

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
February 17, 2021
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

A. Opening Statement by Special Magistrate deLaroche

The Special Magistrate called the meeting to order at 9:02 am.

B. Swearing in Witnesses

2. OPENING REMARKS

A. Indication by Staff of any Items Being Removed From Agenda

There were no cases removed from the agenda.

3. MINUTES

A. Code Enforcement Special Magistrate Minutes January 20, 2021

The minutes of January 20, 2021, were accepted with no objections.

4. ADVANCED HEARINGS (Post-Initial Hearings)

A. Property Owners: Christine Josephine Harvey & Theresa Michelle Hennis
Violation Address: 125 Esmeralda Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2020-43
Volusia County Tax Parcel ID #: 5335-01-05-0300

Ms. Herstein was sworn in to provide testimony for the meeting. She requested that all the documents and slides for the case be entered into evidence. Special Magistrate deLaroche accepted them. This is a first compliance hearing and there is no one present for the Respondent. The Initial Hearing was held on October 21, 2020. None of the individual violations have been rectified by the time specified.

With no one in attendance to object, the Special Magistrate found the property had remained

in violation, issued order #11 with a fine of \$250 per day beginning January 20th. He also ordered the additional Administrative Fee of \$92.43 for a total due of \$254.02.

- B. Property Owners: Charles Ghobeira and Paul Ghobeira
Violation Address: 2008 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case Number: CDEF2020-03
Volusia County Tax Parcel ID #: 5316-21-00-0060

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. With no objection from the Respondent, Special Magistrate deLaroche accepted the evidence. This is a First Compliance hearing. The case began in November 2019 and had an Initial Hearing on October 21, 2020. The case involves a vacant building status and two compliance dates were given. A Certification letter signed and sealed by a Florida licensed structural engineer was required by December 7, 2020. That was received on December 4th and was completed on December 11, 2020. The second date given for full compliance on all violations was January 19th. The Administrative Fees were paid on November 20, 2020. An incomplete building permit was submitted at the end of December. The property was re-inspected on January 21st and found that most of the violations were still not in compliance. Ms. Herstein questioned Building Inspector Steve Edmunds regarding the pictures and documents shown being true and accurate. He responded they were. He clarified that the columns in question could be a life safety issue. They support a beam that supports the second floor. He had no further additions for the record.

Mr. Ray Hyatt spoke for the Respondent. He explained that he had been working very hard on the property and not ignoring the violations. As the work progresses, it seems other issues arise. Contractor Bill Bethune also spoke on the case. He has applied for the required permits and has cleaned the building. He had also removed concrete from the columns exposing what was underneath. Ms. Herstein inquired if they were aware that the engineering letter would expire on March 8th and that they will need something else in its place. He felt the work could be finished very soon. Ms. Herstein cautioned them that work could not begin until a permit was in hand. The incomplete submitted application could not be reviewed until a thorough job description and signed and sealed engineering had also been submitted.

Special Magistrate deLaroche found the property had remained in violation and issued order #11 with a fine of \$250 per day beginning January 20th. He also ordered the additional Administrative Fee in the amount of \$92.43 be paid. The Respondent was asked to return in 30 days to provide an update and the Respondent agreed to this.

- C. THIS CASE WILL BE HEARD THROUGH THE MICROSOFT TEAMS PLATFORM
AFTER OTHER CASES ON AGENDA
Property Owner: Hue Management, LLC
Violation Address: 2400 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2020-09
Volusia County Parcel ID #: 5322-03-05-0180

A Microsoft Teams meeting was not needed, as the Respondent had a representative appear at the hearing. Ms. Herstein requested that all the documents and slides presented be accepted into evidence. With no objection, the Special Magistrate accepted the evidence. This is a First Compliance Hearing with the Initial Hearing held on October 21, 2020. The

Respondent had been given 60 days for compliance. During that time, an electrical permit was obtained and final inspected. The property was re-inspected on December 23rd. Upon arrival to the property, a man approached who had access to the building and stated he was helping Ms. Tran arrange for work to be done. Ms. Herstein performed an exterior inspection and a brief interior inspection that still showed many violations present. A Notice of First Compliance Hearing was sent for the January meeting and good service was achieved. Ms. Tran requested a continuance to the February meeting and that was granted. Realtor, Jeanette Camerdon, was present to speak for the property owner. She stated that the property was now off the market and under contract. The potential buyer is from Miami and plans to do a total renovation. Ms. Tran had been reluctant to correct the violations knowing that it could potentially be changed. The property owner has been unable to travel due to the current pandemic. The Special Magistrate inquired when the closing date was. Ms. Camerdon stated within 60 days with a 30-day due diligence period. There is a lien on the property due to Code Enforcement fines.

Special Magistrate deLaroche issued order #11 with a fine of \$250 per day beginning December 22nd. He also ordered the additional Administrative Fee of \$85.53 for a total due of \$233.32. The initial Administrative Fee is due within 14 days with the balance due in 30 days.

5. INITIAL HEARINGS

- A. Property Owners: Tamara & Bernest A. York III
Property Address: 3115 S. Atlantic Ave., Unit 1201, Daytona Beach Shores, Florida
Code Enforcement Case #: PCDEF2020-61
Volusia County Parcel ID #: 5334-15-00-L010

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. With no one to represent the Respondent, the Special Magistrate accepted the evidence. The property owner was in contact with the office but was not able to attend the meeting today. The case began when a building permit to remove and replace a front door and threshold expired in November 2019. A Notice of Violation was sent in September 2020, and good service was achieved. The case was checked at the end of January and no progress had been made. A Statement of Violation/Request for Hearing and Notice of Hearing was sent on January 28, 2021. Good service was eventually achieved, but the property was posted as well. Ms. York has been in contact with the office and submitted a new permit application.

Special Magistrate deLaroche stated that the city had met its burden of proof and issued Order #7 with a required compliance date of April 19, 2021, or a fine of \$125 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$149.09.

- B. Property Owner: Titan Development Partners LLC
Property Address: 3309 S. Atlantic Ave., Daytona Beach Shores, Florida
Code Enforcement Case #: PCDEF2020-63
Volusia County Parcel ID #: 5335-03-01-0040

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence. The property is the Beachside

Motel who obtained an electrical permit for sign work. The permit expired October 2018. The permit was re-instated November 2019 and expired again one month later with no inspections. After being turned over to the code enforcement office, a Notice of Violation was sent on September 24, 2020, and good service was achieved. On January 28, 2021, a Statement of Violation/Request for Hearing and Notice of Hearing was sent with good service achieved. An incomplete electrical permit application was submitted last week. Building Inspector Steve Edmunds explained why the permit originally failed. The contractor had placed transformers in the stairwell. For life safety reasons, the stairwells must be kept clear. Mr. Suarez was sworn in as an agent for the property. He stated that the crew who originally installed the wall sign messed up. The transformers have been disconnected so it is no longer a life safety issue. He further explained that the pole sign will be redone as a monument sign as required by the city's code. Staff explained that once the permit was obtained and the electric elements removed, the permit could be inspected and finalized.

Special Magistrate deLaroche issued Order #7 with a required compliance date of April 19, 2021, or a fine of \$200 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$149.09 payable within 30 days.

- C. Property Owners: Ramesh Yeluri and Krishna Yeluri, as Trustees of the Ramesh Yeluri and Krishna Yeluri Revocable Living Trust dated May 7, 2015
Property Address: 3400 S. Atlantic Avenue in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2020-84
Volusia County Parcel ID #: 5335-03-06-0010

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence. This is a commercial plaza with two rented spaces and one vacant one. The case began October 2020 after an initial inspection of the property. A Notice of Violation was sent and good service was achieved. The property was re-inspected on January 27th and almost all the violations remained. Staff had been working with the property representative who had taken ill and was hospitalized. The property owner, Mr. Yeluri, called and was provided an update. He was attempting to contact local contractors to complete the work that was required. A Statement of Violation/Request for Hearing and Notice of Hearing was sent and good service was achieved. At this point, the simple violations were compliant, but many remained that required permits. Ms. Anita Faulkner was present and authorized to speak on behalf of the Respondent. She is assisting the actual property manager who is still hospitalized. She has been working with the owner to obtain contractors to do the work. Many will not return her call. She understands the main issue is repairing or replacing the header. She stated the property owner did have legal representation regarding the Surfside Tavern. They have not paid rent in many months and continue to do unpermitted repairs. Special Magistrate deLaroche issued Order #7 with a required compliance date of May 18, 2021, or a fine of \$250 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$162.89 payable within 30 days. .

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Wednesday, March 17, 2021, at 9:00 a.m.

B. April's Meeting is scheduled for Wednesday, April 21, 2021, at 9:00 a.m.

C. May's Meeting is scheduled for Wednesday, May 19, 2021, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

Special Magistrate deLaroche indicated that he may not be available on May 19th, but he would let Ms. Herstein know as soon as possible.

8. ADJOURNMENT

The meeting ended at 10:56 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab