



City of Daytona Beach Shores

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AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

JULY 14, 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 May 18, 2022

4. ADVANCED HEARINGS (Post-Initial Hearings)

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

- B. Property Owner: Pappas Daughters, LLC
Violation Address: 2518 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2020-94
Volusia County Tax Parcel ID #: 5322-01-00-0282

5. INITIAL HEARINGS

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, August 18, 2022, at 9:00 a.m.
- B. September's meeting is scheduled for Thursday, September 15, 2022 at 9:00 a.m.
- C. October's meeting is scheduled for Thursday, October 20, 2022 at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
May 18, 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 9:15 am.

B. Swearing in Witnesses

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

2. OPENING REMARKS

3. MINUTES

A. Special Magistrate Code Enforcement Minutes April 20, 2022

SM deLaroche approved the minutes from 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

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. SM deLaroche stated for the record that he had read the stipulated agreement before the meeting. Ms. Herstein provided a brief background on the property. It was an abandoned miniature golf course. The case came before the magistrate for an Initial Hearing in December of 2021. At that hearing, two compliance dates were issued; January 3 and May 2, 2022. The current owner has not made any forward progress towards compliance and the property has been accruing daily fines. A new developer approached the city recently and would like to purchase it with the intent of

demolishing the existing structures and build new. The proposed agreement would allow the developer until July 1st to purchase the property and until August 29th for full demolition and approved final inspection. It also provides for a payment of \$5,000 for fines. Staff requested Order #14 be issued. David Bailey, a representative of Coastal Attractions and principal in the redevelopment of the property, stated that he was in agreement with the terms of the stipulated agreement.

SM deLaroche issued Order #14 as presented.

5. INITIAL HEARINGS

- A. Property Owners: 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

There was a short five minute break to reset the audio on the recording. The meeting resumed at 9:21 am.

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 renovation work without a permit. In March 2021, CBO Edmunds issued a Stop Work Order. After no permit applications were submitted, a Notice of Violation was sent by Certified Mail in September 2021, but the mail was never received. The property was posted in December in order to achieve good service. The Notice of Violation was also sent by First Class Mail. Staff requested an Order #7 allowing 60 days for compliance with an approved final inspection. Reimbursement of the \$149.09 in Administrative Fees was also requested. Ms. Herstein questioned Certified Building Official Steve Edmunds. She asked him to describe his involvement with the property. He explained that he was there for an inspection at a neighboring unit, saw work being done and decided to investigate. He issued a Stop Work Order. 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.

Mr. Nichols was sworn in to provide testimony on his own behalf. He remembered receiving the stop work order. In April, he completed the applications for the permits, but they were not accepted. The applications needed to be submitted from a licensed contractor. He tried to call many contractors but they were busy, so he finished the work himself.

Special Magistrate deLaroche issued Order #7 with 60 days 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, June 15, 2022, at 9:00 a.m.

Ms. Herstein discussed moving the meetings to the third Thursday of the month. Staff now has a mandatory staff meeting every Wednesday morning to attend that would conflict with

the hearings. SM deLaroche stated that he would check his calendar regarding the change.

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

The meeting ended at 9:38 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab



CODE ENFORCEMENT CASE SUMMARY

JULY 14, 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 Ave. 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 (Second Compliance Date)

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

Second Ordered Compliance Date: May 19, 2022 (120 days from the Initial Hearing) to correct all violations, including having obtained approval on all required permits

Ordered Fine: \$250.00 per day

Special Magistrate Approved Administrative Fees: \$149.09 (IH) *paid February 2, 2022* and \$85.53 (FCH First Compliance Date) not paid

Additional Administrative Fees Requested: \$92.43 (FCH Second Compliance Date)

Please see Special Magistrate Hearing Notebook

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY

JULY 14, 2022 AGENDA

TO: The Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owner: Pappas Daughters, LLC
Violation Address: 2518 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2020-94
Volusia County Tax Parcel ID #: 5322-01-00-0282

TYPE OF HEARING:

Second Compliance Hearing

CODE(S) CITED:

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), Chapter 1, Section 105.1 Required.

VIOLATION(S) FOUND:

- a) No building permit was obtained for framing or drywall work in the 2506/2508 unit
- b) No plumbing permit was obtained for disconnecting/reconnecting toilets in the 2506/2508 unit
- c) No plumbing permit was obtained for disconnecting/reconnecting water lines in the 2506/2508 unit

REQUESTED ORDER(S):

- # 12. Second Compliance Hearing, impose entire fine
- OR
- # 13. Second Compliance Hearing, reduce or rescind fine

POSSIBLE ORDERS:

- # 1. Continuance
- # 12. Second Compliance Hearing, impose entire fine
- # 13. Second Compliance Hearing, reduce or rescind fine

SUPPLEMENTARY INFORMATION:

Initial Hearing Date: March 17, 2021

Ordered Compliance Date: June 15, 2021 (90 days given from the Initial Hearing to correct)

Ordered Fine: \$200.00 per day

Full Compliance Date: April 15, 2022

Fined Days: June 16, 2021 through April 14, 2022 (303 days)

Total Accrued Fine: \$60,600.00

Special Magistrate Approved Administrative Fees: \$162.89(IH) *paid March 30, 2022, and \$78.63 (FCH) paid August 3, 2022*

Additional Administrative Fees Requested: \$141.83 (SCH)

Please see Special Magistrate Hearing Notebook

ATTACHMENT: None