



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING DECEMBER 18, 2019 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. 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 Statement
- B. Swearing in Witnesses

2. OPENING REMARKS

- A. Indication of any Cases removed from this Agenda by Staff

3. MINUTES

- A. Code Enforcement Special Magistrate Minutes
November 13, 2019

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

- A. Property Owner: TI Project Limited Partnership
Violation Address: 2025 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-65
Volusia County Parcel ID #: 5316-18-00-0010
- B. Property Owner: TI Project Limited Partnership
Violation Address: 2025 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2019-66
Volusia County Parcel ID #: 5316-18-00-0010

6. CLOSING REMARKS

- A. The next regularly scheduled Code Enforcement Special Magistrate meeting will be Wednesday, January 15th at 9:00 a.m.
- B. February's meeting is scheduled for Wednesday, February 19th at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
November 13, 2019
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

Special Magistrate deLaroche called the meeting to order at 9:03 a.m.

Present: Special Magistrate Steven deLaroche, Code Enforcement Coordinator Gwyn Herstein, Building Inspector Steve Edmunds and Community Services Director Fred Hiatt.

2. OPENING REMARKS

3. MINUTES

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

- A. Property Owner: Theresa Murray Bagley
Violation Address: 4 Oceans West Blvd., #703A in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2019-31
Volusia County Parcel ID #: 5327-19-0A-7030

This item was removed from the agenda.

- B. Property Owner: SS 2500, LLC
Violation Address: 2500 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-38
Volusia County Parcel ID #: 5322-01-00-0252

Code Enforcement Coordinator Gwyn Herstein was sworn in by Special Magistrate deLaroche.

Attorney George Pappas and Property Owner Janet Ivanhoe were present.

Ms. Herstein requested that all the documents for the case be accepted into evidence and they were accepted. Attorney Pappas, after consulting with City Staff and his client, informed the Special Magistrate that Ms. Ivanhoe agreed that all the listed violations, labeled "a)" through "cc)" on page 5B-64 and 65 in the agenda packet, were in violation. He requested 60 days for his client to gain compliance. Staff suggested 90 days be given to become compliant, including approved final inspections on all required permits, due to the upcoming holidays and the fact that there are multiple permits involved. If full compliance takes longer than 90 days,

Staff requested a daily fine of \$250.

The city also requested reimbursement of Administrative Fees in the amount of \$150.19.

Special Magistrate deLaroche found the property in violation of the City Codes enumerated in the Statement of Violation and the charges as set forth in that document. He ordered the Respondent to correct all violations within 90 days, including obtaining approved final inspections on all required permits or fines in the amount of \$250 per day would begin and accrue until full compliance is achieved. Special Magistrate deLaroche further ordered that Administrative Fees in the amount of \$150.19 be paid within 10 days.

6. CLOSING REMARKS

7. SPECIAL MAGISTRATE COMMENTS: None.

8. ADJOURNMENT

The meeting ended at 9:15 a.m.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab



CODE ENFORCEMENT CASE SUMMARY DECEMBER 18, 2019 AGENDA

TO: The Members of the Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owner: TI Project Limited Partnership
Violation Address: 2025 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-65
Volusia County Parcel ID #: 5316-18-00-0010

TYPE OF HEARING:

Initial

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Chapter 13, Section 13-5. and Appendix "G", Chapter 14, Section 14-52.9.(B)(3) & (17), (C), & (D)(1) & (7).

VIOLATION(S) FOUND:

- a) Weeds are over 12" high in multiple places on the property
- b) Two, large swimming pools and a spa are attractive nuisances in that they are uncovered, unprotected, and unattended - east of main building
- c) Vacant high-rise building is an attractive nuisance in that it is unsecured and unattended, with no active construction crew on-site offering any mitigation (though a perimeter fence is present, evidence of trespassing is also present)
- d) Outdoor storage is present on the property which has no active building permits - a ground container trailer, a tow-behind enclosed trailer, stacked building materials, and part of a large, wooden crate
- e) Main building is structurally flawed as evidenced by exposed concrete spalls with no active construction crew-site or active permits
- f) Building is not free from peeling paint, rust, and graffiti
- g) Building does not "present a neat appearance" in that the paint is discolored and deteriorated in many places
- h) Seawall at northeast corner of property not structurally sound
- i) Concrete spalls are present in multiple places on seawall

- j) Fence and wall above seawall at northeast corner of property is not structurally sound
- k) Retaining wall sections along south property line are not maintained to present a "cared-for aesthetic appearance"

REQUESTED ORDER(S):

#7 (Initial Hearing, In Violation w/ fees)

POSSIBLE ORDERS:

- #1 (Continuance)
- #4 (Initial Hearing, NF-SO, compliant w/ fees)
- #5 (Initial Hearing, NF-SO, compliant w/out fees)
- #6 (Initial Hearing, No Violations found)
- #7 (Initial Hearing, In Violation w/ fees)

SUPPLEMENTARY INFORMATION:

In hearing presentation packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY DECEMBER 18, 2019 AGENDA

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FROM: Gwyn Herstein, Code Enforcement Coordinator
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Code Enforcement Case #: PCDEF2019-66
Volusia County Parcel ID #: 5316-18-00-0010

TYPE OF HEARING:

Initial

CODE(S) CITED:

Code of Ordinances of the City of Daytona Beach Shores, Appendix "G", Chapter 5, Section 5-6.
which refers, in part, to the *Florida Building Code - Sixth Edition (2017)*, Chapter 1, Section 105.1.

VIOLATION(S) FOUND:

Daytona Beach Shores building permit numbered 20151322, for concrete restoration, expired after six months without an approved inspection, work not visibly progressing

REQUESTED ORDER(S):

#7 (Initial Hearing, In Violation w/fees)

POSSIBLE ORDERS:

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- #5 (Initial Hearing, NF-SO, compliant w/out fees)
- #6 (Initial Hearing, No Violations found)
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SUPPLEMENTARY INFORMATION:

In hearing presentation packet

ATTACHMENT: None