



City of Daytona Beach Shores

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AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

APRIL 20, 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

- A. Opening Statement by Special Magistrate deLaroche
- B. Swearing in Witnesses

2. OPENING REMARKS

3. MINUTES

- A. Code Enforcement Special Magistrate Minutes March 16, 2022

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

- A. Property Owner: National Retail Properties, LP
Violation Address: 2112 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2022-02
Volusia County Tax Parcel ID #: 5316 24 00 0121

- B. Property Owner: Sandpoint Condo COA, aka Sandpoint Condominium Management Association, Inc.
Violation Address: 2615 S. Atlantic Avenue in Daytona Beach Shores, Florida
Code Enforcement Case #: PCDEF2022-04
Volusia County Tax Parcel ID #: 5322 22 00 0001

6. CLOSING REMARKS

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

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

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



CODE ENFORCEMENT CASE SUMMARY

APRIL 20, 2022 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: National Retail Properties, LP

Violation Address: 2112 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2022-02

Volusia County Tax Parcel ID #: 5316 24 00 0121

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. and Appendix "G" - Land Development Code, Chapter 14, Section 14-52.9.(B)(14) & (17) and (D)(1), (2), (6), (7), (8), (9), (12), & (13).

VIOLATION(S) FOUND:

- a) Exterior A/C ducts were repaired without permits - not rectified**
- b) Hole just west of sidewalk, while surrounded by orange netting, has remained unchanged since at least January 22, 2021 - compliant*
- c) Required landscape plants have died in places along all sides of property, some have not been removed, none have been replaced - not rectified**
- d) Cut palm stump remains on north side of building, not replaced - not rectified**
- e) Shutters and underlayment broken and missing from south dormers - compliant*
- f) Outdoor storage of box carts, racks, and pallets west of building - not rectified**
- g) Loose trash and debris in places on north side of building – not rectified**
- h) Electrical panel box covered with rust, west building face – not rectified**
- i) Rust in places on building including door hinges and trim – some rectified but some remains**
- j) Paint streaked, deteriorated, and discolored in places on building – some rectified but some remains**
- k) Metal roof sheets are rusted in places – not rectified**
- l) Exterior A/C ducts are rusted and discolored by mold in places – not rectified**

- m) Decorative exterior pieces broken in places including a missing shingle and trim on west gable end of building – trim pieces placed but shingle not replaced
- n) *Awning is mismatched (white and silver), east building face - compliant*
- o) Shutters and louvers broken in places on dormers and building – most were rectified but at least one louver remains broken
- p) Exterior A/C ducts have rusted through in places – not rectified
- q) Fascia discolored by rust on west cupola – not rectified
- r) Gutter and soffit discolored in places – not rectified
- s) Soffit falling and missing in places on dormers - most were rectified but at least one soffit piece is still not secure
- t) Guard rail and bollards rusted, south side of building – not rectified
- u) Dumpster enclosure posts rusted, south side of enclosure – not rectified
- v) Multiple white lamp shades rusted, around building – painted but some rust remains visible
- w) Sign and sign base discolored, paint peeling in places, east of building – not rectified
- x) Dead palm fronds remain untrimmed in places, especially along south property line, fronds drop and slide to neighbor's property – not rectified
- y) Grass/weeds are overgrown in specific places near east and west property lines – not rectified
- z) *Vine climbing building, north building face - compliant*
- aa) Cut palm stump remains on north side of building, not replaced – not rectified

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



CODE ENFORCEMENT CASE SUMMARY APRIL 20, 2022 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Sandpoint Condo COA, aka Sandpoint Condominium Management Association, Inc.

Violation Address: 2615 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: PCDEF2022-04

Volusia County Tax Parcel ID #: 5322 22 00 0001

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

VIOLATION(S) FOUND:

- a) No building permit was obtained for framing and drywall of ceiling corridors (permit was obtained 2-25-22)*
- b) No building permit was obtained for core drilling into the elevator shaft**
- c) No mechanical permit was obtained for the supply extension in the corridors (permit was obtained 2-8-22)*
- d) No electrical permit was obtained for moving corridor lights (permit was obtained 2-25-22)*

REQUESTED ORDER(S):

#7. Initial Hearing, In Violation 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