



City of Daytona Beach Shores

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AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

JANUARY 15, 2020

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 being removed from Agenda by Staff

3. MINUTES

- A. Code Enforcement Special Magistrate Minutes from meeting held December 18, 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
- C. Property Owner: Levi Shabtai
Violation Address: 137 Sunrise Boulevard (2042 S. Atlantic Avenue) in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-51
Volusia County Parcel ID#: 5316-18-00-0310
- D. Property Owner: Walgreen Co.
Violation Address: 3004 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-35
Volusia County Parcel ID#: 5327-06-03-0010

6. CLOSING REMARKS

- A. The next regularly scheduled Code Enforcement Special Magistrate meeting will be Wednesday, February 19th at 9:00 a.m.
- B. March's meeting is scheduled for Wednesday, March 18th at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
December 18, 2019
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

Special Magistrate deLaroche called the meeting to order at 9:01 am.

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

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

Special Magistrate deLaroche approved the minutes of 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

On behalf of TI Project Limited Partnership, the following were in attendance: Attorney Scott Baker with the law firm of Zimmerman, Kyser & Sutflick representing the property owner; Guy Milone and Anna Long for Acres Capital; and Chris Neilson representing Trigild, the recently appointed Receiver. Attorney Baker explained that because the property was now subject to receivership, this put him temporarily on the side lines. Scott Baker, Guy Milone and Chris Neilson stated they did not dispute the code violations.

Ms. Herstein stated that the City would be asking for a limited continuance after presenting the facts of the case due to the recent events that have occurred involving the property. She requested that all the documents provided in the notebook for both cases be accepted into evidence. The Special Magistrate accepted the documents.

Ms. Herstein explained that the property went into foreclosure on December 6th. The receiver was appointed by the judge this past Friday and accepted as late as yesterday(December 17). The continuance until January 15th would allow the city time to potentially negotiate a stipulated agreement with the receiver.

Special Magistrate deLaroche continued both this and the following case until January 15, 2020.

- 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

The meeting ended at 9:07 am.



CODE ENFORCEMENT CASE SUMMARY JANUARY 15, 2020 AGENDA

TO: 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:

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:

See hearing presentation packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY JANUARY 15, 2020 AGENDA

TO: 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 #: 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:

- #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:

See hearing presentation packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY JANUARY 15, 2020 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Levi Shabtai

Violation Address: 137 Sunrise Boulevard (2042 S. Atlantic Avenue) in Daytona Beach Shores, FL

Code Enforcement Case #: CDEF2019-51

Volusia County Parcel ID#: 5316-18-00-0310

TYPE OF HEARING:

Initial

CODE(S) CITED:

Code of Ordinances of the City of Daytona Beach Shores, Chapter 13, Section 13-5. & Appendix "G", Chapter 14, Section 14-52.9.(B)(14) & (16) and (D)(1), (2), (3), (7), & (9).

VIOLATION(S) FOUND:

- a) Weeds over 12" high in places on the property
- b) Parking areas are not free of refuse and debris in the form of dried vegetation, extra curb stops, and fallen brick facade
- c) Parking areas are not being maintained to be free of holes and cracks, allowing encroaching weeds
- d) West-facing exterior wall is not protected by a weatherproof coating in areas where brick facade has fallen off
- e) West-facing, wood door frame is unprotected by paint
- f) Exterior paint is discolored and streaked with rust and mildew, multiple building faces
- g) Buildings do not "present a neat and fresh appearance" in that surfaces are streaked and discolored
- h) West building face does not "present a neat and fresh appearance" in that brick facade is missing from a large section and a piece of the decorative sill is missing
- i) Roof parapet trim is deteriorated, east building face
- j) Vent pipe is rusted and deteriorated, north building face
- k) Multiple curb stops are cracked and in disrepair, some are taped back together

- l) Wires are loose on north building face
- m) Roll of wire on ground at base of pole is a non-functional element, south building face
- n) Retaining walls near north property line and northeast corner are not "maintained in a painted, rust-free, cared for appearance"
- o) Light fixture is broken near door, wire exposed
- p) Paint on base of main business sign is streaked and discolored

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:

See hearing presentation packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY JANUARY 15, 2020 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Walgreen Co.

Violation Address: 3004 S. Atlantic Avenue in Daytona Beach Shores, FL

Code Enforcement Case #: CDEF2019-35

Volusia County Parcel ID#: 5327-06-03-0010

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 roofing permit numbered 20172015 has expired without an approved final inspection from the City

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:

See hearing presentation packet

ATTACHMENT: None