

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
July 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 Edmonds 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 June 16, 2021

The minutes of June 16, 2021, were approved as presented 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 requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. This is a Second Compliance Hearing for the case. The Initial Hearing took place on January 20, 2021, and was given 61 days to gain compliance. The First Compliance Hearing was held on June 16, 2021, and the property was found to be still non-compliant on two items. Violation e was found compliant

on June 25th and that allowed violation I (obtaining a Certificate of Compliance - Vacant Property) to also come into compliance. The Notice of Hearing was sent and good service was achieved. The property was in non-compliance for 94 days with a total fine of \$14,100. Staff requested reimbursement of the additional Administrative Fee in the amount of \$128.03. 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.

Mr. Morali presented documents to the Special Magistrate as evidence. They were a copy of an invoice from East Coast Ornamental Welding for \$909.00 and the cleared check #330 dated March 29th. He stated that he had paid his contractor in full but then had knee surgery and was unable to physically see if the work was completed. He later found out that the inside of the column needed to be replaced. It took the engineer a few weeks to submit his report. Mr. Morali explained that he placed numerous calls to see if the work and inspections were complete. The Special Magistrate explained the appeal process in case Mr. Morali did not agree with his decision.

Special Magistrate deLaroche issued Order #13 with a reduction of 41-days worth of fines while the Respondent was recovering from surgery. The remaining fine amount is \$7,950, with the fine payable within 90 days or the fine reverts to the full amount of \$14,100. He also ordered reimbursement of the Administrative Fee of \$128.03 payable within 60 days. Mr. Morali informed the Special Magistrate that he intended to appeal the decision.

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

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. This is a First Compliance Hearing. The Initial Hearing was held on March 17th and the Respondent was given 90 days to gain compliance. The case involves expired building permits for a custom tiki bar and the repair of concrete walkways and handrails. Staff reached out to the contractor in early May regarding the permits that were ready to expire. The contractor indicated that the owners were working to secure additional funds to keep the project moving. The compliance date of June 15th passed and the property was inspected on June 17th. The notice for First Compliance Hearing was sent and good service was achieved. As of July 19th, the tiki hut has been removed from the property bringing that item into compliance. Ms. Herstein questioned Building Inspector Steve Edmunds on the accuracy of the documents and slides shown. He replied they were true and accurate. He described the two outstanding permits. The first was for concrete restoration on most of the balconies to include new handrails. The work has not been finalized nor inspected. The permit for the tiki hut was from a few years ago and, he had not inspected it because no inspections were called in. Staff requested Order #11 with a fine of \$200 per day and reimbursement of the additional Administrative Fee in the amount of \$92.43.

Becky Darnell, general manager for the property, spoke. She stated that the cost of the work was under-estimated and the owners are trying to get additional funding to complete it.

Special Magistrate deLaroche issued Order #11 stating that the property remained in violation. He ordered reimbursement of the Administrative Fee in the amount of \$92.43 payable within 30 days.

- C. Property Owner: Pappas Daughters, LLC
Violation Address: 2518 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2020-94
Volusia County Tax Parcel ID #: 5322-01-00-0282

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. The Initial Hearing took place on March 17th and was given until June 15th to gain compliance. On June 7th, a permit application for the fire sprinkler was received. On June 16th, four more applications for various permits came in. A Notice of First Compliance Hearing was sent on June 17th. The tenant, Pat Iennaco, had spoken with staff regarding what the property still needed to gain compliance. Ms. Herstein questioned Building Inspector Steve Edmunds on the accuracy of the documents and slides shown. He replied they were true and accurate. He explained that he had issued a Stop Work Order due to unpermitted work. Mr. Iennaco questioned Mr. Edmunds regarding his proposed pizza oven. He wants to install a deck oven that is not rated light or heavy. Mr. Edmunds explained that a hood vent is required for all pizza ovens. The manufacturer should be able to certify the hood. Mr. Iennaco stated that he has other restaurants in neighboring cities with no hood vent. Staff requested Order 11 be issued due to the property being non-compliant past the due date. Special Magistrate deLaroche inquired why the property wasn't finished? It was explained that the plans needed to be re-drawn twice.

Special Magistrate deLaroche issued Order #11 stating that the property remained in violation. He ordered reimbursement of the Administrative Fee in the amount of \$78.63 payable within 30 days.

Mr. Iennaco stated that he may have to scrap the project if the issue with the oven and hood vent can't be worked out.

5. INITIAL HEARINGS

- A. Property Owner: Richard D. Merkel
Violation Address: 2944 Sea Oats Circle in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2021-20
Volusia County Tax Parcel ID #: 5327-14-12-0640

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. The case began when Inspector Edmunds noticed the work in October 2020. It was transferred to Code Enforcement in March 2021 because no permits were obtained. An incomplete permit application was submitted in June with the owner acting as the contractor. Inspector Edmunds noticed this and explained that it was not allowed as this was a townhome, not a stand-alone home. Ms. Herstein questioned Building Inspector Steve Edmunds on the accuracy of the documents and slides shown. He replied they were true and accurate. He explained that he had an inspection in the area and saw the open garage filled with building supplies. He knew that there was no permit for the property. He issued a Stop Work Order. He also noticed an open electrical box with wires hanging out. Richard Merkel spoke on his own behalf. He stated that no work had occurred since last October. He understands that permits need to be obtained. He has done a bit of painting and flooring work that doesn't require a permit. He felt he could do the work himself and was in no rush as he is single and can live in a home that is incomplete. He requested more than 90 days to gain compliance.

Special Magistrate deLaroche issued Order #7 with 90 days to gain compliance, 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.

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Wednesday, August 18, 2021, at 9:00 a.m.
- B. September's meeting is scheduled for Wednesday, September 15, 2021, at 9:00 a.m.
- C. October's meeting is scheduled for Wednesday, October 20, 2021, at 9:00 a.m.
- D. The November/December meeting is proposed to take place on Wednesday, December 1, 2021, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

The meeting ended at 10:18 AM.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab