

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

1. CALL TO ORDER

A. Opening Statements by Special Magistrate deLaroche
SM deLaroche called the meeting to order at 9:02 am.

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 February 20, 2025
SM deLaroche approved the minutes from February 20, 2025.

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

Ms. Herstein stated that Attorney Leanne Wagner was in attendance for the Respondent. They wished to request another continuance. If granted, the city would request an additional \$80.22 in Administrative Fees. Attorney Wagner informed the SM that their engineer was present, but the contractor was not able to attend. She requested a continuance until the next scheduled meeting on April 17th.

SM deLaroche granted the continuance until the April 17th meeting. He imposed additional Administrative Fees in the amount of \$80.22 payable within seven days.

B. Property Owner: Holiday Shores Condominium Association, Inc.
Violation Address: 2617 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-40
Volusia County Tax Parcel ID #: 5322 21 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. Since

the case began, there is now a new property owner and city staff has had multiple conversations with him. This is a First Compliance Hearing to determine if the property became compliant by the SM-ordered date. Slides were shown of the six violations. The Initial Hearing took place on March 21, 2024, and the property owner was given until January 21, 2025, to gain compliance. The property was posted for the First Compliance Hearing on March 10, 2025, along with the Certified and First Class mailings. It was noted that the property does have two current permits. One for the seawall and another for concrete restoration. Staff requested Order #11 be issued imposing a daily fine of \$250. Additional Administrative Fees were requested in the amount of \$85.53. 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. He stated that he had inspected the property during the demolition. He also noted that he had been informed that there would be no construction work allowed on the beach during the turtle season this year. Michael Crosby, the new General Manager, and Scott McGregor, a representative of the past owner, provided documents allowing them to answer questions on behalf of the Respondent. Mr. Crosby provided an extension letter from FDEP that would allow work until April 30th. The SM inquired why the work was still unfinished. It seems the seawall panels were not ordered until December 2024 due to Hurricane Milton coming through last October. Mr. McGregor spoke of the past owner and the failed timeshare on the property. He felt that any fine accrued would be paid by the ex-timeshare owners. They have been trying to move the project along and hoped to provide evidence at the next compliance hearing to allow for a reduction in the fine.

SM deLaroche issued Order #11 finding that the Respondent failed to gain compliance and imposed a fine beginning January 22, 2025, 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, April 17, 2025, at 9:00 a.m.
- B. May's C.E.S.M. Meeting is scheduled for Thursday, May 15, 2025, at 9:00 a.m.
- C. June's C.E.S.M. Meeting is scheduled for Thursday, June 19, 2025, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

The meeting ended at 9:33 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab