

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
February 16, 2022
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 Jan. 19, 2022

SM deLaroche approved the minutes from January 19, 2022.

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

A. Property Owners: Nader J. & Violet Neshewat
Violation Address: 1910 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2021-50
Volusia County Tax Parcel ID #: 5316 10 03 0010

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. This was an Initial Hearing. The

case began last summer after a property inspection. A Notice of Violation was sent for the ten violations that were found and good service was achieved. Throughout the next few months, eight of the violations became compliant. On January 24th, the property was re-inspected and two violations still remained. A Statement of Violation/Request for Hearing and a Notice of Hearing were sent. On Monday, February 14th, permit applications were submitted to remove the sign and its base. At the time of this hearing, the permits were available for pickup. The work covered under this permit will satisfy remaining violations "c" and "j". Staff requested Order #7 be issued if the permits still remained at the office at the end of this hearing. A fine of \$150 per day beginning on April 1st and reimbursement of the Administrative Fee of \$149.09 were also requested. If the permits had been issued, then Order #4 was requested. There were no representatives for the Respondent present at the hearing. After the meeting was adjourned, it was determined that Order #7 was issued as the permits remained in the office. The fine of \$150 per day would begin on April 1, 2022. Reimbursement of the Administrative Fee in the amount of \$149.09 was due within 60 days.

- B. Property Owner: 2226 S Atlantic Ave, LLC
Violation Address: 2226 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2021-87
Volusia County Tax Parcel ID #: 5322 01 00 0020

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. The property is a vacant lot adjacent to S. Atlantic Avenue. After receiving a complaint, the property was inspected and four violations were found. Slides were shown of the violations. On November 5, 2021, a Notice of Violation was sent and good service was achieved. On January 24, 2022, the property was re-inspected and the violations remained unchanged. A Statement of Violation/Request for Hearing and Notice of Hearing were sent with good service achieved by Certified Mail. There has been no contact from the property owners. Staff requested Order #7 and allow 60 days or until April 18th for compliance. A fine of \$100 per day and reimbursement of the Administrative Fee in the amount of \$149.09 was also requested. There were no representatives for the Respondent present at the hearing. Special Magistrate deLaroche issued Order #7 with 60 days to gain compliance or a fine of \$100 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$149.09 payable, within 60 days.

- C. Property Owner: 2226 S Atlantic Ave, LLC
Violation Address: S. Atlantic Ave. (Immediately and directly west of 2226 S. Atlantic Avenue) in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2021-88
Volusia County Tax Parcel ID #: 5322 01 00 0021

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. This property is a vacant lot adjacent to case 5-B to the west and it has the same property owners. This was an Initial Hearing and slides were shown of the six violations that were found. On November 5, 2021, a Notice of Violation was sent and good service was achieved. On January 24, 2022, the property was re-inspected and the violations remained unchanged. A Statement of Violation/Request for Hearing and Notice of Hearing were sent with good service achieved by Certified Mail. There has been no contact from the property owners. Staff requested Order #7 and allow 60 days or until April 18th for compliance. A fine of \$175 per day and

reimbursement of the Administrative Fee in the amount of \$149.09 was also requested. There were no representatives for the Respondent present at the hearing. Special Magistrate deLaroche issued Order #7 with 60 days to gain compliance or a fine of \$175 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$149.09, payable within 60 days.

- D. Property Owner: Michael N. Leuenberger
Violation Address: 3255 S. Atlantic Ave., Unit 705, in Daytona Beach Shores, Florida
Code Enforcement Case #: PCDEF2021-99
Volusia County Tax Parcel ID #: 5335 14 00 0705

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. This was an Initial Hearing for permits that had expired for renovations. A Notice of Violation was sent on December 8, 2021, and good service was achieved. The property owner called the office and the process was explained to resolve the permit issue. As of yesterday, February 15th, the permits had been re-instated. Staff requested Order #4 be issued as the property was compliant, but failed to gain compliance in the time given. Reimbursement of the Administrative Fee in the amount of \$149.09 was also requested. Mr. Leuenberger was present for the hearing but issued no comment.

Special Magistrate deLaroche issued Order #4 with the Administrative Fee of \$149.09, payable within 60 days.

- E. Property Owner: Shores Commercial, LLC
Violation Address: 3422 S. Atlantic Ave., in Daytona Beach Shores, Florida
Code Enforcement Case #: PCDEF2021-94
Volusia County Tax Parcel ID #: 5335 03 07 0050

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. The property is the CVS store and this was an Initial Hearing. On August 5, 2021, a Stop Work Order was issued by Inspector Steve Edmunds for an A/C unit being installed without a permit. The Notice of Violation was sent on December 8th and good service was achieved. With no mechanical permit application submitted, a Statement of Violation/Request for Hearing and a Notice of Hearing were sent on February 2nd. A copy was also hand delivered to the store. On February 15th, the office received two separate mechanical permit applications. One was submitted from a CVS contractor and one from a local company, Castle Air. Staff requested Order #7 be issued and allow 30 days, or until March 18th, for correction including a final inspection being passed. In the case of non-compliance, a fine of \$150 per day issued beginning March 19th and reimbursement of the Administrative Fee of \$149.09 was also requested. Ms. Herstein questioned Inspector Steve Edmunds about 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. He had nothing new to add. Angelo Rotundo was present but did not have a signed authorization to represent. He is an employee of DiMucci Company who owns the property. CVS is responsible for maintaining the building and they have changed out a/c units before and should have known a permit was required. He contacted Castle Air to begin the permit process.

Special Magistrate deLaroche issued Order #7 and gave 30 days to gain compliance, which included obtaining an approved final inspection, or a fine of \$150 per day would begin. He

ordered reimbursement of the Administrative Fee in the amount of \$149.09 payable within 60 days.

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Wednesday, March 16, 2022, at 9:00 a.m.
- B. The April meeting is scheduled for Wednesday, April 20, 2022, at 9:00 a.m.
- C. The May meeting is scheduled for Wednesday, May 18, 2022, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

The meeting ended at 9:34 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab