



City of Daytona Beach Shores

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AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

OCTOBER 16, 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 September 18, 2025

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. 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

- B. Property Owner: Ocean Court Holdings, LLC
Violation Address: 2315 S. Atlantic Avenue in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-36
Volusia County Tax Parcel ID #: 5322 03 01 0110

5. INITIAL HEARINGS

- A. Property Owner: OC 3711, LLC
Violation Address: 3711 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: 25-0009
Volusia County Tax Parcel ID #: 6302 0505 0070

6. CLOSING REMARKS

- A. November/December C.E.S.M. Meeting is scheduled for Thursday, December 4, 2025, at 9:00 a.m.
- B. January's C.E.S.M. Meeting is scheduled for Thursday, January 15, 2026, at 9:00 a.m.
- C. February's C.E.S.M. Meeting is scheduled for Thursday, February 19, 2026, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
September 18, 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 July 17, 2025
The SM approved the minutes of July 17, 2025.

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

A. Property Owner: PIRATES COVE (VOLUSIA COUNTY) CONDOMINIUM ASSOCIATION, INC.
Violation Address: 3501 Cardinal Blvd. in Daytona Beach Shores, Florida
Code Enforcement Case #: 25-0006
Volusia County Tax Parcel ID #: 6302 0103 0080

Mr. Rondi 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 property is currently a vacant lot. The three violations on the property were stated for the record and slides were shown. A picture from February 4, 2023, was shown that depicted grading work being done and that it did not have a permit attached. Violation a) concrete debris is still located on the property. Violation b) asphalt/paving conducted on site without permits. The property no longer has grass on site as it did in 2020. Violation c) there is a portable office module stored on the vacant lot. It is unclear when the unit first arrived onsite. The property is not zoned to include storage of any type. Mr. Rondi stated that good service had been achieved for the notice of violation and hearing. He requested an Order #7 be issued, allowing the respondent 90 days to comply. He also requested reimbursement of the Administrative Fee in the amount of \$162.89. In attendance were Ms. Alycia Delligatti, CAM

Manager for Pirate's Cove and Mr. Philip Martin, owner of the modular structure on the vacant property. Mr. Martin asked Mr. Rondi when he was given notice of the violation. His response was that he performed an Initial Inspection on May 23, 2025, and it was onsite at that time. MR. Rondi questioned Chief Building Official Steve Edmunds about the accuracy of the documents and slides shown and events presented. He replied they were true and accurate. Mr. Edmunds clarified that storage is a zoning issue because storage is not allowed on the property. It was noticed over 9 months ago. The previous management of Pirate's Cove intended to make the property into a parking lot. A plan was started with initial drawings and some work began. It was left unfinished with the asphalt milling on the ground. The site plan was also left unfinished. The need for a permit was discussed. The property needs to be returned to its original state. Mr. Martin asked when he was aware and if anyone had called him. Mr. Edmunds replied that he had driven by and seen it. It was forwarded to Code Enforcement, but the office has been busy. Mr. Martin inquired if Pam Whitlock had called him. Mr. Edmunds stated she had not, but he had spoken with Ms. Whitlock hoping for assistance in getting the unit removed. Ms. Whitlock informed him that the owner wished to move the unit onsite at 3501 S. Atlantic Avenue. Mr. Edmunds also explained the process to make that happen. Mr. Martin felt that Ms. Whitlock has a vendetta against him. She is the VP of the condo association.

Ms. Delligatti explained that the COA and Mr. Martin were currently in mediation talks. Pirate's Cove will need to return the property to its original state. If the millings needs to be removed, she would like more than 90 days to accomplish that. Mr. Martin stated that he owns the modular kitchen and in order for it to be moved, he would need a crane as it is not mobile. He has been in mediation with the COA for a few months. He does own a unit at Pirate's Cove as well as the restaurant inside, but he is not on the board. The modular unit was supposed to be placed on the side of the building, near the existing restaurant. Construction from the past hurricanes is taking longer than expected. SM inquired how long it would take to move the unit. Mr. Martin stated it could be moved in 10 days. Mr. Rondi asked if he had permission to store the unit on the vacant lot. Mr. Martin stated he did, the original COA board approved the storage.

The Special Magistrate issued Order #7 for only Violation a, concrete debris, allowing until October 15, 2025, to correct the violations, including obtaining approved final inspections on all required permits or a fine of \$250 per day will be imposed. The Administrative Fee of \$149.09 is due within 30 days. For Violations b) and c) the city did not properly plead the case for the evidence presented.

- B. Property Owner: Oceans 25 Homeowners Association, Inc..
Violation Address: 1 Oceans Circle. in Daytona Beach Shores, Florida
Code Enforcement Case #: 25-0007
Volusia County Tax Parcel ID #: 5327 2400 0001

Mr. Rondi 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. There was only one violation; a common area wall in disrepair. Mr. Rondi stated that back in October 2024, there had been an accident and a car went through the wall. He has been in email communication with Ms. Tina Morbitzer, who is the HOA Manager. He noted that there are no current permits for that property. He requested Order #7 be issued, allowing 90 days for compliance. Ms. Morbitzer spoke on behalf of the Respondent. She stated that a contract was signed on May 6th, with Florida Wall Concepts that included obtaining proper permits. She will call to inquire about the permit later today. She expected them to begin work next week and was unsure how long it would take.

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

the violations, including obtaining approved final inspections on all required permits or a fine of \$100 per day will be imposed. The Administrative Fee of \$162.89 is due within 30 days.

6. APPEAL OF TRESPASS WARNING

- A. Person Warned: Joseph J.S. Waid
Trespass Location: 2540 S. Atlantic Ave. in Daytona Beach Shores
Case #: SH250800078
Tresspass Date: August 20, 2025

Community Services Director Stewart Cruz spoke on behalf of the city. The appellee, Mr. Joseph Waid was not in attendance today. The Notice of Hearing was posted as required. He was also called numerous times with no answer and a certified letter was sent. The SM asked for the address where the trespass took place to ascertain if it was indeed listed as a city park and the name of the park. He also wanted the conduct that merited the trespass and how it violated the city ordinance. Officer Glen Ingerman was called as the city's witness. He stated the incident took place back in August at 2540 S. Atlantic Avenue, otherwise known as Andrinopolis Park. SM deLaroche confirmed the location as a listed city park. The officer received a positive ID from Mr. Waid and ran him in through the database to confirm. Mr. Waid was found lying on a park bench horizontally and appeared asleep. Officer Ingerman approached, and the gentleman woke up. He stated that he didn't see any signs posted in the park regarding sleeping. Officer Ingerman confirmed that sleeping on a bench was a violation of the park rules.

SM deLaroche declared that after hearing the testimony and approving the evidence, he denied the trespass appeal.

7. CLOSING REMARKS

- A. October's C.E.S.M. Meeting is scheduled for Thursday, October 16, 2025, at 9:00 a.m.
- B. November/December C.E.S.M. Meeting is scheduled for Thursday, December 4, 2025, at 9:00 a.m.
- C. January's C.E.S.M. Meeting is scheduled for Thursday, January 15, 2026, at 9:00 a.m.

8. SPECIAL MAGISTRATE COMMENTS

9. ADJOURNMENT

The meeting ended at 9:56 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab



**CODE ENFORCEMENT CASE SUMMARY
OCTOBER 16, 2025 AGENDA**

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, City Planner

PREPARED BY: Gwyn Herstein, City Planner

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:

Second 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 (final-rectified July 25, 2025)
- b) The site has no fire protection by sprinkler system; fire sprinkler system is completely inoperable, and the extent of damage is unknown (rectified July 22, 2025)

REQUESTED ORDER(S):

12.

or

#13.

POSSIBLE ORDERS:

1. Continuance

12. Second Compliance Hearing, impose entire fine

13. First Compliance Hearing, reduce or rescind fine

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. **(was rectified March 19, 2025, resulting in 28 fined days) (was observed non-compliant on April 11, 2025, and was rectified for the second time on July 25, 2025, resulting in 105 additional fined days for a total of 133 fined days)**

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. **(was rectified on July 22, 2025, resulting in 5 fined days which overlapped with and are not cumulative to the above 133 fined days)**

Ordered Fine: \$250.00 per day

Total Fine: 133 fined days at \$250.00 per day for a fine total of \$33,250.00

Special Magistrate Approved Administrative Fees: \$162.89 (IH) and \$79.93 (FCH) *have not been paid*

Additional Administrative Fees Requested: \$141.83 (SCH), if imposed, admin fee total owed is \$384.65

Please see supplementary document packet

ATTACHMENT: None



**CODE ENFORCEMENT CASE SUMMARY
OCTOBER 16, 2025 AGENDA**

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, City Planner

PREPARED BY: Gwyn Herstein, City Planner

SUBJECT: Property Owner: Ocean Court Holdings, LLC

Violation Address: 2315 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-36

Volusia County Tax Parcel ID #: 5322 03 01 0110

TYPE OF HEARING:

Initial Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Appendix G - Land Development Code, Section 14-52.9.(C), (D)(2), and (D)(7).

VIOLATION(S) FOUND:

Violation a) Seawall is structurally flawed/missing with only temporary sandbags preventing further damage to property from high surf events

Violation b) Seawall is non-functional and not structurally sound

Violation c) Cabana near northwest corner of property is not structurally sound

Violation d) Pool deck is broken apart

Violation e) Pool is undermined

Violation f) Seawall is not in good repair/missing and is not retaining property elements

REQUESTED ORDER(S):

10. First Compliance Hearing, 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: July 16, 2025 (181 days from the Initial Hearing), to rectify Violations a), b), e), and f) including having obtained all required permits and approvals including approved final inspections on all required permits. This deadline was not met.

Second Ordered Compliance Date: January 16, 2025, (twelve months from the Initial Hearing), to rectify Violations c) and d) including having obtained all required permits and approvals including approved final inspections on all required permits. This deadline has not occurred yet.

Ordered Fine: \$250.00 per day

Special Magistrate Approved Administrative Fees: \$149.09 (IH) was paid on January 17, 2025

Additional Administrative Fees Requested: \$85.53 (FCH)

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY OCTOBER 16, 2025 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Bryan Rondi, Code Enforcement Officer

PREPARED BY: Bryan Rondi, Code Enforcement Officer

SUBJECT: Property Owner: OC 3711, LLC

Violation Address: 3711 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: 25-0009

Volusia County Tax Parcel ID #: 6302 0505 0070

TYPE OF HEARING:

Initial Hearing

CODE(S) CITED:

DBS Code of Ordinances, Section 13-5. - Growth of grass/weeds exceeding 12 inches in height, DBS Code of Ordinances, Appendix G - Land Development Code: Chapter 14, Section 14-52.9.(B)(14),(17), Chapter 14, Section 14-52.9.(C), Chapter 14, Section 14-52.9.(D)(1), (2), (6), (9) and DBS Code of Ordinances, Appendix G - Land Development Code: Section 5-6 Building Code adopted. which refers, in part, to the Florida Building Code – Eighth Edition (2023), Chapter 1, Section 105.1 Required.

VIOLATION(S) FOUND:

- a) *Weeds greater than 12” in height in the front and rear of the property – **corrected.***
- b) *Large mounds of sand in the front parking lot – **corrected***
- c) *Pool water is green, bottom of pool is not visible – **corrected***
- d) Concrete deterioration, exposed rebar on multiple balconies
- e) Rust streaks and peeling paint throughout the exterior of the building
- f) Rusting doors on the north and south side of building
- g) Spalling concrete on north, east, and south sides of the building
- h) Balcony railing in disrepair, southeast corner
- i) Railing missing on northeast corner of the building, leaving a drop-off over 30”
- j) Walls/ramp on east side of the building is cracked in multiple places
- k) Soffit damage and missing on all sides of the building
- l) Downspout missing/broken, north side of building
- m) Broken light fixture, south side of building
- n) Concrete chipping and patching begun without permits on at least three sides of the 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