



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

JUNE 16, 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 Minutes April 21, 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

Code Enforcement Case #: CDEF2019-74
Volusia County Tax Parcel ID #: 5316-22-00-0020

- B. Property Owner: AD1 DAYTONA HOTELS, LLC
Violation Address: 2306 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2020-28
Volusia County Tax Parcel ID #: 5322-03-03-0140

5. INITIAL HEARINGS

- A. Property Owner: JK Daytona LLC
Violation Address: 2225 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2021-26
Volusia County Tax Parcel ID #: 5315-02-02-0010
- B. Property Owner: Elizabeth Magiera Smith
Violation Address: 2967 S. Atlantic Ave., Unit 1101, in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2021-04
Volusia County Tax Parcel ID #: 5327-18-00-1101

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Wednesday, July 21, 2021, at 9:00 a.m.
- B. August's meeting is scheduled for Wednesday, August 18, 2021, at 9:00 a.m.
- C. September's meeting is scheduled for Wednesday, September 15, 2021, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
April 21, 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.

B. Swearing in Witnesses

Both Ms. Herstein and Inspector Steve Edmunds were sworn in to provide testimony for the day's cases.

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 March 17, 2021

The minutes of March 17, 2021, were approved with no objections.

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. 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

Ms. Herstein explained that the property owner is recovering from knee surgery and requested a continuance until the May 19th hearing.

Special Magistrate deLaroche granted the continuance until the May 19th, 2021, hearing date.

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

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence with no objection. The case began with a complaint from a tenant in November, 2020. The property was inspected and 14 violations were noted. The Notice of Violation was sent in mid-December and good service was achieved. There were numerous conversations regarding the violations with the property owner Mr. Luyt during the next few months. Ms. Herstein also spoke with the window contractor in March to confirm which ones needed repair. She was told that window production is taking up to 6 months just for production. There are five windows that need replacement. Ms. Herstein also spoke with the engineer for the property. Plans are being drawn up for both the window casings and columns that need attention. Slides were shown of all the violations. Ms. Herstein asked Building Inspector Edmunds if he had anything to add to the case. Mr. Edmunds stated that the concrete restoration is the biggest problem for the owner as it takes both an engineer and a contractor to do the work. He had nothing else to add. Staff requested an Order #7 for violations e through l & n, and a no fine standing order #5 for violations a, b & d which are currently rectified.

Mr. Luyt attended the hearing by telephone. The meeting originally began in Teams, but due to audio problems, switched to the telephone. He apologized for the appearance of the building. Due to Covid, several tenants stopped paying rent. He resides in NC and is not traveling much. He does employ a maintenance man who normally takes care of the building, but he has taken ill. He had been told that various items had been fixed when they actually are not. He explained that the painting would be completed soon. Spectrum had come out and removed many excess cables. Those still present are needed for service. Mr. Luyt stated that he had a contractor for the windows who would be obtaining a permit soon. He has been working with Mr. Ohmsted for the engineering issues. He was told that the engineer had been out to look at the cracks on the buildings and in his opinion, they were fine. He is to write a letter stating this. Mr. Luyt has been having trouble speaking with the engineer personally. After a brief discussion with staff, it was decided to allow 8 months to correct the violations. Special Magistrate deLaroche issued Order #7 for violations e through l & n with a compliance date of December 21st, or a fine of \$250 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$149.09 payable within 30 days. He also issued Order #5 for violations a, b & d.

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

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. Mr. Mauro Messina was present for the hearing and had no objection. The Special

Magistrate accepted the evidence with no objection. He stated that he was aware of the current violations and the steps he needed to gain compliance. He felt an 8-month timeframe was adequate.

Ms. Herstein stated that violations c, g & l were now compliant and requested a no-fine standing order for those.

Special Magistrate deLaroche issued Order #7 for all violations except c, g & l and allowed until December 21st or a fine of \$250 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$149.09 payable within 30 days. A no-fine standing Order #5 was issued for violations labeled c, g, & l.

- 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

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence with no objection. There was no one present to represent the property. The case was originally scheduled to be heard at the December 2nd meeting. That meeting was cancelled and the property changed hands on December 9, 2020. Ms. Herstein had been in contact with the new owner since last September and was provided a list of the current violations. The property was re-inspected for the new owners on January 12th. A new Notice of Violation was sent on February 2nd and good service was achieved. On Feb. 19th, the owners were met on the property and all the violations were discussed. At this time, an electrical permit has been obtained. Slides were shown of all violations. Staff suggested a timeline of six months to gain full compliance, noting that item j had been rectified.

Special Magistrate deLaroche issued Order #7 for violations labeled a through i and k through t with a compliance date of October 21, 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, 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

The meeting ended at 10:20 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab



CODE ENFORCEMENT CASE SUMMARY

JUNE 16, 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
JUNE 16, 2021 AGENDA

TO: The Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owner: AD1 DAYTONA HOTELS, LLC
Violation Address: 2306 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2020-28
Volusia County Tax Parcel ID #: 5322-03-03-0140

TYPE OF HEARING:

First & Second Compliance Hearings

CODE(S) CITED:

City of Daytona Beach Shores Ordinances Numbered 2019-09 and 2019-14, Part III, Section 14-61.1.(b).

VIOLATION(S) FOUND:

Building remains vacant longer than 60 days without obtaining a *Certificate of Compliance - Vacant Property*

REQUESTED ORDER(S):

11. First Compliance Hearing, not compliant by Ordered date
&
12. OR # 13. Second Compliance Hearing, impose entire fine OR reduce or rescind fine

POSSIBLE ORDERS:

1. Continuance
10. First Compliance Hearing, compliant by Ordered date
11. First Compliance Hearing, not compliant by Ordered date
12. Second Compliance Hearing, impose entire fine
13. Second Compliance Hearing, reduce or rescind fine

SUPPLEMENTARY INFORMATION:

Initial Hearing Date: March 17, 2021

Ordered Compliance Date: May 3, 2021 (47 days from the Initial Hearing)

Ordered Fine: \$125.00 per day

Special Magistrate Approved Administrative Fees: \$162.89 (IH) *paid April 14, 2021*

Additional Administrative Fees Requested: \$149.09 (FSCH)

Please see Special Magistrate Hearing Notebook

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY

JUNE 16, 2021 AGENDA

TO: The Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owner: JK Daytona LLC
Violation Address: 2225 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2021-26
Volusia County Tax Parcel ID #: 5315-02-02-0010

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.(C).

VIOLATION(S) FOUND:

Violation g) Required generator and its supporting gas lines and electrical connections have not been successfully inspected and approved

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

JUNE 16, 2021 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Elizabeth Magiera Smith

Violation Address: 2967 S. Atlantic Ave., Unit 1101, in Daytona Beach Shores, FL

Code Enforcement Case #: PCDEF2021-04

Volusia County Tax Parcel ID #: 5327-18-00-1101

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 5, Section 5-6., which refers, in part, to the Florida Building Code - Sixth Edition (2017) & Seventh Edition (2020), Chapter 1, Section 105.1. Required.

VIOLATION(S) FOUND:

Violation a) No building, electrical, or plumbing permits were obtained for replacement of kitchen cabinets and bathroom showers (also described as "kitchen and bath remodel")

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