



City of Daytona Beach Shores

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AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

OCTOBER 20, 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 Sept. 15, 2021

4. ADVANCED HEARINGS (Post-Initial Hearings)

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, December 1, 2021, at 9:00 a.m.
- B. 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
September 15, 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

Ms. Herstein was sworn in to provide testimony for the day's cases.

2. OPENING REMARKS

A. Indication of any items being removed from agenda

There were no cases removed from the agenda.

3. MINUTES

A. Code Enforcement Special Magistrate Minutes August 18, 2021

The minutes of August 18, 2021, were approved as presented with no objections.

4. ADVANCED HEARINGS (Post-Initial Hearings)

A. 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. It was noted that this was a Second Compliance Hearing. The Initial Hearing was held on March 17, 2021, regarding two expired permits. One permit was for a custom built tiki hut and the other for concrete walkway restoration. The Respondent was given 90 days for compliance or a fine would be imposed at \$200 per day. The property was re-inspected on June 17th and found to be non-compliant.

The tiki hut became compliant 34 days after the compliance date. In mid August, the contractor came into the office to discuss completing the concrete work. He was instructed what was needed and a permit was issued on August 24th. The final inspection occurred on August 30th and passed. SM deLaroche questioned how the project could be finished in six days and be worth \$400,000. 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 most of the concrete work had been completed months ago, it was just never inspected. It was noted that the property was in non-compliance for 75 days for a total amount of \$15,000. Additional reimbursement of Administrative Fees in the amount of \$134.93 was also requested. The previous Administrative Fees in the amount of \$92.43 were still outstanding.

General Manager, Becky Darnell, stated that any assistance with the fines would be appreciated. Construction work began in May 2019 and the owners have had funding issues. The project was greatly underestimated and then the Covid pandemic hit. The hotel will be a Hilton once the remodel is complete and hopes to open in April 2022. Ms. Darnell explained that the tiki hut issue was taken care of rather quickly and inquired if the fine could reflect that.

Special Magistrate deLaroche issued Order #13 with a reduction of 42-days worth of fines (\$4,200) for the tiki hut compliance. The remaining fine amount is \$11,800, with the fine payable within 90 days or the fine reverts to the full amount of \$15,000. He also ordered reimbursement of the Administrative Fee of \$134.93 payable within 60 days and the existing Administrative Fee of \$92.43 paid within ten days.

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

Ms. Herstein explained that the Respondent, Mr. Campbell was in attendance and good service had been achieved. An attorney representing the property owner called the office two days ago and requested a continuance in order to review the case. Staff recommended the continuance until the October 20th meeting date.

SM deLaroche granted the continuance until October 20th at 9:00 am.

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

The meeting ended at 9:25 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab



CODE ENFORCEMENT CASE SUMMARY OCTOBER 20, 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 face

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

t) Roof tiles are deteriorated and discolored

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 #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