christopher as to how his company acquired the property, and he confirmed it was through bankruptcy. The company is a private investor firm that does not regularly operate hotels. It was asked if the company was going to make the repairs and maintain the operation or sell it? Mr. Christopher provided background information as to how they came to own

the property. They closed the loan in December 2023 with the prior owner. He stated that a portion of the loan proceeds were meant to complete the construction. Unfortunately, poor management by the prior owner, problems with contractors, and then Hurricanes Ian and Nicole occurred. Once the main projects are repaired, the plan is to sell to someone who wants to operate it.

SM deLaroche issued Order #7 as provided. To rectify Violation xx), a Certificate of Compliance - Vacant Property application must be submitted and a CC-VP interior/exterior inspection must occur before April 16, 2025. The violations identified as a), b), c), h), i), j), k), l), m), p), r), s), jj), kk), nn), oo), pp), and uu) must be corrected on or before July 16, 2025, including obtaining approved final inspections on all required City of Daytona Beach Shores permits. The violations identified as d), e), f), g), n), o), q), t), u), v), w), x), y), z), aa), bb), cc), dd), ee), ff), gg), hh), ii), ll), mm), qq), rr), ss), tt), vv), and ww) must be corrected on or before March 16, 2026, including obtaining approval final inspections on all required City of Daytona Beach Shores permits. Reimbursement for the Administrative Fee in the amount of \$149.09 must be paid within 30 days. In the event the Respondent does not comply with this Order, a fine of \$250 per day will be imposed.

- 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

Ms. Herstein explained that this case involves the same property and owners as the previous one, but different violations. There are ten violations due to work being done without permits, permits revoked or expired, or permits not approved. The violations occurred between 2019-2023. It was noted that a similar case was brought before the SM with the previous owner but, due to the bankruptcy, the case was eliminated. A Notice of Violation was written in November 2024 and good service was achieved. On January 3, 2025, the property was re-evaluated, and the expired permits were not rectified. A Statement of Violation/Request for Hearing and a Notice of Hearing were sent by mail and posted on the property. Good service was achieved. Shortly after, the office was contacted by Ms. Erica Killum, who is the seawall project manager. She is on the call today with Mr. Thomas Christopher from the owner's group. While speaking with Ms. Killum, her company, plans to complete the seawall and protect the building site. They do not have plans to continue the remodel/renovation work inside. A vacant building can be owned in the city, but there are certain requirements that must be met to do so. The city has a different recommendation for the SM on this case. One pathway is to obtain permits for all the unpermitted work and to begin work on these by May 16, 2025. The other path would be to treat it as a vacant building and adhere to those requirements. Mr. Christopher explained that the unpermitted work had all been done prior to their ownership. Ms. Herstein explained that the violations stay with the building no matter the owner.

SM deLaroche inquired if the two Respondents on the phone had a copy of the city's recommendation. Both stated they did. He then issued Order #7 with the alternative remedy to obtain new permits for the work which was started, the following actions shall be completed in their entirety on or by April 16, 2025: Submit to the City a letter of intent to maintain a vacant building, signed by an authorized agent of the property; submit a complete Vacant Building Registration; submit a complete Certificate of Compliance - Vacant Property (CC-VP) application; and facilitate a CC-VP interior and exterior inspection to occur before April 16, 2025. In such a case, any additional deficiencies and additional violations identified as affecting life safety during the CC-VP inspection shall be corrected by June 16, 2025; all responsibilities related to multi-story vacant buildings as described in the City's Code of Ordinances, Section 19-1.2(i)(1) through (6) must be complied with by June 16, 2025, and all other additional deficiencies and additional violations identified during said CC-VP inspection shall be corrected by March 16, 2026. In the event the Respondent does not

comply with this order, a fine of \$250 per day will be imposed for each and every day. The reimbursement of the Administrative Fee in the amount of \$149.09 must be paid within 30 days.

**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**

The meeting ended at 10:42 am.

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**Special Magistrate, Steven deLaroche**

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**Recording Secretary, Cheri Schwab**



## CODE ENFORCEMENT CASE SUMMARY FEBRUARY 20, 2025 AGENDA

**TO:** The Code Enforcement Special Magistrate

**FROM:** Gwyn Herstein, City Planner

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

**SUBJECT:** Property Owner: Debra Ann Nifong for the Debra Ann Nifong Life Estate

Violation Address: 3727 Cardinal Blvd. in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2023-07

Volusia County Tax Parcel ID #: 6302 05 08 0131

### TYPE OF HEARING:

First Compliance Hearing

### CODE(S) CITED:

*The Code of Ordinances of the City of Daytona Beach Shores, Appendix G - Land Development Code, Chapter 14, Section 14-52.9.(B)(14), (16), & (17); (C); and (D)(1), (2), (6), (12), & (13).*

### VIOLATION(S) FOUND:

Violation c) Building is not free of conditions which might admit dampness to the interior portions of the home - **Repairs are underway but have not been completed, repair permits obtained December 3rd, 5th, and 13th, 2024**

Violation d) Open storage of wood and fence/gate sections - **Some open storage exists as is expected for a construction site with open permits**

Violation e) Structure has become unsafe and unsanitary for human occupancy as evidenced by the roof being destroyed/missing in places - **Repairs have not been completed**

Violation f) Paint is discolored around building - **Building is currently under repair, has not been painted yet**

Violation g) Roof is not structurally sound - **Repairs are underway but have not been completed**

Violation h) Roofing system is not being maintained to prevent damage to the structure - **Repairs are underway but have not been completed**

Violation i) Landscaping is not being kept in a neat and well-maintained condition - **Landscaping is generally trimmed but the site is consistent with an active construction site**

Violation j) *Tree is dead in middle of east portion of front yard - While most of the tree has been removed, the tree stump cannot be verified to have been removed as a roll-off dumpster covers the stump area (When property was viewed again on 2-10-24, the roll-off dumpster had been removed, and the stump was confirmed to have been removed from the site)*

**REQUESTED ORDER(S):**

# 11. First Compliance Hearing, not compliant by Ordered date

**POSSIBLE ORDERS:**

# 1. Continuance

# 10. First Compliance Hearing, compliant by Ordered date

# 11. First Compliance Hearing, not compliant by Ordered date

**SUPPLEMENTARY INFORMATION:**

Initial Hearing Date: June 20, 2024

**Ordered Compliance Date: January 20, 2024 (7 months from the Initial Hearing) This deadline was not met.**

Ordered Fine: \$250.00 per day

Special Magistrate Approved Administrative Fees: \$149.09 (IH) *unpaid*

Additional Administrative Fees Requested: \$85.53 (FCH)

Please see supplementary document packet

**ATTACHMENT:** None



**CODE ENFORCEMENT CASE SUMMARY  
FEBRUARY 20, 2025 AGENDA**

**TO:** The Code Enforcement Special Magistrate

**FROM:** Gwyn Herstein, City Planner

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

**SUBJECT:** Property Owner: Oceanside Inn Condominium Association, Inc.

Violation Address: 1909 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: PCDEF2022-55

Volusia County Tax Parcel ID #: 5316 31 00 0001

**TYPE OF HEARING:**

Second Compliance 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 - Seventh Edition (2020), Chapter 1, Section 105.1 Required., and Appendix "G" - Land Development Code, Chapter 14, Section 14-52.9.(C) and (D)(2).*

**VIOLATION(S) FOUND:**

- a) Daytona Beach Shores building, electrical, and plumbing permits numbered 20211125, 20211265, and 20211266 respectively were revoked by their contractors after work began
- b) Work conducted under Daytona Beach Shores building, electrical, and plumbing permits numbered 20211125, 20211265, and 20211266 respectively is currently unpermitted work
- c) First floor ceiling near the elevators is structurally flawed
- d) Concrete is spalled on first floor ceiling near elevators

**REQUESTED ORDER(S):**

# 12. Second Compliance Hearing, impose entire fine  
OR

# 13. Second Compliance Hearing. reduce or rescind fine

**POSSIBLE ORDERS:**

- # 1. Continuance
- # 12. Second Compliance Hearing, impose entire fine
- # 13. Second Compliance Hearing. reduce or rescind fine

**SUPPLEMENTARY INFORMATION:**

Initial Hearing Date: February 16, 2023

First Ordered Compliance Date: March 20, 2023 (32 days from the Initial Hearing), *to submit signed and sealed drawings prepared by a Florida-licensed structural engineer for shoring and repair of the identified concrete spalls on the property.* This deadline was met.

Second Ordered Compliance Date: June 16, 2023 (120 days from the Initial Hearing), *to shore areas compromised by the identified concrete spalls per said engineered drawings.* This deadline was met.

**Third Ordered Compliance Date: October 16, 2023 (228 days from the Initial Hearing), to fully correct all violations associated with this case including having obtained all required permits and approvals including approved final inspections on all required permits. This deadline was not met.**

Ordered Fine: \$250.00 per day

Date Full Compliance was Achieved: November 21, 2024

Total Fined Days: 401

Total Accrued Fine: \$100,250.00

Special Magistrate Approved Administrative Fees: \$162.89 (IH) *paid 2-15-24;* and \$99.33 (FCH) *paid 2-15-24*

Additional Administrative Fees Requested: \$141.83 (SCH)

Please see supplementary document packet

**ATTACHMENT:** None



**CODE ENFORCEMENT CASE SUMMARY  
FEBRUARY 20, 2025 AGENDA**

**TO:** The Code Enforcement Special Magistrate

**FROM:** Gwyn Herstein, City Planner

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

**SUBJECT:** Property Owner: Pirates Cove (Volusia County) Condominium Association, Inc

Violation Address: 3501 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-47

Volusia County Tax Parcel ID #: 6302 36 00 0001

**TYPE OF HEARING:**

First Compliance Hearing

**CODE(S) CITED:**

*The Code of Ordinances of the City of Daytona Beach Shores, Appendix G - Land Development Code, Chapter 14, Section 14-52.9.(C)., Chapter 14, Section 14-52.9.(D)(1), (D)(2), and (D)(7).*

**VIOLATION(S) FOUND:**

Violation a) Retaining wall at northeast corner of property is flawed and missing in places with only temporary sandbags preventing further damage to property from high surf events

Violation b) Structure at northeast corner of property is flawed and missing walls and a roof

Violation c) Paint on seawall is deteriorated and peeling

Violation d) Retaining wall at northeast corner of property is flawed and missing in places with only temporary sandbags preventing further damage to property from high surf events

Violation e) Structure at northeast corner of property is flawed and missing walls and a roof

Violation f) Concrete spalling in multiple places on seawall, evidenced by exposed rear and rust streaks

Violation g) Pool deck undermined in places

Violation h) Retaining wall at northeast corner of property is not in good repair/missing and is not protecting property elements

Violation i) Paint on seawall is deteriorated and peeling

**REQUESTED ORDER(S):**

# 11. First Compliance Hearing, not compliant by Ordered date

**POSSIBLE ORDERS:**

- # 1. Continuance
- # 10. First Compliance Hearing, compliant by Ordered date
- # 11. First Compliance Hearing, not compliant by Ordered date

**SUPPLEMENTARY INFORMATION:**

Initial Hearing Date: January 18, 2024

**First Ordered Compliance Date: January 20, 2025 (12 months from the Initial Hearing), to correct Violations identified as a), d), and h) which may be accomplished by completing the planned, approximately 70-foot-long new wall along the north side of the building, including submitting an approved final engineer's report to the Daytona Beach Shores Building Division office and obtaining approved final inspections on all required City of Daytona Beach Shores permit for this work. This deadline was not met.**

Second Ordered Compliance Date: April 30, 2025, (15 months from the Initial Hearing), to correct Violations b), c), e), f), and i), including submitting an approved final engineer's report to the Daytona Beach Shores Building Division office and obtaining approved final inspections on all required City of Daytona Beach Shores permits for this work. This deadline has not arrived yet.

Ordered Fine: \$250.00 per day

Special Magistrate Approved Administrative Fees: \$162.89 (IH) *unpaid*

Additional Administrative Fees Requested: \$99.33 (FCH)

Please see supplementary document packet

**ATTACHMENT:** None



**CODE ENFORCEMENT CASE SUMMARY  
FEBRUARY 20, 2025 AGENDA**

**TO:** The Code Enforcement Special Magistrate

**FROM:** Gwyn Herstein, City Planner

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

**SUBJECT:** 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

**TYPE OF HEARING:**

First Compliance Hearing (Third Compliance Date)

**CODE(S) CITED:**

*The Code of Ordinances of the City of Daytona Beach Shores, Appendix G - Land Development Code, Chapter 14, Section 14-52.9.(C), (D)(1), (D)(2), (D)(7).*

**VIOLATION(S) FOUND:**

**Violation a) Seawall has failed and is missing in places**

**Violation b) Pool deck has collapsed at northeast corner**

**Violation c) Paint on seawall is deteriorated and peeling**

**Violation d) Seawall does not appear to be structurally sound and sections are missing**

**Violation e) Seawall is not in good repair, is missing in places, and is not protecting property elements**

**REQUESTED ORDER(S):**

# 11. First Compliance Hearing, not compliant by Ordered date

**POSSIBLE ORDERS:**

# 1. Continuance

# 10. First Compliance Hearing, compliant by Ordered date

# 11. First Compliance Hearing, not compliant by Ordered date

**SUPPLEMENTARY INFORMATION:**

Initial Hearing Date: January 18, 2024

First Ordered Compliance Date: April 17, 2024 (90 days from the Initial Hearing), to take temporary measures to protect the intact portions of the subject property and building. This deadline was not met on or by April 17, 2024, but was taken by July 9, 2024. *(82 days of non-compliance)*

Second Ordered Compliance Date: July 18, 2024 (182 days from the Initial Hearing), to **correct Violations a), d), and e) on the property, including fully backfilling west of the repaired/replaced seawall and providing a copy of the final engineer's report for said work to the Daytona Beach Shores Building Division Office. This deadline has not been met.**

Third Ordered Compliance Date: January 20, 2025 (368 days from the Initial Hearing), to **correct Violations b) and c) on the property including obtaining approved final inspections on all required City of Daytona Beach Shores permits. This deadline has not been met.**

**Ordered Fine: \$250.00 per day**

Special Magistrate Approved Administrative Fees: \$149.09 (IH) paid 12-5-24; \$85.53 (FCH-1st Compliance Date) paid 12-5-24; \$76.31 (OCH) paid 12-5-24; \$85.53 (FCH-2nd Compliance Date) paid 12-5-24

Additional Administrative Fees Requested: \$85.53 (FCH-3rd Compliance Date)

Please see supplementary document packet

**ATTACHMENT:** None