

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
March 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 9:00 am.

Mr. Hayyat provided an update for the property located at 2008 S. Atlantic as requested by the Special Magistrate. He reported that work on the roof was complete. Permits for electrical and plumbing are being submitted. The remainder of work requires a building permit and Ms. Herstein explained that a description of how the work will be completed, not just a checklist, is needed before a permit can be issued.

B. Swearing In Witnesses

2. OPENING REMARKS

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

There were no items removed from the agenda.

3. MINUTES

A. Code Enforcement Special Magistrate Minutes February 17, 2021

The minutes of February 17, 2021, were accepted with no objections.

4. ADVANCED HEARINGS (Post-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 Tax Parcel ID #: 5316-10-03-0050

Ms. Herstein was sworn in to present testimony for the meeting. She requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence hearing no objection. This is a first compliance hearing. The case began at the end of 2019 when the property was sent an application for Certificate of Compliance - Vacant Building. The Initial Hearing was in July, 2020, and given 210 days for compliance. Updates have been provided by Mr. George Pidgeon, the Senior Project Manager. The property was re-inspected on February 12, 2021, and violations still remained. Mr. Pidgeon had no objections and agreed the property was not in compliance. Special Magistrate deLaroche issued Order #11 stating that the property had remained in violation with a fine of \$250 per day beginning February 11th. He also ordered the additional Administrative Fee in the amount of \$92.43 be paid within 30 days.

5. INITIAL HEARINGS

- A. Property Owner: AD1 Daytona Hotels, LLC
Property Address: 2306 S. Atlantic Ave., Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2020-28
Volusia County Parcel ID #: 5322-03-03-0140

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence hearing no objections. The property has been a vacant building with no approved use for the past 15 years. An inspection of the property was done in June, 2020. There were five exterior violations and four interior deficiencies found at that time. A Notice of Violation was sent and good service was achieved. The property was re-inspected on January 21, 2021. The remaining interior deficiency requires an electrical permit that has not been applied for at this time. The one remaining exterior violation is to achieve vacant building compliance. A Statement of Violation/Request for Hearing and a Notice of Hearing were sent by certified mail and good service was achieved. Staff requested Order #7 be issued. Mr. Jose Fernandez, authorized representative for the management company stated he understood what was required to gain compliance. Special Magistrate deLaroche issued Order #7 with a compliance date of May 3, 2021, or a fine of \$125 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$162.89 payable within 30 days.

- B. Property Owner: AD1 Daytona Hotels, LLC
Property Address: 2323 S. Atlantic Ave., Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2020-80
Volusia County Parcel ID #: 5322-03-01-0130

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence hearing no objection. The property is currently under renovation and is closed for business. This case involves two expired permits without having a final inspection leaving the work unpermitted. The first permit was for a custom tiki bar that is complete but was never inspected. The second expired permit was to repair concrete walkways. The case was turned over to Code Enforcement in October, 2020. A replacement permit for the tiki bar was submitted by the same contractor but never picked up. The application has expired. Ms. Herstein reached out to the contractor regarding the concrete repair. He explained that he had not been paid for the work so he was not going to follow

through on the permit. A Statement of Violation/Request for Hearing and Notice of Hearing were sent by certified mail and good service was achieved. Staff requested Order #7 be issued and allowed 60 days for compliance.

Mr. Jose Fernandez, authorized representative for the management company, was present. He inquired if a new permit could be issued on the tiki bar with a new contractor. Staff explained that plans and other details would be required, but a new permit could be acquired. Regarding the second permit for concrete work, he was aware of an issue with payment to the company. Mr. Fernandez would like 90 days to get everything taken care of.

Special Magistrate deLaroche issued Order #7 with a compliance date of 90 days 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 Owner: Pappas Daughters, LLC
Property Address: 2518 S. Atlantic Ave. (2506/2508 Unit)
Code Enforcement Case #: PCDEF2020-94
Volusia County Parcel ID #: 5322-01-00-0282

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence hearing no objection. This case involved work performed without the required permits. Incomplete permit applications were submitted and a stop work order was issued. Ms. Herstein questioned Building Inspector Steve Edmunds on the accuracy of the documents and slides shown. He replied they were true and accurate. The new tenant wishes to open a pizza restaurant. The kitchen and bathrooms need to be remodeled to ensure ADA requirements. Plans are required for the permits to be approved. It was decided that 90 days should suffice to get this work completed.

Special Magistrate deLaroche issued Order #7 with a compliance date of 90 days 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.

- D. Property Owner: Cynthia R. Glasser
Property Address: 2555 S. Atlantic Ave., Unit 1601, Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2020-88
Volusia County Parcel ID #: 5322-45-16-1601

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence hearing no objection. A stop work order was issued on June 10, 2020, by Inspector Steve Edmunds. Renovation work on a bathroom was being done with no permits. The office has received no contact from the property owner. A Statement of Violation/Request for Hearing and Notice of Hearing were sent and good service was achieved. Staff requested an Order #7 be issued and allowed 60 days for compliance. Special Magistrate deLaroche inquired if the building manager is usually aware of when renovations occur. It was explained that all condominiums were run differently. Some managers are not onsite all day and therefore contractors are able to freely enter the building. Ms. Herstein questioned Steve Edmunds who explained that the office had received a complaint from a neighbor. Once he saw the work that was being done, he issued a Stop Work Order.

Special Magistrate deLaroche issued Order #7 with a compliance date of 60 days 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.

- E. Property Owner: Suzanne Sloss
Property Address: 3145 S. Atlantic Ave., Unit 305, Daytona Beach Shores, Florida
Code Enforcement Case #: PCDEF2020-89
Volusia County Parcel ID #: 5334-21-00-0305

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence hearing no objection. On May 22, 2019, a mechanical permit was obtained but expired without a final inspection. It was reinstated in December, 2019, and expired for a second time on January 6, 2020. In December, 2020, the case was turned over to code enforcement. A Statement of Violation/Request for Hearing and Notice of Hearing were generated and good service was achieved. There has been no activity or contact by the owner on this case.

Special Magistrate deLaroche issued Order #7 with a compliance date of 45 days or a fine of \$100 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$149.09 payable within 30 days.

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Wednesday, April 21, 2021, at 9:00 a.m.
- B. May's Meeting is scheduled for Wednesday, May 19, 2021, at 9:00 a.m. (This meeting date may change)

The Special Magistrate indicated that the proposed date was fine with him.

- C. June's Meeting is scheduled for Wednesday, June 16, 2021, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

The meeting ended at 10:04 am.

