



City of Daytona Beach Shores

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AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

MAY 18, 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. Special Magistrate Code Enforcement Minutes April 20, 2022

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. Proposed Buyer: Coastal Attractions LLC
Violation Address: 2504 S. Atlantic Avenue in Daytona Beach Shores, FL
Case # of Current Code Enforcement Action Under Existing Owner: PCDEF2021-55
Volusia County Tax Parcel ID #: 5322 01 00 0266

5. INITIAL HEARINGS

- A. Property Owner: Charles A. Nichols & Ann K. Nichols, as Trustees of the Nichols Family Trust
Violation Address: 3750 S. Atlantic Avenue, Unit 12, in Daytona Beach Shores, Florida

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Wednesday, June 15, 2022, at 9:00 a.m.
- B. The July Meeting is scheduled for Wednesday, July 13, 2022, at 9:00 a.m.
- C. The August meeting is scheduled for Wednesday, August 17, 2022, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
April 20, 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

All witnesses for the hearings were sworn in by the Special Magistrate.

2. OPENING REMARKS

3. MINUTES

A. Code Enforcement Special Magistrate Minutes March 16, 2022

SM deLaroche approved the minutes from 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

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 with 27 violations. While on an inspection at the neighboring property, Ms. Herstein noticed that a good portion of the debris was from the palm trees at Dollar General. On January 4, 2022, a full inspection of the property was completed. The Notice of Violation was sent and good service was achieved. Ms. Herstein spoke with the manager, who stated that she had been

trying to get corporate to address the landscaping issues. Ric, with Scopes Facility Services, called the office for clarification on the landscaping violations. He stated that his services were strictly mowing, no tree or plant removal or replacement. It was his belief that irrigation work would be needed before any plants could be replaced. The property was re-inspected on April 7th, with only 4 violations now compliant. Slides were shown from both inspections. A Statement of Violation/Request for Hearing and Notice of Hearing were both sent and hand delivered. Good service was achieved. Staff requested that Order #7 be issued allowing 90 days (July 19th) for compliance to include final inspections. If the work was not completed, a fine of \$250 per day was suggested. Reimbursement of the Administrative Fee in the amount of \$149.09 was requested. There was no one present for National Retail Properties, LP. Special Magistrate deLaroche issued Order #7 with 90 days, July 19, 2022, to gain compliance or a fine of \$250 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$149.09 payable, within 30 days.

- 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

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 with 4 violations. Three of the violations had been rectified before the hearing. This was originally found by Inspector Matt Thomas while performing a mechanical inspection on November 3, 2021. He issued a Stop Work Order for work in numerous areas with no permits. The case was re-evaluated on January 28th, and only one permit application had been submitted for the unpermitted work. A Notice of Violation was sent and good service was achieved. Within weeks, additional applications were submitted and obtained for the unpermitted work except for the core drilling. A Statement of Violation/Request for Hearing and a Notice of Hearing were sent and hand-delivered on April 8th and good service was achieved. Staff requested that the property be found in violation and issued Order #7, allowing until August 18th or 120 days for compliance. A fine of \$250 per day was suggested along with requesting reimbursement of the Administrative Fee of \$162.89. The President of the COA was in attendance, Claudia Mallard. She had no questions for staff. Ms. Herstein questioned Building Inspector Matt Thomas. She asked him to describe his involvement with the property. He explained that he was there for a mechanical inspection, saw the hole in the elevator shaft and decided to investigate. He was questioned about the accuracy of the documents and slides shown. He replied they were true and accurate. He had no changes or additions. The SM inquired if the elevator was an active one and the answer was yes. Inspector Thomas felt the holes could be temporarily covered relatively easily. Ms. Claudia Mallard stated that the holes are covered with a type of grill. They were cut to correct a pressure issue that the building was having. Doors were slamming and the elevators were stalling. Numerous contractors were called and finally an AC company was able to diagnose the problem. Deputy Building Official Steve Edmunds questioned Ms. Mallard as to who requested the fix. She replied the a/c contractor did. Other problems that were occurring were humidity, reverse pressure and mold. Mr. Edmunds explained that the elevator would need to be inspected and in the current condition, it would fail. Special Magistrate deLaroche issued Order #7 with 5 months, September 18, 2022, to gain compliance or a fine of \$250 per day would begin. He ordered reimbursement of the

Administrative Fee in the amount of \$162.89 payable, within 30 days.

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

The meeting ended at 9:53 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab



CODE ENFORCEMENT CASE SUMMARY MAY 18, 2022 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Proposed Buyer: Coastal Attractions LLC

Violation Address: 2504 S. Atlantic Avenue in Daytona Beach Shores, FL

Case # of Current Code Enforcement Action Under Existing Owner: PCDEF2021-55

Volusia County Tax Parcel ID #: 5322 01 00 0266

TYPE OF HEARING:

Consideration of Proposed Stipulated Agreement

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Chapter 19, Section 19-1.2.(k).(1) and Appendix "G" - *Land Development Code*, Chapter 14, Section 14-52.9.(B)(3), (14), & (17); Section 14-52.9.(D)(1), (3), (7), & (8); and Section 14-61.1.(b).

VIOLATION(S) FOUND:

- a) Vacant Building Registration and the associated fee (both due by April 1, 2021) have not been provided to the City of Daytona Beach Shores, though the property has been vacant longer than 60 days
- b) Mountains, a ship, a tunnel, and other former mini-golf props are unprotected and unsupervised attractive nuisances
- c) Standing water in at least one golf course water feature is an unprotected and unsupervised attractive nuisance
- d) Debris is present along the south and west property lines
- e) Palm fronds are scattered around the golf course and parking areas
- f) Standing water, present in at least one water feature pool, creates a breeding ground for mosquitoes
- g) Siding wood is missing from the accessory structure southwest of the main entrance building
- h) Roof thatch decor is missing from the accessory structure southwest of the main entrance building
- i) Mountains, a ship, a tunnel, and other former mini-golf course props are currently non-functional elements
- j) Missing light fixture, east side of property, makes existing post an unused element
- k) Wall along property line is discolored near southwest corner
- l) Dumpster enclosure doors are broken and/or missing and do not prevent the dumpster from being viewed from the street
- m) No application for a Certificate of Compliance - Vacant Property has been made to the City of Daytona Beach Shores, though the property has been vacant longer than 60 days
- n) Building and structures remain vacant longer than 60 days without obtaining a Certificate of Compliance - Vacant Property

REQUESTED ORDER(S):

14. Stipulated Agreement - Order Accepting Proposed Agreement as Read

POSSIBLE ORDERS:

14. Stipulated Agreement - Order Accepting Proposed Agreement as Read

15. Stipulated Agreement - Order Accepting Proposed Agreement with Changes

16. Stipulated Agreement - Order Denying Proposed Agreement

SUPPLEMENTARY INFORMATION:

Initial Hearing Date: December 1, 2021

First Ordered Compliance Date: January 3, 2022, required items were made compliant after accruing fines for 29 days

Second Ordered Compliance Date: May 2, 2022, fines began again on May 3, 2022, and continue to accrue until full compliance has been achieved

Please see Special Magistrate Hearing Notebook

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY MAY 18, 2022 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Charles A. Nichols & Ann K. Nichols, as Trustees of the Nichols Family Trust

Violation Address: 3750 S. Atlantic Avenue, Unit 12, in Daytona Beach Shores, Florida

Code Enforcement Case #: PCDEF2021-68

Volusia County Tax Parcel ID #: 6302 25 00 0120

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) No building permit was obtained for replacement of kitchen cabinets
- b) No building permit was obtained for replacement of bath vanities
- c) No plumbing permit was obtained for disconnecting/reconnecting sinks

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