



# City of Daytona Beach Shores

*"Life is Better Here"*

*"A Premier, Friendly Place to Be"*

**AGENDA**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING**  
**JUNE 19, 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**

- A. Code Enforcement Special Magistrate Minutes May 15, 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: JK Daytona, LLC  
Violation Address: 2225 S. Atlantic Ave. in Daytona Beach Shores, Florida  
Code Enforcement Case #: FCDEF2024-42  
Volusia County Tax Parcel ID #: 5315 02 02 0010

**5. INITIAL HEARINGS**

**6. CLOSING REMARKS**

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, July 17, 2025, at 9:00 a.m.
- B. August's C.E.S.M. Meeting will be held on Thursday, August 14, 2025, at 9:00 a.m.
- C. September's C.E.S.M. Meeting is scheduled for Thursday, September 18, 2025, at 9:00 a.m.

**7. SPECIAL MAGISTRATE COMMENTS**

**8. ADJOURNMENT**

**MINUTES**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING**  
**May 15, 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**

A. Code Enforcement Special Magistrate Minutes March 20, 2025

B. Code Enforcement Special Magistrate Minutes April 17, 2025  
The SM approved both sets of minutes.

**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

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's rep. The Respondent's attorney stipulated to the evidence in the document packet. The Special Magistrate accepted the documents with no objection. This was a Second Compliance Hearing. The Initial Hearing took place on April 21, 2021, which included 20 violations. The property is a vacant building that used to house a car wash and ice-cream parlor. The property was found in violation and given until December 21, 2021, to gain compliance. The First Compliance Hearing was held on January 19, 2022, and the property was found to have remained in violation beyond the SM ordered compliance date. The completed Vacant Building Registration and CC-VP application were submitted on November 16, 2022. It was noted that two hurricanes impacted the city in the fall of 2022. 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.

Attorney Glen Storch was present for the Respondent. He explained that he was appearing in place of Attorney Joey Posey, who had a scheduling conflict. He felt that the property was just a vacant building that was not registered properly with the city. There were no life safety issues. He explained that the property owner was not aware of the issues because the property manager never informed him. Mr. Joseph Ernest found out in October 2022, and fired his property manager. Mr. Ernest submitted the required vacant building application in Nov. 2022. It was explained that Mr. Ernest repairs damaged properties for a living. After the storms in 2022, his focus was on damaged properties all over the state, including many local condominiums. SM deLaroche stated that he would need to hear the facts directly from the property owner in order to be included as evidence. Attorney Storch replied that the owner was not available to attend the day's hearing but would attend next month and questioned if the hearing would begin anew. The SM stated the hearing would begin from the point at which it had been stopped. Officer Herstein requested that the City retain the ability to supplement the file and have the possibility of presenting some evidence if it desired. She asked if the hearing could be continued to the date certain of June 19, 2025, the next regularly scheduled hearing, and she requested reimbursement of minimum Administrative Fees of \$79.69, the costs incurred for the continuance.

SM deLaroche issued a continuance until the June 19, 2025, meeting. He imposed additional Administrative Fees in the amount of \$79.69 payable within 30 days.

- 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

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's rep. The Special Magistrate accepted the documents with no objection. It was explained that the property was a vacant lot. This was a First Compliance Hearing for the second ordered compliance date. The Initial Hearing took place on March 21, 2024, with four violations found. The first ordered compliance date was met for temporary measures. The property was inspected on January 23, 2025, and found to remain non-compliant with the second compliance date. Recent slides were shown of the property, and it was apparent that construction of a seawall was taking place. Ms. Herstein requested Order #11 be issued imposing a daily fine of \$250. Additional Administrative Fees were requested in the amount of \$92.43.

Mr. Ed Peck, contractor for the project, explained that they were utilizing new technology for the seawall construction and had some setbacks getting the material made and delivered on time.

SM deLaroche issued Order #11 finding that the Respondent failed to gain compliance 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.

- 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's rep. The Special Magistrate accepted the documents with no objection. This was a

First Compliance Hearing for the second ordered compliance date. The Initial Hearing was on January 20, 2024. The second compliance date was April 30, 2025, and the property was inspected on May 2nd. Ms. Herstein displayed slides noting the nine violations. 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 also explained why the seawall required different heights. It was noted that the contractor of record, Steve Van Aernum had recently passed.

Alycia Deligatti, condo association manager, spoke for the property. She stated that she had been employed for seven months and the construction on the property was in total disarray. She explained that the funding for the NE corner stairs to the restaurant was not used appropriately. The owners will need to meet and vote on how repairs will move forward while also complying with the new state legislative rules.

SM deLaroche issued Order #11 finding that the Respondent failed to gain compliance with the Code Enforcement Order of January 18, 2024, and hereby continues to impose a fine which began January 21, 2025, and continues to accrue daily in the amount of \$250 per day. He ordered reimbursement of additional Administrative Fees in the amount of \$92.43 payable in 30 days.

**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.

This meeting will be held on August 14, 2025.

**7. SPECIAL MAGISTRATE COMMENTS**

**8. ADJOURNMENT**

The meeting ended at 9:55 pm.

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**Special Magistrate, Steven deLaroche**

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**Recording Secretary, Cheri Schwab**



**CODE ENFORCEMENT CASE SUMMARY  
JUNE 19, 2025 AGENDA**

**TO:** The Code Enforcement Special Magistrate

**FROM:** Gwyn Herstein, City Planner

**PREPARED BY:** Cheri Schwab, City Clerk

**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 facia 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: April 21, 2021  
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 + \$79.69 (OCH) have not been paid = \$314.31 currently imposed and owed  
Additional Administrative Fees Requested: \$134.93 (SCH)

*Please see supplementary document packet.*

**ATTACHMENT:**     None



**CODE ENFORCEMENT CASE SUMMARY  
JUNE 19, 2025 AGENDA**

**TO:** The Code Enforcement Special Magistrate

**FROM:** Gwyn Herstein, City Planner

**PREPARED BY:** Cheri Schwab, City Clerk

**SUBJECT:** Property Owner: JK Daytona, LLC

Violation Address: 2225 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: FCDEF2024-42

Volusia County Tax Parcel ID #: 5315 02 02 0010

**TYPE OF HEARING:**

First Compliance Hearing

**CODE(S) CITED:**

*The Code of Ordinances of the City of Daytona Beach Shores, Chapter 11, Section 11.1. Florida Fire Prevention Code adopted by reference., which refers, in part, the Florida Fire Prevention Code, Eighth Edition, Life Safety 101, 2021 Ed., Sections 4.6.12.1, 9.6.1.2., 9.6.1.3., 9.11.1., and 9.11.2.*

**VIOLATION(S) FOUND:**

- a) Fire alarm system is completely inoperable; there is no smoke, heat, or carbon monoxide activation or notification to local fire department or on-site customers
- b) The site has no fire protection by sprinkler system; fire sprinkler system is completely inoperable, and the extent of damage is unknown

**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: January 16, 2025

**First Ordered Compliance Date: February 18, 2025 (33 days from the Initial Hearing), to restore inoperable fire alarm system, having obtained all required permits and approvals including approved final inspections on all required permits. This deadline was not met.**

Second Ordered Compliance Date: July 16, 2025, (six months from the Initial Hearing), to restore inoperable fire sprinkler system, having obtained all required permits and approvals on all required permits. This deadline has not occurred yet.

Ordered Fine: \$250.00 per day

Special Magistrate Approved Administrative Fees: \$162.89 (IH) *has not been paid*

Additional Administrative Fees Requested: \$79.93 (FCH)

Please see supplementary document packet

**ATTACHMENT:** None