



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

APRIL 17, 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. PLEASE NOTE: individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the Office of the City Clerk at City Hall of Daytona Beach Shores or by telephone at 763-5364 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

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. 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

5. INITIAL HEARINGS

- A. Property Owner: Vivek K. Agrawal
Violation Address: 2804 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2024-31
Volusia County Tax Parcel ID #: 5327 05 00 0890

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, May 15, 2025, at 9:00 a.m.
- B. June's C.E.S.M. Meeting is scheduled for Thursday, June 19, 2025, at 9:00 a.m.
- C. July's C.E.S.M. Meeting is scheduled for Thursday, July 17, 2025, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT



**CODE ENFORCEMENT CASE SUMMARY
APRIL 17, 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
APRIL 17, 2025 AGENDA**

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, City Planner

PREPARED BY: Gwyn Herstein, City Planner

SUBJECT: Property Owner: Vivek K. Agrawal

Violation Address: 2804 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2024-31

Volusia County Tax Parcel ID #: 5327 05 00 0890

TYPE OF HEARING:

Initial Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Chapter 12, Section 12-11(a). and Chapter 13, Section 13-5. and Appendix G - Land Development Code, Chapter 14, Section 14-52.9.(B)(14) & (B)(17), and Section 14-52.9.(D)(1). and (D)(2).

VIOLATION(S) FOUND:

- a) Trash/recyclable containers are not screened from view from abutting streets
- b) Trash/recyclable containers are either out earlier than 5:00 p.m. Monday (the day before containers are emptied) or have been left out later than 9:00 p.m. Tuesday (the day containers are emptied)
- c) Exterior walls of property (building) have holes that can admit dampness to interior walls on west side of property
- d) Siding material and paint is discolored at various locations on the building
- e) Unpainted wood may admit dampness at rear of building
- f) Various items of debris including a tire, refrigerator, wood pallets, metal railings, concrete pavers, and buckets are in view at various locations on the property
- g) Windows have paint overspray on them at various locations on the building
- h) Garage door is missing paint and one window at rear of building

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