

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
March 16, 2022
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

The Special Magistrate called the meeting to order at 9:00 am.

2. OPENING REMARKS

3. MINUTES

A. Code Enforcement Special Magistrate Minutes February 16, 2022

SM deLaroche approved the minutes from 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

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. Steve Harden, Jr. was present to represent the Respondent. Ms. Herstein stated that this was a First Compliance Hearing. The Initial Hearing was held on January 19th and a modified order with two options was issued. The property owner chose to obtain new permits and follow through with the hotel renovations. The first compliance date was February 18th to fully fence the perimeter of the property with a 6-foot chain link sand fence. On January 24th, contractor representatives came into the office to meet with staff. The fence permit was submitted on Jan. 26th and issued two days later. The property was reinspected on February 21st and determined that it did not meet compliance standards as the property was not fully enclosed. An Affidavit of Non-Compliance was generated and it included specific ways to correct the issues. On March 3rd, the Notice of First Compliance Hearing was sent and good service was achieved. The notice was also hand delivered to the property manager on March 4th. Slides were shown of the various areas of the property that were not compliant with the sand-fencing. Ms. Herstein questioned Building Inspector Steve Edmunds on the accuracy of the documents and slides shown. He replied they were true and accurate. He had no changes or additions. Ms. Herstein requested an Order #11 be issued finding that the property remained in violation beyond the date ordered. A fine of \$250 per day beginning Feb. 19th be levied and she requested an additional \$85.53 for Administrative Fees. Ms. Herstein stated that as

of today, the second compliance date of March 7th had passed. This was the date for new permits to be issued. Some permits have been reinstated but there were some outstanding as well. Additional plans need to be submitted for the remodel of the units. An Affidavit of Partial Compliance and Affidavit of Non-Compliance have been generated. Ms. Herstein advised that if the Respondent were to stipulate they're non-compliant for the March 7th date, a hearing would not need to be scheduled for April. It would save time and money for everyone involved.

Steve Harden, Jr. was in attendance to represent the contract and was sworn in. He explained that the fence was not complete on the NW side as the neighboring property owner threatened to call the police if they set foot on his property. He would contact the fence company and determine a work around to secure the entire perimeter. Ms. Herstein inquired what his role was in the project. He responded that he had taken over Jason Bailey's role because Jason was no longer with the company. His father is the construction company owner. He introduced Nicole Leseman who had been working on submitting the various permits. She was sworn in for the record. Mr. Harden inquired about the expired permits. She explained that she had submitted applications for all the expired permits and any new ones that were required. There was discussion about required review submissions which had not been made yet for the un-obtained permits. Steve Harden, Jr. stipulated for the record that the property was not compliant by March 7th in the manner the Special Magistrate had ordered. General Manager Becky Darnell explained that the neighbor to the north had a water line that runs near the wall and that is why he was hesitant to allow the workers to install the fence.

Special Magistrate deLaroche issued Order #11 stating that the property remained in violation and the fine of \$250 per day would begin on February 19th. This order also includes non-compliance with the Findings of Fact, Conclusions of Law and Order's compliance date of March 7th which the owner stipulated they were not able to meet. He ordered reimbursement of the Administrative Fee in the amount of \$85.53, payable within 30 days.

- 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

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. This was a First Compliance hearing. The Initial Hearing was held on January 19th and, although there were 39 total violations, 5 were determined to be life safety issues and given until February 18th to be brought into compliance. The five violations are k), l), n), o), and v). On February 2nd, the contractor received notice from FPL that the vault doors would not be installed until March 3rd. On February 16th, three permit applications for the unit remodels, two permit re-instatements and three permit applications for unpermitted work were received. The property was re-inspected on February 21st and the violations had not been rectified. There was no permit application in place to allow the door installation by FPL. The doors were installed on March 3rd even though they were not approved and may need to be changed later. Ms. Herstein showed slides of the five violations. Staff requested that Order #11 be issued as the property remained in violation beyond the date given. She requested a fine of \$250 per day be imposed beginning Feb. 19th and the additional Administrative Fee of \$85.53. Ms. Herstein questioned Building Inspector Steve Edmunds on the accuracy of the documents and slides shown. He replied they were true and accurate. He had no changes or additions. He explained different ways to install the fence to secure the site. He stated that the loose

orange fencing would not work for the pool because it needs to be a separate fence for safety.

Steve Harden, Jr. spoke for the Respondent. He explained that he would get the security fencing taken care of ASAP. He would look at the stairs to the beach and determine if they can be salvaged. A revised submittal for the electrical vault doors with the fire rating would be submitted.

Special Magistrate deLaroche issued Order #11 stating that the property remained in violation and the fine of \$250 per day would begin on February 19th. He ordered reimbursement of the Administrative Fee in the amount of \$85.53 payable within 30 days.

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

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 regarding building permits that had expired without an approved final inspection. The work began in 2019 with permits to build an attached garage with a sink and shower drain. In September 2020, an electrical permit was obtained to add wiring and lighting to the garage. All three permits expired on March 18, 2021. In October, 2021, they were turned over to Code Enforcement. A Notice of Violation was sent on November 12, 2021, and good service was achieved. The property owner, Mr. Gregory, called the office to state that his contractor wouldn't follow through in finishing the job. He contacted the office in January to state that he had a plumber and an electrician, but still no General Contractor. On February 24, 2022, a Statement of Violation/Request for Hearing and Notice of Hearing were sent and good service was achieved. The owners came into the office in early March to discuss the hearing. Mr. Gregory explained that he had finished the work inside the garage but not fully to the approved plans. He inquired if he could obtain the permits as the property owner. He obtained a State of Florida owner/builder disclosure statement and the permit applications. It was explained that he would also need to submit new plans to match the work that had been done. Staff requested Order #7 be issued allowing 120 days (July 14th) for compliance to include final inspections. If the work was not completed, a fine of \$200 per day was suggested. Reimbursement of the Administrative Fee in the amount of \$149.09 was requested. Ms. Herstein stated that if the homeowner needed more time, staff was willing to allow an additional two months.

Property Owner George Gregory was sworn in. He stated that he had hired Bucky Larue back in 2017 as his initial contractor. It took over one year to pour the slab for the attached garage. At that point, he would not return phone calls, nor would he show up to work. He has attempted to hire other general contractors to finish the garage, but no one would return his calls. Finally, he and a neighbor finished the drywall work inside. He did request a total of six months to complete the project.

Special Magistrate deLaroche issued Order #7 with 6 months, September 16, 2022, to gain compliance or a fine of \$200 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. 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

The meeting ended at 10:23 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab