

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
June 16, 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 Minutes April 21, 2021

The minutes of April 21, 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

This case was actually heard last beginning at 9:41 am with the owner, Mr. Morali, present.

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence with no objection. It was stated that this was a First Compliance Hearing. There were originally three violations still

remaining; e, j and l. Violation j was compliant by March 22nd as directed. Violations e and l still remain non-compliant. Once Violation e is rectified, it will allow Violation l to be in compliance as well and a CCVP will be issued. Slides were shown of the column. Once it was opened up, it showed extensive damage. The property was re-inspected on May 20th with no change. As of today's date, permits are obtained and a new column is in place. There is just cosmetic work that is not complete. Ms. Herstein questioned Building Inspector Steve Edmunds on the accuracy of the documents and slides shown. He replied they were true and accurate. He had no other details to include for the case. Staff requested Order #11 be issued with reimbursement of additional Administrative Fees in the amount of \$85.53.

Mr. Morali explained that he had knee replacement surgery recently. He tried to comply within the time limit given, but he was at the mercy of his contractor. His surgery was on March 11th and he had signed an estimate with East Coast Fabricators and sent payment. He was told it would be finished in two weeks. The work was not completed and they wanted more money for a permit. The columns are now in place as of last Friday with a new contractor and the finishing work should be done soon. The Special Magistrate instructed him to bring his signed contracts to the next hearing.

Special Magistrate deLaroche issued Order #11 stating that the property remained in violation. He ordered reimbursement of the Administrative Fee in the amount of \$85.53 payable within 60 days.

- 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

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence with no objection. This was a First and Second Compliance Hearing. The Initial Hearing took place on March 17th and the Respondent was given until May 3rd for compliance. The case involves a vacant building with no approved use for the past 15 years. On May 3rd, the manager called the office explaining that there was a problem in getting an electrician to do the work needed. On May 11th, the permit was obtained and a final inspection was set for the next day. During the final inspection, additional problems were observed with the electrical wiring. Within two days, the electrician returned and made the necessary repairs. The CCVP was issued on May 14th. Notices of the First and Second Compliance Hearings were sent and good service was achieved. Staff requested an Order #11 be issued with ten days of non-compliance at \$125 per day. Reimbursement of the Administrative Fee in the amount of \$149.09 was also requested.

Becky Darnell, Manager for AD1 Daytona Hotels, did not dispute missing the May 3rd deadline for compliance. She noted changes in personnel that lead to things being overlooked. The owners wish to keep the building on the property and the site will eventually be overflow parking.

Special Magistrate deLaroche issued Order #11 stating that the property had remained in violation for a total of ten days and Order #12 to impose the full fine amount. The total fine due is \$1,250. He also ordered the Administrative Fee in the amount of \$149.09 be paid within 60 days.

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

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence with no objection. This was an Initial Hearing. The property is the Aku Tiki Inn. The property was sold in December 2020. There were other violations that came before the SM last August. Permits had been obtained by the date specified, but the generator was never moved. It is now moved to a proper location, but the permits expired without getting final approval. At this point, the gas lines were not moved to the new location. A Statement of Violation/Request for Hearing and Notice of Hearing were sent and good service was achieved. Ms. Herstein questioned Building Inspector Steve Edmunds on the accuracy of the documents and slides shown. He replied they were true and accurate. He stated that natural gas was piped in underground directly to the generator. It is now in an acceptable location to provide backup power for the elevator tower. Staff requested Order #7 be issued and given 60 days to comply, including obtaining approved final inspections on all required permits, or a fine of \$250 per day be levied.

Shamila Mohomed, General Manager, did not dispute any of the case details and made no additional comment.

Special Magistrate deLaroche issued Order #7 with 60 days to gain compliance (August 16), or a fine of \$250 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$162.89 payable within 60 days.

- 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

Ms. Herstein requested that all the documents and slides presented be accepted into evidence. The Special Magistrate accepted the evidence with no objection. The home owner began work on a renovation in May 2019. A permit was obtained and approved to disconnect vanity plumbing. Six months later, an incomplete building permit application was submitted for kitchen and shower work. The application later expired and the matter was passed to Code Enforcement in November 2020. After speaking with the property owner, she was not aware of any permitting issue. Ms. Smith explained that most of the work was complete. Staff reviewed what documents were still required in order to finalize the work. It was also explained that a licensed general contractor was required. On May 27th, a Statement of Violation/Request for Hearing and Notice of Hearing were sent and good service was achieved. Ms. Herstein questioned Building Inspector Steve Edmunds on the accuracy of the documents and slides shown. He replied they were true and accurate. Staff requested Order #7 be issued and given 60 days to comply which includes getting approved final inspections. Reimbursement of the Administrative Fees in the amount of \$149.09 was also requested.

Property owner, Ms. Elizabeth Smith, explained that she had now hired Newberry Construction. She was only trying to renovate her unit older furnishing with new. The kitchen is mostly done, the guest bathroom is completely remodeled and only the master bathroom vanity was changed. She thought the work was fully permitted. She said 60 days would be fine for compliance.

Special Magistrate deLaroche issued Order #7 with a compliance date of 60 days or a fine of \$150 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$149.09 payable within 60 days.

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

The meeting ended at 9:59 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab