



City of Daytona Beach Shores

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AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

SEPTEMBER 23, 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 August 19, 2020

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

- A. Property Owner: Hue Management, LLC
Violation Address: 2400 S. Atlantic Avenue in Daytona Beach Shores, FL

Code Enforcement Case #: CDEF2020-09
Volusia County Parcel ID #: 5322-03-05-0180

B. Property Owner: Michael J. Panaggio
Violation Address: 2711 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2020-40
Volusia County Parcel ID #: 5327-05-00-1140

C. Property Owner: Shores Commercial, LLC
Violation Address: 3422 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2020-26
Volusia County Parcel ID #: 5335-03-07-0050

6. CLOSING REMARKS

- A. The next regularly scheduled Code Enforcement Special Magistrate meeting will be Wednesday, October 21st at 9:00 a.m.
- B. November/December's proposed meeting is Wednesday, December 2nd at 9:00 a.m.
- C. January's meeting is scheduled for Wednesday, January 20th at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
August 19, 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

2. OPENING REMARKS

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

There were no cases removed from the agenda.

3. MINUTES

A. Special Magistrate Code Enforcement Minutes July 15, 2020

Special Magistrate deLaroche approved the minutes of July 15, 2020, as presented.

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

Ms. Gwyn Herstein, Code Enforcement Coordinator, requested that Case 5A and 5B be merged into one case numbered CDEF 2020-10/11. This was acceptable to Special

Magistrate deLaroche.

She requested that all the documents be accepted into evidence as well as the slides to be shown paired with evidence for Case 5B as well. It was all accepted by the Special Magistrate. The violations and were stated for the record. There were a total of 16 violations. On November 15, 2019, a letter was sent to the property owners regarding the Certificate of Compliance - Vacant Property requirements. Good service was achieved. Applications were received on December 18, 2019, for each building, but with no payment. Fees were paid a few weeks later and the inspection was set up for February 13, 2020. Staff met with property representative Kirk Lyman. The goals of the program were explained and hazards were discussed. Notices of Violation were sent on March 11th along with a letter for interior deficiencies. Good service was achieved to both Attorney Bailey and Mr. Lyman. Both cases were sent in the same envelope. The property was re-inspected on July 30th for the outside items identified on the Notice of Violation. Only a few items had been rectified, so Notices of Hearing were generated and good service was achieved on August 5th. While driving by the property on August 4th, Inspector Steve Edmunds noticed that glass had been removed from a second floor window and a truck was onsite but no workers were found. After confirming that there were no active permits for this, a Stop Work Order was issued. A permit application was received a few days later, but it didn't have the required plans so it was not processed. Slides were shown of the violations with photos from both February and July. Slides were also shown of the interior deficiencies dated February 13th.

Special Magistrate deLaroche swore in Inspector Steve Edmunds so he could be questioned. Ms. Herstein inquired if the pictures, documents and facts presented were true and accurate. He replied affirmatively. Inspector Edmunds stated that an existing permit for window replacement will expire in mid-September. It was listed as an 8-week project. He explained the purpose of a building's truss sign. It alerts first responders to the building's structural type. He further stated that for the past two years, it appears they have been doing floor repairs that began from a roof leaking. There is evidence of termite damage and loose plywood on the floors. This work had all been done without proper permits. He was questioned about the truck that was seen on the property. He noticed an extension cord running up and into a window. There was no visible company name or business license on the truck. It appeared as a handyman truck. He explained how he observed work was in progress on the property as the doors were unlocked. A Stop Work Order was generated and placed on the door.

Ms. Herstein showed slides from the smaller building that depicted both the initial inspection and the re-inspection. The interior deficiencies were noted as well. Staff requested that the cases be combined and the property be found in violation utilizing Order #7 allowing 4 months or until December 17th or begin a fine of \$250 per day. Reimbursement of the Administrative Fee in the amount of \$162.89 was also requested. Special Magistrate deLaroche approved combining the two cases 2020-10/11. He issued Order #7 with all violations corrected by December 17th or a fine of \$250 per day will be begin. He also ordered reimbursement of the Administrative Fee in the amount of \$162.89 payable within 60 days.

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

Ms. Herstein requested that all the documents be entered into evidence. Special Magistrate deLaroche accepted them. This is an Initial Hearing for the case. On May 1, 2019 a building permit was issued for remodeling work. On August 1, 2019, an electrical permit was issued to hook up a generator along with a few other items. The final inspection was scheduled on December 27, 2019, and it failed. The generator was not located according to the site plan and a permit was needed for a gas line. New plans were submitted but the location was not acceptable. It was too close to the building and windows. In March, the case was turned over to Code Enforcement and a Notice of Violation was generated. Good service was achieved by hand delivery and certified mail. The property was re-evaluated on July 30th and was still in violation. A statement of Violation/Request for Hearing and Notice of Hearing were sent certified mail and good service was achieved. Ms. Herstein spoke to the current manager who advised that the owners were aware of the situation. The office received a call from the project's architect regarding the generator. He spoke with Inspector Edmunds about two other potential locations. The requirements were explained.

Ms. Herstein questioned Building Inspector Edmunds. She inquired if the pictures, documents and facts were true and accurate. He replied they were. Inspector Edmunds explained that his biggest concern was the exhaust fumes getting into the building. The generator is for the backup elevator. Currently, it runs once a week. If there was a storm and the power went out, guests would have to open the doors for fresh air. The architect didn't care for the original location that was submitted and approved. Steve is working with the architect on another location within the parking lot.

There was no Respondent present at the hearing.

Staff requested that the property be found in violation utilizing Order #7 allowing 60 days (October 19th) for compliance or impose a fine of \$250 per day. Reimbursement of the Administrative Fee in the amount of \$162.89 was also requested.

Special Magistrate issued Order #7 with all violations corrected by October 19th or a fine of \$250 per day will begin. He also ordered reimbursement of the Administrative Fee in the amount of \$162.89 payable within 60 days.

6. CLOSING REMARKS

- A. The next regularly scheduled Code Enforcement Special Magistrate Meeting will be Wednesday, September 23rd at 9:00 a.m.

Ms. Herstein reviewed the meeting dates for the next few months.

- 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

The meeting ended at 10:18 am.



CODE ENFORCEMENT CASE SUMMARY SEPTEMBER 23, 2020 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Hue Management, LLC

Violation Address: 2400 S. Atlantic Avenue in Daytona Beach Shores, FL

Code Enforcement Case #: CDEF2020-09

Volusia County Parcel ID #: 5322-03-05-0180

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" - Land Development Code, Chapter 14, Section 14-52.9.(B)(16), 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) Weeds are over 12" high in two, small areas
- b) Door on west building face is in disrepair - delaminating at bottom
- c) Window-like opening in block on west building face is unprotected and allowing water intrusion to interior spaces
- d) Opening on west building face immediately behind irrigation pump is unprotected
- e) Uncapped pipe through exterior wall to water heater does not "present a neat and fresh appearance", could replace flue or remove pipe, metal strapping, and water heater as unused elements
- f) Door on west building face does not "present a neat and fresh appearance", is delaminating at bottom
- g) Exterior paint is peeling in places
- h) Exterior paint is discolored by rust in places and insect casings in others
- i) Exterior electrical elements are rusted and deteriorated in multiple places around building, some conduit broken
- j) Satellite dish and metal strapping on west building face are non-functional elements and should be removed

k) 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

#3. Initial Hearing, No Violations found

#7. Initial Hearing, In Violation w/ fees

SUPPLEMENTARY INFORMATION:

See hearing presentation packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY SEPTEMBER 23, 2020 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Michael J. Panaggio

Violation Address: 2711 S. Atlantic Avenue in Daytona Beach Shores, FL

Code Enforcement Case #: CDEF2020-40

Volusia County Parcel ID #: 5327-05-00-1140

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" - Land Development Code, Chapter 6, Section 6-3. and Chapter 14, Section 14-52.9.(D)(11).

VIOLATION(S) FOUND:

- a) Grass/weeds over 12" high, western edge of property
- b) Sign erected without a permit, western edge of property (larger than allowable exception for a real estate sign of up to four square feet)
- c) Vacant lot is not being kept free of dry vegetative debris, western edge of the 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 SEPTEMBER 23, 2020 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Shores Commercial, LLC

Violation Address: 3422 S. Atlantic Avenue in Daytona Beach Shores, FL

Code Enforcement Case #: CDEF2020-26

Volusia County Parcel ID #: 5335-03-07-0050

TYPE OF HEARING:

Initial

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" - Land Development Code, Chapter 14, Section 14-52.9.(D)(9).

VIOLATION(S) FOUND:

- a) Stand-alone CVS sign is not maintained with a "cared for appearance", dirt streaks are present on face, south sign face is faded, stone base is discolored
- b) Stand-alone CVS sign's twelve on-sign light fixtures are missing or deteriorated, some are dangling with broken brackets and some do not

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