



City of Daytona Beach Shores

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AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

APRIL 21, 2021

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 by Special Magistrate deLaroche
- B. Swearing in Witnesses

2. OPENING REMARKS

- A. Indication by staff of any items being removed from agenda

3. MINUTES

- A. Code Enforcement Special Magistrate Minutes March 17, 2021

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. Property Owner: B and Y, Inc.
Violation Address: 2000 S. Atlantic Ave. in Daytona Beach Shores, FL

5. INITIAL HEARINGS

- A. THIS CASE WILL BE HEARD AT 9:00 a.m. THROUGH THE MICROSOFT TEAMS PLATFORM
Property Owner: Silver Leaf 138 B LLC
Property Address: 138 Botefuhr Avenue
Code Enforcement Case #: CDEF2020-92
Volusia County Parcel ID #: 5316-22-00-0040
- B. Property Owner: 2120 S. Atlantic Ave LLC
Property Address: 2120 S. Atlantic Avenue
Code Enforcement Case #: CDEF2020-95
Volusia County Parcel ID #: 5315-02-03-0012
- C. Property Owners: Ngoc-Hung N. Phan & Nhu-y T. Le
Property Address: 2416 S. Atlantic Avenue
Code Enforcement Case #: CDEF2021-03
Volusia County Parcel ID #: 5322-04-14-0180

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Wednesday, May 19, 2021, at 9:00 a.m.
- B. June's Meeting is scheduled for Wednesday, June 16, 2021, at 9:00 a.m.
- C. July's Meeting is scheduled for Wednesday, July 21, 2021, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

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.



CODE ENFORCEMENT CASE SUMMARY

APRIL 21, 2021 AGENDA

TO: The Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owner: B and Y, Inc.
Violation Address: 2000 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-74
Volusia County Tax Parcel ID #: 5316-22-00-0020

TYPE OF HEARING:

First Compliance Hearing

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.(B)(16) and (D)(3) along with City of Daytona Beach Shores Ordinances Numbered 2019-09 and 2019-14, Part III, Section 14-61.1.(b).

VIOLATION(S) FOUND:

- e) Stucco cracked in places at column located at northeast entrance and northeast corner of building
- j) *Two column bases on either side of east-facing entrance doors are non-functional elements which create a trip hazard - rectified by Ordered compliance date*
- l) Building remains vacant longer than 60 days without obtaining a *Certificate of Compliance - Vacant Property* (will be achieved when Violation e) is rectified)

REQUESTED ORDER(S):

11. First Compliance Hearing, not compliant by Ordered date

POSSIBLE ORDERS:

- # 1. Continuance
- # 10. First Compliance Hearing, compliant by Ordered date
- # 11. First Compliance Hearing, not compliant by Ordered date

SUPPLEMENTARY INFORMATION:

Initial Hearing Date: January 20, 2021

Ordered Compliance Date: March 22, 2021 (61 days from the Initial Hearing)

Ordered Fine: \$150.00 per day

Special Magistrate Approved Administrative Fees: \$149.09 (IH) *paid February 12, 2021*

Additional Administrative Fees Requested: \$85.53 (FCH)

Please see Special Magistrate Hearing Notebook

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY

APRIL 21, 2021 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: THIS CASE WILL BE HEARD AT 9:00 a.m. THROUGH THE MICROSOFT TEAMS PLATFORM

Property Owner: Silver Leaf 138 B LLC

Property Address: 138 Botefuhr Avenue

Code Enforcement Case #: CDEF2020-92

Volusia County Parcel ID #: 5316-22-00-0040

TYPE OF HEARING:

Initial Hearing

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.(B)(16) and (D)(1), (2), (6), & (9).

VIOLATION(S) FOUND:

- a) Painted surfaces are fading, streaking, peeling, blistering, discoloring, and cracking in places, both buildings
- b) Paint peeling, deteriorated, faded, and discolored does not "present a neat and fresh appearance," both buildings
- c) *Violation rectified*
- d) Two A/C units rusting through paint, north building (one rusted unit remains)
- e) Fascia is discolored in places and not protected by paint in others, both buildings
- f) Cables run on south building do not "present a neat and fresh appearance," north, east, and south faces
- g) Missing cover and cables run on north building do not "present a neat and fresh appearance," west face
- h) Cracks in utility room walls under stair landing of Unit A2, north building
- i) Window casing wood deteriorated, north building, north and west faces
- j) Window mullions deteriorated, south building, south face
- k) Crack at top of column supporting second floor overhang, south building
- l) Soffit falling, north building, north face (now falling on south building face)

m) *Violation rectified*

n) Light fixture rusted, north building, north face (required electrical permit was not obtained)

REQUESTED ORDER(S):

#7. Initial Hearing, in Violation w/fees

POSSIBLE ORDERS:

#1. Continuance

#2. Dismissal

#4. Initial Hearing, No Fine Standing Order, currently compliant w/out fees

#5. Initial Hearing, No Fine Standing Order, currently compliant, w/ fees

#6. Initial Hearing, No Violations found

#7. Initial Hearing, In Violation w/ fees

SUPPLEMENTARY INFORMATION:

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY

APRIL 21, 2021 AGENDA

TO: The Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owner: 2120 S. Atlantic Ave LLC
Property Address: 2120 S. Atlantic Avenue
Code Enforcement Case #: CDEF2020-95
Volusia County Parcel ID #: 5315-02-03-0012

TYPE OF HEARING:

Initial Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Chapter 19, Section 19-1.2.(k)(1) & (h)(1).c. and Appendix "G" - *Land Development Code*, Chapter 5, Section 5-10. *Numerals*.; Chapter 14, Section 14-31.1.8.; Chapter 14, Section 14-52.9.(B)(14), (16), & (17) and (D)(1), (2), (3), (6), (7), & (9); and Chapter 14, Section 14-61.1.(b).

VIOLATION(S) FOUND:

- a) Vacant building has not been registered in the city's Vacant or Abandoned Building Monitoring Program by the owner
- b) Door on west building face of east portion of building is boarded shut
- c) No required, identifying address numerals are present on the building
- d) No 6' opaque screening fence or wall where property abuts a residential district (RMF-2)
- e) Walkway tiles broken and loose near east property line
- f) Exposed fascia wood, 2nd story, north building face
- g) Trash and debris east of building and in wash bays
- h) Exterior walls, fascia, bay walls, and garage doors are discolored in places
- i) Shed walls are discolored in places
- j) Railing post(s) cracked, rails loose, top of stairs, west building face
- k) Soffit is not attached in places and is missing in others
- l) Deteriorated speakers and speaker parts on east building face are non-functional elements
- m) Empty bracket on north building face, east end, is a non-functional element
- n) Exposed wires on wash bay walls where equipment was previously located
- o) Exposed wires near restroom alcove where chiller from ice cream cooler was previously located

- p) Conduit loose at top of westernmost open bay, south side
- q) Shed shingles missing, north face
- r) Retaining landscape timber deteriorated
- s) Graffiti on menu board, south building face, near drive-through window (graffiti was sanded, but menu board is not maintained with a "cared-for appearance"
- t) 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
- #4. Initial Hearing, No Fine Standing Order, currently compliant w/out fees
- #5. Initial Hearing, No Fine Standing Order, currently compliant, w/ fees
- #6. Initial Hearing, No Violations found
- #7. Initial Hearing, In Violation w/ fees

SUPPLEMENTARY INFORMATION:

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY

APRIL 21, 2021 AGENDA

TO: The Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owners: Ngoc-Hung N. Phan & Nhu-y T. Le
Property Address: 2416 S. Atlantic Avenue
Code Enforcement Case #: CDEF2021-03
Volusia County Parcel ID #: 5322-04-14-0180

TYPE OF HEARING:

Initial Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Chapter 13, Section 13-5.; Appendix "G" - *Land Development Code*, Chapter 14, Section 14-52.9.(B)(16) and (D)(1), (2), (3), (7), (9), & (12); 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)* & *Florida Building Code – Seventh Edition (2020)*, Chapter 1, Section 105.1 *Required.*; and *City of Daytona Beach Shores Ordinances* Numbered 2019-09 and 2019-14, Part III, Section 14-61.1.(b).

VIOLATION(S) FOUND:

- a) Grass/weeds over 12" high in places on property
- b) Stucco is delaminating in places on most vertical parapet surfaces
- c) Paint is faded, streaked, and deteriorated, contributing to stucco delamination on vertical parapet surfaces
- d) Concrete spalling on northwest corner of building, upward from grade
- e) Building paint peeling, streaked, and discolored in places
- f) Two electrical boxes rusting through and deteriorating, near northwest corner of building (*boxes were replaced under a permit, but have not been inspected yet*)
- g) Ceiling of drive-through is delaminating in places
- h) Ceiling hatches at drive-through and front entrance are rusting and deteriorating
- i) Rusty drop box on south building face is a non-functional element
- j) *Violation rectified*
- k) Two sets of clear tubes and call boxes at drive-through window are non-functional elements
- l) Concrete pad (formerly supporting pole sign) at southeast corner of property is a non-functional

element

- m) Junction box (formerly feeding pole sign) at southeast corner of property is a non-functional element
- n) Bollard near southeast exit driveway is rust-covered
- o) Sections of pole light are rusty and in disrepair, north side of property, especially at pole cap and hand hole cover
- p) Shrubs near north property line and at northwest corner are not "in a neat and well-maintained condition"
- q) ATM removed and wall boarded without a building permit, west building face
- r) Two lighted wall signs removed without an electrical permit to properly cap connections, east and north building faces (*corrective action was permitted, but has not been inspected yet*)
- s) Pole sign removed without an electrical permit to properly cap connections, wires exposed
- t) Building remains vacant longer than 60 days without obtaining a *Certificate of Compliance - Vacant Property*

REQUESTED ORDER(S):

#7. Initial Hearing, In Violation w/ fees

POSSIBLE ORDERS:

- #1. Continuance
- #2. Dismissal
- #4. Initial Hearing, No Fine Standing Order, currently compliant w/out fees
- #5. Initial Hearing, No Fine Standing Order, currently compliant, w/ fees
- #6. Initial Hearing, No Violations found
- #7. Initial Hearing, In Violation w/ fees

SUPPLEMENTARY INFORMATION:

Please see supplementary document packet

ATTACHMENT: None