



City of Daytona Beach Shores

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AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

MARCH 16, 2022

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

2. OPENING REMARKS

3. MINUTES

A. Code Enforcement Special Magistrate Minutes February 16, 2022

4. ADVANCED HEARINGS (Post-Initial Hearings)

A. Property Owner: AD1 Daytona Hotels, LLC
Violation Address: 2323 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2021-84
Volusia County Tax Parcel ID #: 5322-03-01-0130

B. Property Owner: AD1 Daytona Hotels, LLC
Violation Address: 2323 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2021-85
Volusia County Tax Parcel ID #: 5322-03-01-0130

5. INITIAL HEARINGS

- A. Property Owners: George E. Gregory and Debbie I. Jolly
Violation Address: 225 Bonner Avenue in Daytona Beach Shores, Florida
Code Enforcement Case #: PCDEF2021-91
Volusia County Tax Parcel ID #: 5315 02 03 0060

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Wednesday, April 20, 2022, at 9:00 a.m.
- B. The May meeting is scheduled for Wednesday, May 18, 2022, at 9:00 a.m.
- C. The June meeting is scheduled for Wednesday, June 15, 2022, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

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



CODE ENFORCEMENT CASE SUMMARY

MARCH 16, 2022 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 Avenue in Daytona Beach Shores, FL

Code Enforcement Case #: PCDEF2021-84

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

TYPE OF HEARING:

First 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) & Seventh Edition (2020), Chapter 1, Section 105.1 Required.

VIOLATION(S) FOUND:

- a) Daytona Beach Shores Building Division permits numbered 20191867, 20200617, 20200792, 20202116, & 20210014 have expired without approved final inspections
- b) The work previously covered by Daytona Beach Shores Building Division permits numbered 20191867, 20200617, 20200792, 20202116, & 20210014 is currently unpermitted work
- c) Roofing work begun without a permit remains unpermitted
- d) Plumbing work begun on common areas of the hotel without a permit remains unpermitted
- e) Mechanical work begun on the common areas of the hotel without a permit remains unpermitted

REQUESTED ORDER(S):

11. First Compliance Hearing, not compliant by Ordered date

POSSIBLE ORDERS:

- # 1. Continuance
- # 10. First Compliance Hearing, compliant by Ordered date
- # 11. First Compliance Hearing, not compliant by Ordered date

SUPPLEMENTARY INFORMATION:

Initial Hearing Date: January 19, 2022

First Ordered Compliance Date: February 18, 2022, (30 days from the Initial Hearing) to fully fence the property with a six-foot tall, in-ground chain-link sand fence as defined by *City Code*

Second Ordered Compliance Date: March 7, 2022, (47 days from the Initial Hearing) to correct violation a) through e) by causing all permits eligible for re-instatement to be fully re-instated, by causing all permits ineligible for re-instatement to be fully re-obtained, by causing all unpermitted work to be permitted, and by causing work to begin under said permits

Ordered Fine: \$250.00 per day

Special Magistrate Approved Administrative Fees: \$149.09 (IH) *paid February 2, 2022*

Additional Administrative Fees Requested: \$85.53 (FCH)

Please see Special Magistrate Hearing Notebook

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY

MARCH 16, 2022 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 Avenue in Daytona Beach Shores, FL

Code Enforcement Case #: CDEF2021-85

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

TYPE OF HEARING:

First Compliance Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Chapter 13, Section 13-5. and Chapter 19, Section 19-1.2.(k)(1). and Appendix "G" - Land Development Code, Chapter 6, Section 6-3., Chapter 14, Section 14-52.9.(B)(14), (16), & (17), Section 14-52.9.(C), and Section 14-52.9.(D)(1), (2), (3), (4), (6), (7), (9), & 12, and Section 14-61.1.(b).

VIOLATION(S) FOUND:

- a) Weeds taller than 12" in places, especially in areas south and east of building
- b) Building has not been registered as a vacant building in the City's Vacant Building Monitoring Program
- c) Sign was materially altered after 2012 design without a sign permit, photometric component faces were substituted or covered with canvas-like material
- d) Loose debris is present in areas of the property
- e) Stucco is missing in places, main building
- f) Stucco is missing in places, pool equipment room
- g) Standing water in pool is green and allows breeding conditions for mosquitoes
- h) Open storage of roll-off dumpsters with no associated active building permits
- i) Open stacks of trusses, pallets of tile, and other building materials with no associated active building permits
- j) Open storage of pool/pool area tiles in the hot tub
- k) Deteriorated doors leave the electric vault unsecured and open to trespassers, north building face, first floor
- l) Large pool is unprotected, property easily accessed from S. Atlantic Avenue and, to some degree,

from the beach

- m) Cracks in multiple places on retaining wall along south property line
- n) North retaining wall is failing at northeast corner
- o) Property is open to trespassers and easily accessed
- p) Paint is peeling and discolored in places, main building
- q) Paint is deteriorated in places on balcony and walkway railings
- r) At least one door opening is boarded shut
- s) Concrete spalls visible in places around building
- t) Concrete spalls around windows, south side of breezeway
- u) Multiple windowsills deteriorated, especially on south building face
- v) Stairs to beach are deteriorated, treads warped and missing, riser missing
- w) Section of pole from previous pole sign is a non-functional element, currently "protected" by an overturned traffic cone, in landscape island west of building, in northwest corner
- x) Loose cable and conduit, south of building toward west corner
- y) Window boarded, south of breezeway
- z) Porte cochere roof is missing top layer elements, roofing paper visible
- aa) Soffit is missing from north side of porte cochere
- bb) Gutters disconnected and missing pieces at porte cochere
- cc) Fascia is unprotected at north side of porte cochere
- dd) Drip edge rusted along west side of porte cochere
- ee) Multiple concrete spall on seawall
- ff) Paint on seawall is peeling, deteriorated, and discolored
- gg) Multiple cracks in tall retaining wall on south property line
- hh) Stucco cracked on tall retaining wall on south property line
- ii) Monument-style sign discolored with rust and mildew
- jj) Monument-style sign cabinet components deteriorated and rust-covered
- kk) Light fixtures rusted and deteriorated, multiple places on property
- ll) Landscaping not being "kept in a neat and well-maintained condition"
- mm) Building remains vacant longer than 60 days without obtaining a Certificate of Compliance - Vacant Property

REQUESTED ORDER(S):

11. First Compliance Hearing, not compliant by Ordered date

POSSIBLE ORDERS:

1. Continuance

10. First Compliance Hearing, compliant by Ordered date

11. First Compliance Hearing, not compliant by Ordered date

SUPPLEMENTARY INFORMATION:

Initial Hearing Date: January 19, 2022

First Ordered Compliance Date: February 18, 2022, (30 days from the Initial Hearing) to correct violations identified as k), l), n), o), and v), including having obtained approved final inspections on all required permits

Ordered Fine: \$250.00 per day

Special Magistrate Approved Administrative Fees: \$149.09 (IH) *paid February 2, 2022*

Additional Administrative Fees Requested: \$85.53 (FCH)

Please see Special Magistrate Hearing Notebook

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY

MARCH 16, 2022 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owners: George E. Gregory and Debbie I. Jolly

Violation Address: 225 Bonner Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: PCDEF2021-91

Volusia County Tax Parcel ID #: 5315 02 03 0060

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 1, Section 105.1 Required.

VIOLATION(S) FOUND:

- a) Daytona Beach Shores building permits numbered 20181911, 20191276, and 20201440 have expired without approved final inspections
- b) The work previously covered by Daytona Beach Shores building permits numbered 20181911, 20191276, and 20201440 is currently unpermitted work

REQUESTED ORDER(S):

#7. Initial Hearing, In Violation w/ fees
and/or possibly #4. Initial Hearing, No Fine Standing Order, currently compliant, w/out fees
or possibly #5. Initial Hearing, no Fine Standing Order, currently compliant, w/ 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