

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
February 20, 2025
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

SM deLaroche called the meeting to order at 9:05 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 from the agenda.

3. MINUTES

A. Code Enforcement Special Magistrate Minutes Jan. 16, 2025

SM deLaroche approved the minutes from January 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

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. This is a First Compliance hearing for 8 violations. The Initial Hearing was in June 2024, and the Respondent was given until January 20, 2025, for compliance. The property was reinspected on January 24th and remained in non-compliance. A Notice of First Compliance Hearing was generated and sent. Good service was achieved. Slides were shown of the property from the re-inspection date. It was noted that Violation j) was now compliant since the stump had been removed. This had been observed when the property was posted. Ms. Herstein stated that as of the hearing date, four permits had been obtained to do construction work. Staff recommended Order #11 be issued imposing a fine of \$250 per day. Additional Administrative Fees were requested in the amount of \$85.53. It was noted that the original Administrative Fees were still unpaid.

Attorney Jonathan Miller was in attendance to represent his mother's property. He had misunderstood how compliance worked and briefly considered demolition of the residence. He explained that Hurricane Milton came through last year and further damaged the home. He began to explain the process of hiring a contractor and the time involved. The SM explained that at the

Second Compliance Hearing is when he would hear testimony for any fine reduction. Ms. Herstein inquired if he understood how the compliance hearing process worked. He answered affirmatively.

SM deLaroche issued Order #11 finding that the Respondent failed to comply with the Code Enforcement Order of June 20, 2024, and imposed a fine beginning January 21, 2025, and accruing daily in the amount of \$250 per day. He also imposed additional Administrative Fees in the amount of \$85.53. The entire amount of \$234.62 is due and payable within 30 days.

- 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

SM deLaroche stated that he had received a written motion to continue the case until next month, and he did order the continuance until the March 20, 2025, hearing.

- 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

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. This is a First Compliance Hearing with 9 violations that resulted from Hurricanes Ian and Nicole in 2022. The Initial Hearing was held on January 18, 2024, and given twelve months to rectify violations a), d), and h). The property was re-inspected on January 23rd with the three violations still noncompliant. A Notice of First Compliance Hearing was generated and good service was achieved. Slides were shown of the three violations. Staff requested Order #11 be imposed and additional Administrative Fees in the amount of \$92.43.

Tim Haskell, project manager for Steve Van Aernam LLC, was present to represent the property. Condo Manager Alycia Delligatti and Board President Sue Wiggins were also in attendance. Mr. Haskell explained that the facts were accurate. It initially took over 8 months for a permit from FDEP. The property originally had a different contractor and the emergency permit that was granted expired. The existing permit was secured on February 6, 2025, and both county and city permits will be applied for. In the past year, not only did Hurricane Milton affect the property, but the Condo Board has all new members that needed to get up to speed on the repairs. It has been determined that the existing seawall can remain, and a new return wall will be constructed up the Dunlawton Ramp and to the hotel. Mr. Haskell requested that no fines be imposed at this time as the residents have been hit hard enough. He estimated the project would take a total of 4-5 months. Ms. Wiggins stated that the new condo board has implemented levels of accountability and wants to work with both the county and city in full cooperation.

SM deLaroche issued Order #11 finding that the Respondent failed to gain the partial compliance ordered and imposed a fine beginning January 21, 2025, in the amount of \$250 per day. He ordered reimbursement of additional Administrative Fees in the amount of \$92.43 payable in 30 days.

- D. Property Owner: OC 3711, LLC
Violation Address: 3711 S. Atlantic Ave. in Daytona Beach Shores, Florida

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. This was a First Compliance Hearing for a determination about having met the third of three Ordered compliance dates. It was noted that fines were running from the first two compliance hearings. The property was re-inspected on January 23rd and it was found that the violations remained. Slides were shown for the record. Staff recommended issuing Order #11 and requested an additional Administrative Fee in the amount of \$85.53.

Ms. Herstein called Ankeet Rama from Above Code Builders as a witness. He was sworn in by the SM. Mr. Rama explained that he had been contacted by the property owner to do work on the new seawall and concrete cap. He thought the engineering plans were complete, but they did need to be resubmitted for the FDEP permit. The material would take 6–8 weeks to arrive and then another 90 days for construction.

SM deLaroche issued Order #11 finding that the Respondent failed to gain full compliance and continued to impose the daily fine in the amount of \$250 per day. He ordered reimbursement of additional Administrative Fees in the amount of \$85.53 payable in 30 days.

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

The meeting ended at 10:06 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab