



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CODE ENFORCEMENT BOARD MEETING MAY 15, 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 Board, 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 March 20, 2025
- B. Code Enforcement Special Magistrate Minutes April 17, 2025

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. Property Owner: 2120 S Atlantic Ave LLC
Property Address: 2120 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2020-95
Volusia County Parcel ID #: 5315-02-03-0012

B. Property Owner: 3159 South Atlantic, LLC
Violation Address: 3159 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-45
Volusia County Tax Parcel ID #: 5334 00 02 0110

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

5. INITIAL HEARINGS

6. CLOSING REMARKS

A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, June 19, 2025, at 9:00 a.m.

B. July's C.E.S.M. Meeting is scheduled for Thursday, July 17, 2025, at 9:00 a.m.

C. August's C.E.S.M. Meeting will be held on Thursday, August 14 or 21, 2025, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

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

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.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab



**CODE ENFORCEMENT CASE SUMMARY
MAY 15, 2025 AGENDA**

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, City Planner

PREPARED BY: Gwyn Herstein, City Planner

SUBJECT: Property Owner: 2120 S Atlantic Ave LLC

Property Address: 2120 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2020-95

Volusia County Parcel ID #: 5315-02-03-0012

TYPE OF HEARING:

Second Compliance Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Chapter 19, Section 19-1.2.(k)(1) & (h)(1).c. and Appendix G - *Land Development Code*, Chapter 14, Section 14-31.1.8.; Chapter 14, Section 14-52.9.(B)(14), & (16) and (D)(1), (2), (3), (6), (7), & (9); and Chapter 14, Section 14-61.1.(b).

VIOLATION(S) FOUND:

- a) Vacant building has not been registered in the city's Vacant or Abandoned Building Monitoring Program by the owner
- b) Door on west building face of east portion of building is boarded shut
- d) No 6' opaque screening fence or wall where property abuts a residential district (RMF-2)
- e) Walkway tiles broken and loose near east property line
- f) Exposed fascia wood, 2nd story, north building face
- h) Exterior walls, fascia, bay walls, and garage doors are discolored in places
- i) Shed walls are discolored in places
- j) Railing post(s) cracked, rails loose, top of stairs, west building face
- k) Soffit is not attached in places and is missing in others
- m) Empty bracket on north building face, east end, is a non-functional element
- n) Exposed wires on wash bay walls where equipment was previously located
- o) Exposed wires near restroom alcove where chiller from ice cream cooler was previously located
- p) Conduit loose at top of westernmost open bay, south side
- q) Shed shingles missing, north face
- r) Retaining landscape timber deteriorated

t) Building remains vacant longer than 60 days without obtaining a *Certificate of Habitability (Certificate of Compliance -Vacant Property)*

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
Ordered Compliance Date: December 21, 2021 (244 days from the Initial Hearing)
Ordered Fine: \$250.00 per day
Date Full Compliance was Achieved: March 26, 2025
Total Fined Days: 1,190
Total Accrued Fine: \$297,000.00
Special Magistrate Approved Administrative Fees: \$149.09 (IH) have not been paid + \$85.53 (FCH) have not been paid = \$234.62 currently imposed and owed
Additional Administrative Fees Requested: \$134.93 (SCH)

Please see supplementary document packet.

ATTACHMENT: None



**CODE ENFORCEMENT CASE SUMMARY
MAY 15, 2025 AGENDA**

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, City Planner

PREPARED BY: Gwyn Herstein, City Planner

SUBJECT: Property Owner: 3159 South Atlantic, LLC

Violation Address: 3159 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-45

Volusia County Tax Parcel ID #: 5334 00 02 0110

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)(3) & (B)(8). and Section 14-52.9.(D)(2).

VIOLATION(S) FOUND:

Violation a) Unprotected property creates an attractive nuisance which is open to trespass from the beach and used to access the beach

Violation b) Land on the east side of the property was eroded away when the seawall was destroyed in late 2022, no restoration [has been] permitted or begun

Violation c) Unprotected property erosion is potentially injurious to adjacent properties

Violation d) Seawall was destroyed in late 2022, no restoration [has been] permitted or begun

REQUESTED ORDER(S):

10. 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: March 21, 2024

First Ordered Compliance Date: April 30, 2024 (40 days from the Initial Hearing), *to place large, purpose-made sandbags, as approved by FDEP Permit numbered VO-2241 AR E, to protect the subject property from further erosion.* This deadline was met.

Second Ordered Compliance Date: January 20, 2025, (10 months from the Initial Hearing), to correct Violations a), b), c), and d), including fully backfilling west of the repaired/replaced seawall, providing a copy of the final engineer's report for said work to the Daytona Beach SHores Building Division office, and 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 3-25-24

Additional Administrative Fees Requested: \$92.43 (FCH)

Please see supplementary document packet

ATTACHMENT: None



**CODE ENFORCEMENT CASE SUMMARY
MAY 15, 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 (Second 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)., 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 Second Ordered Compliance Date

POSSIBLE ORDERS:

1. Continuance

10. First Compliance Hearing, compliant by Second Ordered Compliance Date

11. First Compliance Hearing, not compliant by Second Ordered Compliance 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) paid 1-18-24, \$99.33 (FCH) paid 3-7-25

Additional Administrative Fees Requested: \$99.33 (FCH - Second Compliance date)

Please see supplementary document packet

ATTACHMENT: None