



City of Daytona Beach Shores

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AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

AUGUST 19, 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. Special Magistrate Code Enforcement Minutes July 15, 2020

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

- A. Property Owner: Miralev, LLC
Violation Address: 2020 S. Atlantic Avenue in Daytona Beach Shores, FL

Specific Building: Two Story Building, North Side of Property
Code Enforcement Case #: CDEF2020-11
Volusia County Parcel ID #: 5316-21-00-0072

- B. Property Owner: Miralev, LLC
Violation Address: 2020 S. Atlantic Avenue in Daytona Beach Shores, FL
Specific Building: One Story Building, South Side of Property
Code Enforcement Case #: CDEF2020-10
Volusia County Parcel ID #: 5316-21-00-0072
- C. Property Owner: Daytona Shores Hotels and Resorts, LLC
Violation Address: 2225 S. Atlantic Ave. in Daytona Beach Shores
Code Enforcement Case #: PCDEF2020-25
Volusia County Parcel ID #: 5315-02-02-0010

6. CLOSING REMARKS

- A. The next regularly scheduled Code Enforcement Special Magistrate Meeting will be Wednesday, September 23rd at 9:00 a.m.
- B. October's Meeting is scheduled for Wednesday, October 21st at 9:00 a.m.
- C. November/December's proposed meeting date is Wednesday, December 2nd at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
July 15, 2020
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

A. Opening Statement

Special Magistrate Steven deLaroche called the meeting to order at 9:00 am. He provided an overview of the code enforcement process.

B. Swearing in Witnesses

Special Magistrate deLaroche swore in Ms. Herstein for the day's hearings.

2. OPENING REMARKS

A. Indication of any cases being removed from Agenda by staff

There were no cases removed from the agenda.

B. Thank you to all present parties regarding overall communication during COVID-19 pandemic

3. MINUTES

A. Code Enforcement Special Magistrate Minutes from January 15, 2020, Meeting

Special Magistrate deLaroche approved the January 15, 2020 meeting minutes as presented.

4. ADVANCED HEARINGS (Post-Initial Hearings)

A. Property Owner: TI Project Limited Partnership
Receiver: Chris Neilson of Trigild, Inc.
Violation Address: 2025 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-65

Ms. Herstein requested that all the documents provided in the notebook be accepted into evidence. Special Magistrate deLaroche accepted the documents. The witnesses were sworn in by the Special Magistrate. The eleven violations were stated for the record. There was only one item compliant by the date specified. The Initial Hearing was held on January 15, 2020. The Respondent was ordered to meet four different compliance dates and was not successful. Ms. Herstein reviewed the dates and the violations that were connected to each one and provided evidence of non-compliance. The Notice of First Compliance Hearing was generated and good service was achieved. The city requested that the property be found non-compliant by the ordered dates, and impose a fine of \$250 per day as a lien. Staff also requested an additional Administrative Fee in the amount of \$99.30 for the day's hearing. Chris Nielson, Receiver for the property, was in attendance. He explained that the pool covers were finally in place. They were not aware that a special-order cover would be needed. He stated that the graffiti is being removed as they hear about it. There is a team inspecting the building this month, with a report due by July 24th and building plans by August 17th. The foreclosure is still ongoing in the courts. Permit applications are being submitted by floor for the removal and replacement of safety rail stanchions. He explained that the COVID virus was presenting a challenge with obtaining workers. Special Magistrate deLaroche inquired when the work would be complete to hold a Second Compliance Hearing. Mr. Nielson replied if funding could occur, it should be completed by mid October. Special Magistrate deLaroche levied the fine at the maximum of \$250 per day. There will be a written update provided in the October agenda packet. The Second Compliance Hearing will not take place until full compliance is achieved. The Administrative Fee of \$99.30 is to be paid within 30 days.

- B. Property Owner: TI Project Limited Partnership
Receiver: Chris Neilson of Trigild, Inc.
Violation Address: 2025 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2019-66
Volusia County Parcel ID #: 5316-18-00-0010

Ms. Herstein requested that the documents, evidence and testimony from Case A be considered evidence for this case along with the documents prepared for Case B. Special Magistrate accepted them. This is a First Compliance Hearing with one violation. There was a concrete restoration building permit that expired without a final inspection. The Initial Hearing was on January 15, 2020. A Building Permit for concrete restoration and sealing was required by March 30th, but nothing was submitted. Staff requested that the case be found in violation beyond the ordered dates and to impose a fine of \$250 per day. An additional Administrative Fee of \$78.63 was also requested. Chris Neilson, Receiver for the property, had no questions or objections for this case. Special Magistrate deLaroche ordered that the fine of \$250 per day beginning on March 17th be levied and payment of \$78.63 for Administrative Fees be paid within 30 days.

- C. Property Owner: Levi Shabtai
Violation Address: 137 Sunrise Blvd. (2042 S. Atlantic Ave.) in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-51
Volusia County Parcel ID #: 5316-18-00-0310

Ms. Herstein requested that all the documents be accepted into evidence as well as the

slides to be shown. Special Magistrate deLaroche accepted them. It was explained that both the First and Second Compliance Hearings would take place today. The 16 violations and the adjoining city codes were read for the record and slides were shown. The case began in August 2019, after an inspection was done on the property. The Initial Hearing took place on January 15, 2020, and the Respondent was given until March 16th for compliance. The owners obtained a list of contractors who recently pulled permits with the city. The owners live in New York and are not in the best of health. Ms. Herstein met with several different contractors to explain the work that was required. On March 11th, Steve Van Aernam called and said he had a contract with the owners and would be submitting a permit application.

March 16th was the ordered compliance date and after inspecting the property, an Affidavit of Non-Compliance was issued. Mr. Van Aernam obtained his permit on March 19th. The property was inspected on May 22nd and found that all the violations were now compliant. Ms. Herstein spoke with the owners to inform them of compliance and to discuss the upcoming hearings. The notices for both First and Second Compliance Hearings were mailed on June 18th. Mr. Shabtai sent a letter received on July 13th, requesting that the fines be removed. The letter was given to the Special Magistrate during the hearing for review. Staff requested reimbursement for the additional Administrative Fees of \$142.19 for a total now due of \$ 277.85. The total fine due is \$16,500 and staff requested the fines not be lowered below \$500 to account for the many hours of staff time on the case.

Steve Van Aernam had been authorized to represent the Shabtais at the hearing. He explained that Mrs. Shabatai called him in March and he accepted a contract on the 11th. He was aware that they had spoken to many other contractors prior to him. It took a while for them to send any payment and trust that he would do the work as promised. There were communication issues between them due to a heavy accent and age on their part. He stated that in some cities, the fine stops once you obtain the required permits. He explained that he did have trouble with scheduling a person for the stucco work in mid April.

Special Magistrate deLaroche ordered the fines allocated as such: from March 16th to April 17th fines were imposed at \$250 per day. Beginning on April 18th progress was shown and the fine is reduced to \$100 per day until May 21st. The total fine due is \$9,700. The two Administrative Fees of \$ 135.66 and \$142.92 totaling \$277.85 were ordered to paid within 60 days. The fine must be paid within 120 days.

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

Ms. Herstein requested that all documents for the case be accepted into evidence as well as the slides to be shown. The Special Magistrate accepted them. It was noted that this was a First Compliance Hearing. Due to the number of code violations, the Special Magistrate waived reading them into the record. Pictures of all the violations were shown. The Initial Hearing took place on November 13, 2019. A Consent Order was issued giving 90 days for compliance. The property was re-inspected on February 13th and 14th by Inspector Edmunds and Ms. Herstein. Of the 29 violations, nine were compliant. An Affidavit of Partial Compliance was generated for the nine items and an Affidavit of Non-Compliance was generated for the remaining 20 violations. Good service for the hearing was achieved to the Respondent and counsel. Ms. Herstein questioned Building Inspector Steve Edmunds. She inquired if the pictures and notices shown for the case were accurate. He responded they were. It was also asked if the facts in the case were presented accurately as he was aware of them. He responded affirmatively to this. He had no additional information to add or clarify. Attorney George Pappas questioned Mr. Edmunds on the date of his last inspection. Mr.

Edmunds replied it was the February date. Attorney Pappas asked if he would agree there had been ongoing work since that inspection and Mr. Edmunds replied, if so it was done without a permit. The items that are still non-compliant did not have any current permits issued. Staff reminded that, as this is a First Compliance Hearing, the only question to be answered is if the property was fully compliant by the consented to date, then requested the property be found in violation after that date and the fine of \$250 per day be imposed. Reimbursement of the additional Administrative Fee in the amount of \$92.43 was also requested. The total Administrative Fee now due is \$242.62. Respondent Janet Ivanhoe spoke on her own behalf. She explained that she was trying to fix things herself but has been overwhelmed. She added that she had hired Contractor Steve Thompson to oversee the work. Special Magistrate deLaroche ordered that the total Administrative Fees of \$242.62 be paid within 30 days. The fines of \$250 per day will continue to run until the property is in compliance. Ms. Herstein requested a five minute recess.

5. INITIAL HEARINGS

- A. Property Owner: Christian Adventures International, Inc.
Violation Address: 1912 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2020-02
Volusia County Parcel ID #: 5316-10-03-0050

Ms. Herstein requested that all the documents presented be entered into evidence along with the slides to be shown. Special Magistrate deLaroche accepted them. This case is an Initial Hearing and the violations were read for the record. The city adopted Ordinance 2019-09 on September 9, 2019, which required owners of buildings vacant longer than 60 days to obtain a Certificate of Habitability. Ordinance 2019-14 was subsequently adopted to further clarify the requirements for vacant buildings. A letter was sent on November 15th describing the new requirements. On December 2nd, the application was completed and an inspection was scheduled for January 7th. Both city staff and property representatives were present for the inspection. A Notice of Violation and a letter of deficiency for the interior items were sent on January 24th. Good service was achieved. The property owners met with the City Manager and staff on February 6th to discuss their future plans for the property. George Pidgeon called on February 19th to state that he had been hired as senior project manager. Staff met with him and discussed the various violations. For the past few months, communication on the property has remained good. Permits and progress has continued. Ms. Herstein displayed slides of the various violations on the property as well as the interior deficiencies for a vacant building. A Statement of Violation /Request for Hearing was sent on June 18th and good service was achieved. Ms. Herstein questioned Building Inspector Steve Edmunds. She inquired if the documents, pictures and facts as presented were true and accurate. He replied affirmatively. He clarified that the sprinkler system has a green tag on it, but it is not fully functional. The sprinkler heads need to be braced to the wall as they are currently hanging. Ms. Herstein noted that the Respondent's timeline for the project included that all permits be obtained by December 15th and a completion date of November 30, 2021. Staff requested that the property be found in violation. Reimbursement on the Administrative Fee in the amount of \$162.86 was also requested.

Senior Project Manager George Pidgeon and Architect Jon Hall were present to represent the Respondent. It was explained that a professional team is now in place to work on the property. They are aware a new roof is needed. They want to move forward on the exterior of the building. Mr. Pidgeon wants the building material stored on site for the build out they have planned. Once completed, the property will be a headquarters/training center for their ministries. Work is taking place to prepare the numerous bids they will require. He hopes that work on the roof would begin in September. Once that is complete, they plan to paint the building. Mr. Hall explained that the roof may take longer than expected as it is a complex building. There was discussion between staff and Mr. Hall regarding the parapet walls on the roof and if they could withstand another wind event. Staff would like to have a letter from a structural engineer on any bracing needed for the parapet walls and any shoring needed for the severely spalled areas of concrete. A date for compliance was also discussed knowing that the roof and concrete work would be time consuming. Both sides felt all violations could be corrected by February 10, 2021. Staff clarified their request that by the compliance date, they needed to have rectified all violations and obtained a Certificate of Compliance - Vacant Building. Alternatively, if they had obtained the main building, electrical, and plumbing permits for the complete building remodel, they could be considered compliant if all stated violations except the exterior paint issues and the interior storage of building materials violations were rectified.

Special Magistrate deLaroche ordered that all violations be corrected by February 10, 2021 or a fine of \$250 per day would commence. Reimbursement of \$169.89 in Administrative Fees must be paid within 30 days.

6. CLOSING REMARKS

- A. The next regularly scheduled Code Enforcement Special Magistrate Meeting will be Wednesday, August 19th at 9:00 a.m.
- B. September's Meeting is scheduled for Wednesday, September 16th at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

The hearing ended at 11:58 am.



CODE ENFORCEMENT CASE SUMMARY AUGUST 19, 2020 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Miralev, LLC

Violation Address: 2020 S. Atlantic Avenue in Daytona Beach Shores, FL

Specific Building: Two Story Building, North Side of Property

Code Enforcement Case #: CDEF2020-11

Volusia County Parcel ID #: 5316-21-00-0072

TYPE OF HEARING:

Initial 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 includes, in part, the Florida Statutes, Chapter 633, Section 633-222. Buildings with Light-frame Truss-type Construction; Notice Requirements; Enforcement.; Chapter 13, Section 13-5; and Appendix "G" - Land Development Code, Chapter 5, Section 5-10; and Chapter 14, Section 14-52.9.(B)(16) & (17), and (D)(1), (2), & (3); along with City of Daytona Beach Shores Ordinances 2019-09 & 2019-14, Part III, Section 14-61.1.(b).

VIOLATION(S) FOUND:

- a) Building's required truss sign is not easily legible
- b) *Rectified - dealt with an expired building permit*
- c) *Rectified - dealt with a construction fence associated with an expired building permit*
- d) Weeds over 12" tall in places around building
- e) Building does not have plainly legible address numerals in a contrasting color to the building
- f) *Rectified - dealt with holes and cracks in parking area*
- g) Fascia paint is faded/deteriorated in places
- h) Weeds, trash, and debris around building
- i) Paint peeling, multiple building faces
- j) Paint discolored in multiple places
- k) Paint overspray on windows in places does not "present a neat and fresh appearance"
- l) Concrete headers are spalling in at least two locations
- m) Concrete windowsills are spalling in at least two locations
- n) Rusted meter can box is a non-functional element, northeast corner of building

- o) Phone line box and associated phone lines are non-functional elements, west building face
- p) Building remains vacant longer than 60 days without obtaining a Certificate of Habitability (Certificate of Compliance - Vacant Property)

REQUESTED ORDER(S):

#7. Initial Hearing, In Violation w/ fees

POSSIBLE ORDERS:

- #1. Continuance
- #2. Dismissal
- #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 AUGUST 19, 2020 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Miralev, LLC

Violation Address: 2020 S. Atlantic Avenue in Daytona Beach Shores, FL

Specific Building: One Story Building, South Side of Property

Code Enforcement Case #: CDEF2020-10

Volusia County Parcel ID #: 5316-21-00-0072

TYPE OF HEARING:

Initial

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 includes, in part, the Florida Statutes, Chapter 633, Section 633-222. Buildings with Light-frame Truss-type Construction; Notice Requirements; Enforcement.; Chapter 13, Section 13-5; and Appendix "G" - Land Development Code, Chapter 5, Section 5-10; and Chapter 14, Section 14-52.9.(B)(16) & (17), and (D)(1), (2), & (4); along with City of Daytona Beach Shores Ordinances 2019-09 & 2019-14, Part III, Section 14-61.1.(b).

VIOLATION(S) FOUND:

- a) Building's required truss sign was painted over and is not easily legible
- b) Weeds over 12" tall in places around building
- c) Building does not have plainly legible address numerals in a contrasting color to the building
- d) *Rectified - dealt with holes and cracks in parking area*
- e) Fascia paint is faded/deteriorated in places
- f) *Rectified - dealt with open storage of corrugated metal panels*
- g) Weeds, trash, and debris around building
- h) Particleboard and corrugated metal window coverings do not "present a neat and fresh appearance"
- i) Paint is discolored in places
- j) Material deteriorated near roofline, west building face
- k) Open, unsealed penetration in block wall near roofline, west building face
- l) Multiple windows have been covered longer than 60 days, not replaced or properly abandoned

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

REQUESTED ORDER(S):

#7. Initial Hearing, In Violation w/ fees

POSSIBLE ORDERS:

#1. Continuance

#2. Dismissal

#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 AUGUST 19, 2020 AGENDA

TO: The Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owner: Daytona Shores Hotels and Resorts, LLC
Violation Address: 2225 S. Atlantic Ave. in Daytona Beach Shores
Code Enforcement Case #: PCDEF2020-25
Volusia County Parcel ID #: 5315-02-02-0010

TYPE OF HEARING:

Initial

CODE(S) CITED:

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

VIOLATION(S) FOUND:

- a) No permit has been obtained for a gas line installed without a plumbing permit
- b) Generator installed and being used in a manner inconsistent with an approved plan

REQUESTED ORDER(S):

#7. Initial Hearing, In Violation w/ fees

POSSIBLE ORDERS:

- #1. Continuance
- #2. Dismissal
- #6. Initial Hearing, No Violations found
- #7. Initial Hearing, In Violation w/ fees

SUPPLEMENTARY INFORMATION:

See hearing presentation packet

ATTACHMENT: None