



City of Daytona Beach Shores

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AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

AUGUST 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

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

2. OPENING REMARKS

3. MINUTES

- A. Code Enforcement Special Magistrate Minutes July 14, 2022

4. ADVANCED HEARINGS (Post-Initial Hearings)

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

- B. 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

5. INITIAL HEARINGS

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, September 15, 2022, at 9:00 a.m.
- B. October's meeting is scheduled for Thursday, October 20, 2022, at 9:00 a.m.
- C. The November/December meeting is scheduled for Thursday, December 1, 2022, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
July 14, 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 May 18, 2022

SM deLaroche approved the minutes from 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

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. Ms. Herstein noted that this was a First Compliance Hearing for the second compliance date issued by the Special Magistrate. At the Initial Hearing on January 19, 2022, these 38 violations were given four months to correct and gain compliance. The property was inspected on May 19th, and it was determined that it remained in non-compliance. Twelve of the violations were either brought into compliance or were not violations due to the property being an active construction site. Twenty-six violations remained in non-compliance. A Notice of First Compliance Hearing was sent and hand-delivered on May 23, 2022. Good service was achieved. One of the property owners, Alex Fridzone and General Manager Becky Darnell were in the audience. Individual slides were shown of each remaining violation and questions or concerns were addressed.

Mr. Fridzone was not able to show that the property had become compliant by the date issued. He stated that he had been relying on the general contractor to handle the project, but he was now present and wanted the project finished. Ms. Herstein requested Order 11 be issued stating that the property remained in violation beyond the date given with a daily fine of \$250 per day. She requested additional Administrative Fees of \$92.43, for a total due of \$178.26.

Special Magistrate deLaroche issued Order #11 stating that the property remained in violation and the fine of \$250 per day would begin. He ordered reimbursement of an additional Administrative Fee in the amount of \$92.43, for a total Administrative Fee of \$178.26 payable within 14 days.

- 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

This item was moved to the front of the agenda. Attorney Jennifer Gillikin requested a continuance until the August hearing due to a death in the property owner's family. SM deLaroche issued Order #1 continuing the hearing until August 18, 2022.

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.

The upcoming hearing dates were stated with no change to the calendar.

- 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

The meeting ended at 9:47 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab



CODE ENFORCEMENT CASE SUMMARY AUGUST 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: Pappas Daughters, LLC

Violation Address: 2518 S. Atlantic Ave. in Daytona Beach Shores, Florida

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 violations including obtaining approved final inspections on required permits

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



CODE ENFORCEMENT CASE SUMMARY AUGUST 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: 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:

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. 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 - No permit obtained

b) Hole just west of sidewalk, while surrounded by orange netting, has remained unchanged since at least January 22, 2021 - Compliant by Initial Hearing

c) Required landscape plants have died in places along all sides of property, some have not been removed, none have been replaced - Most dead plants have been removed, some have been replaced

d) Cut palm stump remains on north side of building, not replaced - Stump removed, not replaced

e) Shutters and underlayment broken and missing from south dormers - Compliant by Initial Hearing

f) Outdoor storage of box carts, racks, and pallets west of building - Items remain

g) Loose trash and debris in places on north side of building - Debris is present

h) Electrical panel box covered with rust, west building face - Compliant by Ordered compliance date of July 19, 2022

i) Rust in places on building including door hinges and trim - Compliant by Ordered compliance date of July 19, 2022

j) Paint streaked, deteriorated, and discolored in places on building - Compliant by Ordered compliance date of July

19, 2022

k) Metal roof sheets are rusted in places - Rust remains

l) Exterior A/C ducts are rusted and discolored by mold in places - Violation remains

m) Decorative exterior pieces broken in places including a missing shingle and trim on west gable end of building - Compliant by Ordered compliance date of July 19, 2022

n) Awning is mismatched (white and silver), east building face - Compliant by Initial Hearing

o) Shutters and louvers broken in places on dormers and building - Some broken areas remain, no permit obtained

p) Exterior A/C ducts have rusted through in places - Remains, no permit obtained

q) Fascia discolored by rust on west cupola - Violation remains

r) Gutter and soffit discolored in places - Compliant by Ordered compliance date of July 19, 2022

s) Soffit falling and missing in places on dormers - Replaced incorrectly and without a permit

t) Guard rail and bollards rusted, south side of building - Compliant by Ordered compliance date of July 19, 2022

u) Dumpster enclosure posts rusted, south side of enclosure - Compliant by Ordered compliance date of July 19, 2022

v) Multiple white lamp shades rusted, around building - Rust shows through in places

w) Sign and sign base discolored, paint peeling in places, east of building - Compliant by Ordered compliance date of July 19, 2022

x) Dead palm fronds remain untrimmed in places, especially along south property line, fronds drop and slide to neighbor's property - Compliant by Ordered compliance date of July 19, 2022

y) Grass/weeds are overgrown in specific places near east and west property lines - Compliant by Ordered compliance date of July 19, 2022

z) Vine climbing building, north building face - Compliant by Initial Hearing

aa) Cut palm stump remains on north side of building, not replaced - Removed, not replaced

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: April 20, 2022

Ordered Compliance Date: July 19, 2022 (90 days from the Initial Hearing) to correct all violations, including having obtained approved final inspections on all required permits

Ordered Fine: \$250.00 per day

Special Magistrate Approved Administrative Fees: \$149.09 (IH) not paid

Additional Administrative Fees Requested: \$85.53 (FCH)

Please see Special Magistrate Hearing Notebook

ATTACHMENT: None