

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
August 18, 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 Matt Thomas 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. Special Magistrate Code Enforcement Minutes July 21, 2021

The minutes of July 21, 2021, were approved as presented with no objections.

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

- A. Property Owner: Atlantis of Daytona, LLC
Violation Address: 2058 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2021-34
Volusia County Tax Parcel ID #: 5316-18-00-1130

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. In June, a complaint regarding trash and debris was received from a neighbor. Upon inspection, 15 violations were found on the property. A Notice of Violation was generated and sent on June 14th and good service was achieved. At that time, the owner was given 30 days to correct the violations and 10 days to remove the trash and debris. The property was re-inspected on July 7th and more trash and debris was observed along the entire west side of the building. On July 19th, the property was reinspected once again and determined only one violation was compliant. During this inspection, it was raining and several pieces of trash were observed making their way into the storm drain system. A Statement of Violation/Request for Hearing and Notice of Hearing were sent on July 23rd and good service was achieved. The property owner called the office on August 4th and the violations were discussed. The owner expressed that someone was going into the trash and spreading it, then asking for money to clean it up. Ms. Herstein requested the owner be given 30 days for debris removal with the dumpster enclosure in place, (items a-d, and f) and 90 days for the remaining violations. There was no one present to speak for the Respondent.

Special Magistrate deLaroche issued Order #7 with 30 days for debris removal (items a-d and f) and 90 days to gain compliance on the remaining violations, or a fine of \$200 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$162.89 payable within 30 days.

- B. Property Owner: Roseann Leith Jackson
Violation Address: 3013 S. Atlantic Ave., Unit 1005, in Daytona Beach Shores, Florida
Code Enforcement Case #: PCDEF2021-32
Volusia County Tax Parcel ID #: 5327-13-10-1005

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 on November 10, 2020, when Inspector Matt Thomas was performing a final inspection on hurricane shutters. He observed other work being done inside and exposed electrical wires. He issued a Stop Work Order immediately. No permits were obtained for the unit and a Notice of Violation was sent on March 31st. It was received on May 8th. The case was re-evaluated in July and there were still no permits issued. A Statement of Violation/Request for Hearing and Notice of Hearing were sent and good service was achieved on July 29th. The homeowner called the office and explained that she could not find a contractor to do the work. She has multiple health issues and will not be able to attend the upcoming hearing. An email was sent to the SM on Monday afternoon and submitted into evidence. Ms. Jackson had hired Lorne Hartman to do the work and requested at least two months to finish it. Ms. Herstein questioned Building Inspector Matt Thomas 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 the unpermitted work. Staff requested that Order #7 be issued and the owner be given 90 days to achieve compliance. The Administrative Fee of \$149.09 was also requested to be reimbursed.

Special Magistrate deLaroche issued Order #7 with 90 days to gain compliance, or a fine of \$150 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. A Condemnation Special Magistrate Meeting is scheduled for Wednesday, August 24, 2021, at 9:00 a.m.
- B. The next Code Enforcement Special Magistrate meeting is scheduled for Wednesday, September 15, 2021, at 9:00 a.m.
- C. October's Code Enforcement Special Magistrate 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 9:27 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab