

**MINUTES**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING**  
**April 17, 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 9:00 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**

**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 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 Initial Hearing was held in February 2023, with four violations. They were given three separate deadlines. The first two deadlines were met in the allotted timeframe. The final date, which was a period of 228 days (October 16, 2023) for Violations a) and b) was not met. The First Compliance Hearing was held on February 15, 2024, and the property was found to have remained in violation. The Order imposing a daily fine of \$250 was issued and recorded. The property became fully compliant on November 21, 2024, but the respondent did not report that. Ms. Herstein discovered this by speaking to the contractor in February. There were a total of 401 days of accrued fines for a total amount due of \$100,250.00. Reimbursement of the Administrative Fees in the amount of \$141.83 was requested. Ms. Herstein questioned 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.

Attorney Leanne Wagner was present for the Respondent. She submitted over 150 pages of evidence that mostly related to Governor Desantis' State of Emergency Declarations due to the many hurricanes in the past two years. She also stated that the COA had a board turnover during the time given to gain compliance, which also delayed the project. Engineer Peter Zahn provided testimony that he was focused on completing the slab before June 16, 2023. He stated that he didn't

call for an inspection because he felt it was the responsibility of the General Contractor. Mr. Zahn also testified that the contractor would stop work and go to other projects that were hurricane-related. SM deLaroche explained that he needed to be shown a legitimate number of days that were not the fault of the property owner before any reduction could be considered. The Respondents were given time to confer on a timeline that could be presented to the SM.

Ed Hamby of GC Contractors testified that his crew did not work on weekends or holidays as that would be at a premium cost and those days should be taken off the fine. He explained that stocking materials has become a problem as most things ordered now take weeks to arrive, such as the fire-rated door that was needed. Attorney Wagner noted that all life safety issues were addressed promptly. City Planner Gwyn Herstein stated that when the city proposes a timeframe for compliance, weekends and holidays are taken into account. She felt the 228 days given were ample time for what needed to be completed. Ms. Herstein told Mr. Zahn that none of the fined days pertained to the concrete slab violations.

SM Delaroche issued Order #13 finding that the property is compliant at this time, but the Respondent did not comply with the code enforcement order of February 16, 2023, by the date specified in that order. The property was brought into full compliance on November 21, 2024. However, based on the following factors: multiple hurricanes, shortage of materials and the turnover of the Condo Association Board, he issued an Order on Request for Reduction in the amount of 91 days or \$22,750. The reduced fine amount due is \$77,500. He also ordered reimbursement of additional Administrative Fees in the amount of \$141.83 payable in 30 days. He informed the Respondent that there is the option to appeal his decision to the Circuit Court and/or request a further reduction of the fine to the City Commission.

## 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

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 most of which have been provided to the Respondent by mail. The Special Magistrate accepted the documents with no objection. It was explained that the property was a single-family residence and this was an Initial Hearing. In September 2024, a complaint was received regarding an overgrowth of weeds. The property was inspected, and several other violations were noted. A Notice of Violation was sent by Certified Mail but later returned. Good service was achieved by posting the property and First Class Mail was also sent. The property was re-inspected on April 3rd, and all violations remained except the weeds had been trimmed. Slides were shown of the remained eight violations. A Statement of Violation/Request for Hearing and Notice of Hearing were sent, and the property was posted. There are currently no permits pending for the property. There was no one present to represent the property. Staff requested that an Order #7 be issued with a fine of \$200 per day. Reimbursement of the Administrative Fee in the amount of \$149.09 was also requested. Ms. Herstein questioned 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 it appeared the owner was doing a remodel but with no permits obtained, he issued a Stop Work Order.

The Special Magistrate issued Order #7 as provided, allowing until September 17, 2025, to correct

the violations, including obtaining approved final inspections on all required permits or a fine of \$200 per day will be imposed. The Administrative Fee of \$149.09 is due within 30 days.

**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**

The meeting ended at 10:20 am.

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**Special Magistrate, Steven deLaroche**

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**Recording Secretary, Cheri Schwab**