



City of Daytona Beach Shores

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AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

SEPTEMBER 15, 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 of any items being removed from agenda

3. MINUTES

- A. Code Enforcement Special Magistrate Minutes August 18, 2021

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. Property Owner: AD1 Daytona Hotels, LLC
Violation Address: 2323 S. Atlantic Ave. in Daytona Beach Shores, FL

5. INITIAL HEARINGS

- A. Property Owners: David Campbell & Marjorie Yappow
Violation Address: 3226 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2021-30
Volusia County Tax Parcel ID #: 5335-01-06-0010

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Wednesday, October 20, 2021, at 9:00 a.m.
- B. The November/December meeting is proposed to take place on Wednesday, December 1, 2021, at 9:00 a.m.
- C. The January meeting is scheduled for Wednesday, January 19, 2022, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

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



CODE ENFORCEMENT CASE SUMMARY SEPTEMBER 15, 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: 2323 S. Atlantic Ave. in Daytona Beach Shores, FL

Code Enforcement Case #: PCDEF2020-80

Volusia County Tax Parcel ID #: 5322-03-01-0130

TYPE OF HEARING:

Second Compliance 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. Building Code adopted. which refers, in part, to the Florida Building Code - Sixth Edition (2017), Chapter 1, Section 105.1 Required.

VIOLATION(S) FOUND:

- a) Daytona Beach Shores building permit numbered 20181692 expired without an approved final inspection
- b) Daytona Beach Shores building permit numbered 20190894 expired without an approved final inspection
- c) The work previously covered by Daytona Beach Shores building permits numbered 20181692 and 20190894 is currently unpermitted work

REQUESTED ORDER(S):

- # 12. Second Compliance Hearing, impose entire fine
- OR
- # 13. Second Compliance Hearing, reduce or rescind fine

POSSIBLE ORDERS:

- # 1. Continuance
- # 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: June 15, 2021 (90 days to correct given from the Initial Hearing)

Ordered Fine: \$200.00 per day

Full Compliance Date: August 30, 2021

Fined Days: June 16, 2021, through August 29, 2021 (75 days)

Total Accrued Fine: \$15,000.00

Special Magistrate Approved Administrative Fees: \$149.09 (IH) *paid April 14, 2021*, and \$92.43 (FCH) unpaid

Additional Administrative Fees Requested: \$134.93 (SCH) for an unpaid total of \$227.36

Please see Special Magistrate Hearing Notebook

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY SEPTEMBER 15, 2021 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owners: David Campbell & Marjorie Yappow

Violation Address: 3226 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2021-30

Volusia County Tax Parcel ID #: 5335-01-06-0010

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 5, Section 5-6. Building Code adopted. which refers, in part, to the Florida Building Code - Sixth Edition (2017) & Seventh Edition (2020)., Chapter 27, Section 2702.1.2 Electrical, which adopts by reference, NFPA 70 (which is also called the National Electric Code - NEC), Article 400, Section 400.8 Uses not Permitted. subsections (1) & (3).; and Appendix "G" - Land Development Code, and Chapter 14, Section 14-52.9.(C) and (D)(1), (2), (3), (6), & (7).

VIOLATION(S) FOUND:

EAST BUILDING:

- a) *Violation rectified by requested date*
- b) Doors are discolored, north and south building faces
- c) Building does not "present a neat and fresh appearance" in that paint is discolored in places, especially north building face
- d) A/C unit is deteriorated with rust, south building face
- e) Roof tile is cracked above Unit 2
- f) *Violation rectified by requested date*
- g) Soffit is deteriorated in places
- h) Fascia is deteriorated in places
- i) Wire/cord is no longer secured in places, near door to unit 4, south building face
- j) Roof tile is cracked above Unit 2
- k) Soffit is deteriorated in places
- l) Fascia is deteriorated in places

m) Violation rectified by requested date

WEST BUILDING:

n) Violation rectified by requested date

o) Flexible cords are attached to building surfaces in multiple places, visible at all four building faces - subsection (4)

p) Flexible cords are being utilized as a substitute for fixed wiring of the building in at least one location - subsection (1)

q) Power is being supplied by electrical cords from the exterior of the building to at least one unit

r) Doors are discolored, north building faces

s) Building does not "present a neat and fresh appearance" in that paint is discolored in multiple places

t) Roof tiles are deteriorated in places under added trim wood

u) Fascia is deteriorated in places under added trim wood

v) Door trim is deteriorated at Unit 8

w) Violation rectified by requested date

x) Soffit is deteriorated in places

y) Fascia is deteriorated in places

z) Roof tiles are broken and wood underneath is exposed and unprotected in places

aa) Roof tiles are deteriorated and discolored

GROUNDS:

bb) Violation rectified by requested date

cc) Violation rectified by requested date

dd) Paint is deteriorated at stairs at retaining wall along east property line

ee) Retaining wall along east property line is discolored in places

ff) Retaining wall along north side of property is discolored in places

gg) Retaining wall not structurally sound near northeast corner

REQUESTED ORDER(S):

#7. Initial Hearing, In Violation w/ fees

and possibly #4. Initial Hearing, No Fine Standing Order, currently compliant, w/out 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