



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

JANUARY 19, 2023

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

- A. Indication of any cases being removed from Agenda by city staff

3. MINUTES

- A. Special Magistrate Code Enforcement Minutes August 18, 2022

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. Property Owner: Richard D. Merkel
Violation Address: 2944 Sea Oats Circle in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2021-20
Volusia County Tax Parcel ID #: 5327 14 12 0640

- B. Property Owners: Charles Ghobeira and Paul Ghobeira
Violation Address: 2008 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case Number: CDEF2020-03
Volusia County Tax Parcel ID #: 5316 21 00 0060
- C. Property Owner: LTG-DBS, LLC
Property Address: 2504 S. Atlantic Avenue in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2021-55
Volusia County Parcel ID #: 5322 01 00 0266

5. INITIAL HEARINGS

- A. Property Owner: Oceanside Inn Condominium Association, Inc.
Violation Address: 1909 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: PCDEF2022-55
Volusia County Tax Parcel ID #: 5316 31 00 0001
- B. Property Owners: Beachside Coastal LLC
Violation Address: 3150 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: PCDEF2022-61
Volusia County Tax Parcel ID #: 5334 00 02 0080

6. CLOSING REMARKS

- A. Brief overview by city staff of the effects of Hurricanes Ian and Nicole in Daytona Beach Shores
- B. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, February 16, 2023, at 9:00 a.m.
- C. March's meeting is scheduled for Thursday, March 16, 2023, at 9:00 a.m.
- D. April's meeting is scheduled for Thursday, April 20, 2023, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
August 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 9:00 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 July 14, 2022

SM deLaroche approved the minutes from 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

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. The case originally began with a Stop Work order by Inspector Steve Edmunds in August 2020. Work on drywall and plumbing was being done without any permits. The Initial Hearing was held on March 17, 2021 and the property owner was given 90 days to gain compliance. Some permits were submitted during that time period but they were incomplete. The First Compliance Hearing was on July 21, 2021, and the property was found to remain in non-compliance. A fine of \$200 per day began at that time. Inspections were done throughout the Fall and early 2022. The final inspection was held on April 15, 2022, and compliance was fully achieved. The property owner, Chris Pappas, requested the next hearing be in June as he had health issues and could not attend

a meeting in May. There was no meeting held in June, so the Second Compliance Hearing was placed on the July agenda. All notices were sent and good service was achieved. At the July hearing, Attorney Jennifer Gillikin stated that the property owner had death in the family and asked for a continuance. The SM granted the continuance until the August meeting. The current fines total \$60,600 for a total of 303 days of non-compliance. At this time, all Administrative Fees had been paid. Ms. Herstein requested either Order 12 or 13 be issued - to reduce, rescind, or impose the fine. She requested additional Administrative Fees in the amount of \$141.83. Ms. Herstein questioned Building Official Steve Edmunds as to his involvement in the case. He explained that he had issued a Stop Work Order in August 2020. 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 asked Mr. Edmunds if allowing 90 days was adequate, to which he replied with today's environment, probably not. It is hard to find materials and secure a company to do the work. The SM inquired why there was a delay with inspecting the gas permit. It was obtained in September 2021 and not inspected until April 2022. Mr. Edmunds replied that normally the gas line is installed early but it is not needed at that time, so no inspection gets called in. Once the contractor requests an inspection, it is usually less than 24 hours for an appointment. Attorney Gillikin questioned the tenant, Pat Iennaco. In April 2020, he leased the unit and discovered it had been vandalized. There had been water damage and he attempted to remove the drywall and toilet so that no mold could grow. At this point, he didn't know a permit was needed. He stated he was not aware that he would need an architect to sketch the renovated plans. It took three drafts before they were approved. The SM inquired why he waited so long between getting the plans approved and pulling a permit. Mr. Iennaco stated that no one would do the work. He made many calls to various companies. He didn't realize it would be this involved renovating the unit. He added that the Health Dept. took a month to come inspect the restaurant before he could request a final inspection by the city. He wished he could have requested more time. Ms. Herstein asked him if he recalled that she explained that a Second Compliance Hearing would allow the opportunity to explain the delays and request a reduction. Attorney Gillikin questioned Mr. Pappas as to the ownership of the property. There are 16 total units and this tenant has leased one. She inquired if he collected rent from the tenant during this time. He responded no, since the unit was trashed, only a deposit was collected. He lost approximately \$30,000 in rent on this unit. She asked if he filed any criminal charges and he stated that he hadn't since the old tenant left the country. She requested that the fine be either waived or reduced. The SM instructed the attorney to give him a math formula to reduce the fine by XX days. A short recess was taken while she conferred with her client. Attorney Gillikin reiterated that the space had been vandalized, and the new tenant tried to fix the destruction as best he could. A total remodel was needed to comply with ADA that took more time than initially given. Covid-19 pandemic hit with supply chain issues. She requested that the lien be reduced as the property owner was the victim of a crime, the length of time was beyond the owners' control to secure supplies, the labor shortage etc. She asked if the fine could be reduced from \$200 to \$25 per day. Special Magistrate deLaroche issued Order #13 reducing the fine by 177 days total for various inspection delays, supply chain problems and the inability to obtain contractors. The total fine due if paid in six months is \$12,600 and \$25,200 if paid after six months. The additional Administrative Fee of \$141.83 is due within 60 days.

- 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

There was no one present for the Respondent. Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. The property is a Dollar General store. This was a First Compliance Hearing. The Initial Hearing took place on April 20, 2022. The property was found in non-compliance with 27 original violations. They were given 90 days to gain compliance. Ms. Herstein had conversations both by phone and email with maintenance for the owner. She explained that there were discrepancies in the landscaping work relating to the size and number of plants being installed. The property was re-inspected on July 20th and found that 13 violations still remained. Affidavits were generated and notices were sent by email and hand delivered. Good service was achieved. Ms. Herstein showed slides of the remaining violations. She explained that some of the required permits had been obtained, but a building permit had not yet been applied for. She 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 \$85.53, for a total due of \$234.62.

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 \$85.53, for a total Administrative Fee of \$234.62 payable within 30 days.

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

The meeting ended at 10:34 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab



CODE ENFORCEMENT CASE SUMMARY JANUARY 19, 2023 AGENDA

TO: The Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owner: Richard D. Merkel
Violation Address: 2944 Sea Oats Circle in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2021-20
Volusia County Tax Parcel ID #: 5327 14 12 0640

TYPE OF HEARING:

Second 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., 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 front entry door - **became compliant March 15, 2022, when building permit 20220327 was obtained***
- b) No building permit was obtained for drywall placement in various locations throughout the unit - **became compliant March 15, 2022, when building permit 20220327 was obtained***
- c) No electrical permit was obtained for work in the electrical panel and inside the unit - **became compliant August 5, 2022, when electrical permit 20220328 was obtained***

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: July 21, 2021

Ordered Compliance Date: October 19, 2021 (90 days from the Initial Hearing)

Ordered Fine: \$200.00 per day

Full Compliance Date: August 5, 2022

Fined Days: October 20, 2021 through August 4, 2022 (289 days)

Total Accrued Fine: \$57,800.00

Special Magistrate Approved Administrative Fees: \$149.09 (IH) paid on August 19, 2021, \$85.53 (FCH) remain unpaid

Additional Administrative Fees Requested: \$128.03 (SCH)

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY JANUARY 19, 2023 AGENDA

TO: The Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owners: Charles Ghobeira and Paul Ghobeira
Violation Address: 2008 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case Number: CDEF2020-03
Volusia County Tax Parcel ID #: 5316 21 00 0060

TYPE OF HEARING:

Second Compliance Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" - Land Development Code, Chapter 14, Section 14-52.9.(B)(16) & (17) and (D)(1), (2), (3), (6), & (9) along with City of Daytona Beach Shores Ordinances 2019-09 & 2019-14, Part III, Section 14-61.1.(b).

VIOLATION(S) FOUND:

- a) Window trim wood is deteriorated in places and not preventing water intrusion - brought into compliance August 16, 2021 (209 fined days)*
- b) piece of gutter and vegetative debris visible west of building - brought into compliance May 25, 2022 (490 fined days)*
- c) Building does not "present a neat and fresh appearance" in that paint is discolored by mildew or dirt, north building face - brought into compliance June 10, 2022 (506 fined days)*
- d) Window trim wood is deteriorated in places - brought into compliance August 16, 2021 (209 fined days)*
- e) In-use cover is missing from exterior electrical socket, west building face (Compliant by 1-19-2021)(0 fined days)*
- f) Air conditioning condensers are not functional and are in disrepair - brought into compliance August 16, 2021 (209 fined days)*
- g) Conduit is not secured, north building face - brought into compliance May 25, 2022 (490 fined days)*
- h) Gutters are in disrepair, west building face (Compliant by 1-19-2021)(0 fined days)*
- i) Light fixture at northeast corner of building has visibly exposed wires - brought into compliance July 7, 2022 (533 fined days)*
- j) Wall sign face on east building elevation is in disrepair - brought into compliance August 16,*

2021 (209 fined days)

k) Building remains vacant longer than 60 days without obtaining a Certificate of Habitability (Certificate of Compliance Vacant Property) - brought into compliance July 7, 2022 (533 fined days)

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: October 21, 2020

Ordered Compliance Dates:

First - December 7, 2020, to submit an engineer's certification about the deteriorated, east-side columns (date was 47 days from the initial hearing)

Second - January 19, 2021, to correct all violations, including approved final inspections on all required permits (date was 90 days from the initial hearing)

Ordered Fine: \$250.00 per day

Date Full Compliance was Achieved: July 7, 2022

Fined Days: January 20, 2021, through July 7, 2022 (533 days)

Total Accrued Fine: \$133,250.00

Special Magistrate Approved Administrative Fees: \$161.59 (IH) Paid 11-25-20, \$92.43 (FCH)

Remains unpaid

Additional Administrative Fees Requested: \$141.83 (SCH)

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY JANUARY 19, 2023 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: LTG-DBS, LLC

Property Address: 2504 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2021-55

Volusia County Parcel ID #: 5322 01 00 0266

TYPE OF HEARING:

First (second of two) & Second Compliance Hearings

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):

- # 11. First Compliance Hearing, not compliant by Ordered date(s)
&
12. OR # 13. Second Compliance Hearing, impose entire fine OR reduce or rescind fine

POSSIBLE ORDERS:

- # 1. Continuance
10. First Compliance Hearing, compliant by Ordered date
11. First Compliance Hearing, not compliant by Ordered date
12. Second Compliance Hearing, impose entire fine
13. Second Compliance Hearing, reduce or rescind fine

SUPPLEMENTARY INFORMATION:

Initial Hearing Date: December 1, 2021

Findings of Fact, Conclusions of Law and Order

First Ordered Compliance Date: January 3, 2022 (33 days from the Initial Hearing)

Ordered Fine: \$250.00 per day

Actual Compliance Date: February 2, 2022 (29 fined days)

Total Accrued Fines after First Compliance Date: **\$7,250.00**

Second Ordered Compliance Date: May 2, 2022 (152 days from the Initial Hearing)

Ordered Fine: \$250.00 per day

Actual Compliance Date: September 13, 2022 (133 fined days)

Total Accrued Fines After Second Compliance Date: **\$33,250.00**

Total Fines Accrued under Findings of Fact, Conclusions of Law and Order: **\$40,500.00**

Stipulated Agreement

Final Required Compliance Date in agreement: August 29, 2022

Actual Compliance Date with the Stipulated Agreement: September 7, 2022

Fees paid by current property owner according to the Stipulated Agreement \$5,000.00

Special Magistrate Approved Administrative Fees: \$162.89 (IH) and \$92.43 (FCH) remain unpaid

Additional Administrative Fees Requested: \$149.09 (FSCH)

Please see supplementary document packet.

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY JANUARY 19, 2023 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Oceanside Inn Condominium Association, Inc.

Violation Address: 1909 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: PCDEF2022-55

Volusia County Tax Parcel ID #: 5316 31 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., and Appendix "G" - Land Development Code, Chapter 14, Section 14-52.9.(C) and (D)(2).

VIOLATION(S) FOUND:

- a) Daytona Beach Shores building, electrical, and plumbing permits numbered 20211125, 20211265, and 20211266 respectively were revoked by their contractors after work began
- b) Work conducted under Daytona Beach Shores building, electrical, and plumbing permits numbered 20211125, 20211265, and 20211266 respectively is currently unpermitted work
- c) First floor ceiling near the elevators is structurally flawed
- d) Concrete is spalled on first floor ceiling near elevators

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:

Requested administrative fee reimbursement: \$162.89

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY JANUARY 19, 2023 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owners: Beachside Coastal LLC

Violation Address: 3150 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: PCDEF2022-61

Volusia County Tax Parcel ID #: 5334 00 02 0080

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 plumbing permit was obtained for replacement of plumbing lines between buildings on the property
- b) No building permit was obtained for opening walls to access plumbing lines in multiple units on the property (in at least Units #1, #2, #3, #14, & #15)
- c) No plumbing permit was obtained for altering or replacing plumbing lines in multiple units on the property (in at least Units #1, #2, #3, #14, & #15)

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:

Requested administrative fee reimbursement: \$149.09

Please see supplementary document packet

ATTACHMENT: None