



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA

CONDEMNATION SPECIAL MAGISTRATE MEETING

AUGUST 25, 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. No previous meeting minutes to review

4. OLD BUSINESS

5. NEW BUSINESS

- A. Property Owner: 2025 South Atlantic Avenue, LLC
Violation Address: 2025 S. Atlantic Ave. in Daytona Beach Shores, Florida
Volusia County Tax Parcel ID #: 5316-18-00-0010

6. CLOSING REMARKS

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT



CONDEMNATION CASE SUMMARY

AUGUST 25, 2021 AGENDA

TO: The Condemnation Special Magistrate

FROM: John Cary, City Attorney

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: 2025 South Atlantic Avenue, LLC

Violation Address: 2025 S. Atlantic Ave. in Daytona Beach Shores, Florida

Volusia County Tax Parcel ID #: 5316-18-00-0010

TYPE OF HEARING:

Initial Hearing to Consider Condemnation Order Request/Ratification of Stipulated Settlement Agreement of August 2021

CODE(S) CITED:

Code of Ordinances of the City of Daytona Beach Shores, Chapter 19, Section 19-23.(a)(2)a., d., e., f., & k.

REASONS FOR CONDEMNATION REQUEST:

The **main building** at this address was found in a dilapidated, unsafe, and uninhabitable condition in the following manner:

It is vacant, unguarded, and open at doors or windows

a) Though a chain link fence surrounds the property, it may be breached by most able-bodied teens and adults and simpler entry points exist in places

b) Regular evidence of trespassing exists in the form of two formal reports of trespassing completed by City of Daytona Beach Shores Public Safety Officers in the last 90 days - one for three 17/18 year olds on the fifth and sixth floors and one for five college-aged individuals on the top floor

c) Multiple guardrails are missing from the top floor and in places at other floors, some are in place but are visibly unsound. A pile of these deteriorated guardrails was previously made east of the building, but has been removed.

d) While the property is thought to be visited at intervals by a property maintenance company, there is no on-site trespassing deterrent, short of the six-foot chain-link fence, which is evidenced to be only a partial deterrent.

e) Though stairs from the first floor to the second floor are blocked, the second and higher floors are accessible with a ladder or stacked materials

There is a deterioration of the building or structural parts

f) Concrete spalls and exposed rebar are visible in multiple locations, including support columns,

walls, floors, balconies, and walkways with no repair effort underway

g) Previously made concrete repairs (June 2, 2016, and earlier) remain unsealed with no recertification underway - no current permits for work, no work currently being conducted
It is partially destroyed

h) The building is currently without a roof, doors, glazing, or protections of any kind against further rebar and concrete deterioration on most surfaces, rebar is visibly exposed in many places
It is in substantive non-compliance with the International Property Maintenance Code as enacted by the city

i) When considering the shell of the structure, the *2018 IPMC, SECTION 304 EXTERIOR STRUCTURE, SECTION 304.1 General*, begins, "*The exterior of the structure shall be maintained in good repair...*" The exterior of the structure is not in good repair, nor is remediation underway

j) Further, *SECTION 304.4 Structural members*, states, "Structural members shall be maintained free from deterioration..." The structural members are not free from deterioration, nor are steps being taken to limit exposure and further deterioration

k) The shell structure meets almost no requirements of the IPMC considering many of these standards contemplate occupancy of the structure, the owner is not representing the structure as occupant-ready, nor is the city's expectation or demand at this time that it be occupant-ready

A wall on the southern edge of the property and a seawall-attached set of landing and stairs leading from the property to the beach are dilapidated and unsafe in the following manner:
There is a falling away, hanging loose, or loosening of any siding, block, brick, or other building material

l) Wall on the southern edge of the property is not structurally sound, masonry is deteriorated between blocks - which do not appear to be re-inforced with rebar

m) Wall is visibly leaning at east side and does not appear to be properly connected to the ground in places

n) Concrete and rebar at landing and stairs have deteriorated away in places

There is a deterioration of the structure or structural parts

o) Wall on the southern edge of the property is not structurally sound, it leans and is no longer attached to the ground in places

p) Concrete and rebar at landing and stairs have deteriorated away in places, rebar and concrete missing

It is partially destroyed

q) Wall on southern edge of property is not structurally sound, it leans, is broken apart, and is not attached to the ground in places

r) Concrete and rebar at landing and stairs have deteriorated away in places

It is in substantive non-compliance with the International Property Maintenance Code as enacted by the city

s) Wall is not "maintained structurally sound and in good repair"

t) Landing and stairs are not "maintained structurally sound, in good repair, with proper anchorage..."

REQUESTED ORDER(S):

Request to be presented at hearing

POSSIBLE ORDERS:

SUPPLEMENTARY INFORMATION:

Please see Condemnation Special Magistrate Hearing Binder

ATTACHMENT: None