



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CODE ENFORCEMENT BOARD MEETING JULY 16, 2019

**1:00 PM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

1. CALL TO ORDER

2. OPENING REMARKS

- A. Indication of any Cases removed from this Agenda by Staff

3. MINUTES

- A. Minutes from April 23, 2019, Code Enforcement Board meeting

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. First and Second Compliance Hearings
Property Owner: Castle Enterprises South Corp.
Violation Address: 3310 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-02
Volusia County Parcel ID #: 5335-04-00-0022

5. INITIAL HEARINGS

- A. Initial Hearing
Property Owner: CCGCPETER LLC
Violation Address: 2035 Schulte Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-18
Volusia County Parcel ID #: 5316-18-00-1090
- B. Initial Hearing
Property Owners: Kaushik & Deborah Pandya
Violation Address: 3051 S. Atlantic Avenue, Unit 1003 in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2019-22
Volusia County Parcel ID #: 5327-08-01-J030

- C. Initial Hearing
Property Owners: Ramesh Yeluri & Krishna Yeluri, as Trustees of the Ramesh Yeluri & Krishna Yeluri Revocable Living Trust
Violation Address: 3760 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-20
Volusia County Parcel ID #: 6302-05-08-0320

6. CLOSING REMARKS

- A. Next Code Enforcement Board Meeting will be on August 20, 2019, if needed

7. BOARD COMMENTS

8. ADJOURNMENT



**CITY COUNCIL AGENDA MEMORANDUM
JULY 16, 2019 AGENDA**

TO: The Members of the Code Enforcement Board
FROM: Cheri Schwab, City Clerk
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Minutes from April 23, 2019, Code Enforcement Board meeting

SYNOPSIS:

Pre-approval Minutes from the April 23, 2019, Code Enforcement Board meeting

FISCAL IMPACT STATEMENT:

Non-Applicable

BACKGROUND:

No additional

LEGAL REVIEW:

Will be provided during hearing if necessary

RECOMMENDATION:

Suggest any warranted changes to the Minutes, then approve the Minutes including all suggested changes the Board agreed to

SUGGESTED MOTION:

Motion to approve the Minutes as presented
OR
Motion to approve the Minutes as presented along with all agreed-upon changes

ATTACHMENT: 1. DBS Code Enforcement Board Minutes - April 23, 2019

MINUTES
CODE ENFORCEMENT BOARD
April 23, 2019
3000 Bellemead Drive, Daytona Beach Shores, FL

Board Members Present: Ike Ofer, Larry Saffer, Lowell Wynn, Sally Dowling, and Clay Getz

Board Members Excused: Eric Datz, and Van Alder

Staff Present: Board Attorney Lonnie Groot, Community Services Director Fred Hiatt, Code Enforcement Coordinator Gwyn Herstein, Building Inspector Steve Edmunds, and Building Inspector Matt Thomas

I. CALL TO ORDER

- A. 1:00 p.m. by Chairman Saffer

II. PRELIMINARY COMMENTS

- A. There were no cases removed from the agenda
B. Board Attorney Groot swore in the witnesses for the day's hearings

III. NEW BUSINESS

- A. Initial Hearing: Case Number CDEF2019-15

1. Property owner is 3174, LLC
2. Violation address is 3174 S. Atlantic Avenue in Daytona Beach Shores, FL
3. Volusia County property ID number is 5335-01-03-0010
4. In violation of *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)*, Chapter 1, Section 105.1 *Required*. in the following manner:
 - a) Violation "a)": No building permit was obtained for installation of showers, a tub, and a clothes washer and dryer
 - b) Violation "b)": No plumbing permit was obtained for the installation of showers, a tub, a laundry sink, and a clothes washer
 - c) Violation "c)": No electrical permit was obtained for supporting wiring for other unpermitted changes – extension cords run in place of permanent wiring
 - d) Violation "d)" No mechanical permit was obtained for installing a clothes dryer vent

5. Staff presented testimony: Ms. Herstein asked that all documents be accepted into evidence. The chairman accepted the documents. The violations were read for the record. The property was inspected on March 1st by Building Inspector Matt Thomas and Fire Marshal Terry Griffiths. They found that work had been done without any permits and a Stop Work Order was issued. A Code Enforcement Notice of Violation was generated and sent by Certified Mail. Good service was achieved. During the month of March, there were phone conversations with the owner, but no progress was made. On April 10th, the case was re-evaluated, and the violations were not corrected. A Statement of Violation/Request for Hearing and Notice of Hearing were sent. Good service was achieved. Between the dates of April 16th and April 18th, the required permit applications were submitted. This morning, the last unobtained permit was obtained, and the property is now compliant. Ms. Herstein asked Building Inspector Matt Thomas if the pictures and documents presented were true and accurate. He replied they were. She asked if the events presented were true and accurate and he replied affirmatively with no corrections or additions. Staff requested the board find the property had been in violation and ask for reimbursement of the administrative fee of \$140.98.

6. Respondent presented testimony: John Georgoudiou, owner, apologized for being non-compliant. He has a contractor, James Leake, who would be doing the work.

7. Ms. Dowling Moved, seconded by Mr. Ofer, based on the testimony given and evidence presented today regarding 3174, LLC at 3174 S. Atlantic Avenue, Case Number CDEF2019-15, Parcel Number 5335-01-03-0010, to find that the Respondent violated City Codes enumerated in the Statement of Violation and the charges as set forth in the agenda and failed to correct the violations identified as "a)", "b)", "c)", and "d)", by the time specified for correction by the Code Inspector and therefore is required to pay an administrative fee of \$140.98. He further moved to find that said property is now in compliance with regard to stated Codes and any recurrent violation of the same Code by the Respondent within five years may be treated as a Repeat Violation, for which a fine of up to \$500.00 per day may be imposed.

a) *The board voted*

b) *The motion was approved by unanimous roll call vote (summary: 5 Yes)*

B. Initial Hearing: Case Number: CDEF2019-17

1. Property owner is Omkara Investments, LLC

2. Violation address is 3247 S. Atlantic Avenue in Daytona Beach Shores, FL

3. Volusia County property ID number is 5335-02-15-0050

4. In violation of *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)*, Chapter 1, Section 105.1 *Required.* and Chapter 14, Section 14-52.8. in the following manner:

- a) *Violation "a)": Three lights were recently added at north building face without permits*
- b) *Violation "b)": Three unshielded lights on the north face of this building produce a glare which affects the residential condominium units in the building immediately north of this property*

5. Staff presented testimony: Ms. Herstein asked that all documents be accepted into evidence. The chairman accepted the documents. The violations and codes were read for the record. It was explained that glare is not defined in our city codes so it defers to the definition in Webster's Dictionary. On February 20th, a complaint was received from Vince, the maintenance supervisor of Palma Bella Condo. His residents were complaining of glare from the newly installed lights at the hotel next door. Pictures were taken by city staff after dark to show the lighting. It was discovered that the lights were installed without a permit. The hotel owner, Mr. Patel, was informed of the issues by Inspector Steve Edmunds. A few weeks later, with no application submitted, a Notice of Violation was sent by Certified Mail on March 14th. It was returned to the office on March 25th, so Ms. Herstein hand-delivered another one. Mr. Patel called and stated he'd understood Inspector Edmunds would be back to check on the lights and would contact him if anything needed to be adjusted. It was explained that a permit was needed and that the lights were still producing glare and required shielding. The property was re-inspected on April 6th and the lights did not appear to have been adjusted and no electrical permit application had been received. A Statement of Violation/Request for Hearing and Notice of Hearing were prepared and hand-delivered to the front desk on April 10th. The manager for the Palma Bella was called to arrange access to the affected unit owners so pictures could be taken. At this point, lights from the pool deck were described as also producing glare. Complaints were mainly coming from the F stack and G stack of the Palma Bella. A diagram of the condominium was shown to the board. Pictures of the glare that were taken on April 11th were shown. On April 17th, Courteaux Electric obtained the electrical permit. The shields for the lights were also discussed at that time. Ms. Herstein asked Building Inspector Steve Edmunds if the pictures and documents presented were true and accurate to any he'd created for the case. He replied they were. She asked if the events presented were true and accurate and he replied affirmatively with no corrections or additions. Ms. Herstein noted that the first violation, "a)", was now compliant. The second violation, "b)", she requested allowing until August 21st, 120 days, for compliance or impose a fine of \$150 per day. Mr. Getz felt 120 days was too long if a light was shining into their units. Mr. Wynn stated he has to deal with something similar from the light of the chandelier next door. He installed something in his unit to block the light. Ms. Herstein explained that several factors contributed to the extended time suggested for compliance including multiple affected owners being away often, coordinating after hours inspections, multiple attempts at compliance would probably be necessary, and that turtle season meant that additional need for shielding was going to coincide with these attempts.

6. Respondent presented testimony: Hotel Owner Pete Patel spoke to the board. He explained that some of the lights were on the property when they bought it in 2014, but they didn't work. They are now working motion lights. He was not aware a permit was needed if there were existing lights. He stated that he has tried to adjust the lights so they only shine on the parking lot but he has not been very successful. He has had a recent lawsuit for a trip-and-fall in the parking lot, so he needs to keep it lit for safety reasons. He also stated that he will work with the electrical company to install shields. He didn't think it would take very long to become compliant.

7. Director Hiatt advised that Mr. Patel could contact the County of Volusia turtle division to make sure the lights would meet turtle nesting season guidelines.

8. Mr. Getz Moved, seconded by Mr. Wynn, based on the testimony given and evidence presented today regarding Omkara Investments LLC at 3247 S. Atlantic Avenue, Case Number CDEF2019-17, Parcel Number 5335-02-15-0050, to find that the Respondent violated City Codes enumerated in the Statement of Violation and the charges as set forth in the agenda and failed to correct the violation identified as "a)", by the time specified for correction by the Code Inspector and therefore is required to pay an administrative fee of \$140.98. He further moved to find that said property is now in compliance with regard to stated Codes and any recurrent violation of the same Code by the Respondent within five years may be treated as a Repeat Violation, for which a fine of up to \$500.00 per day may be imposed.

a) *The board voted*

b) *The motion was approved by unanimous roll call vote (summary: 5 Yes)*

9. Mr. Ofer Moved, seconded by Mr. Getz, based on the testimony given and evidence presented today regarding Omkara Investments LLC at 3247 S. Atlantic Avenue, Case Number CDEF2019-17, Parcel Number 5335-02-15-0050, to find that the Respondent violated City Codes enumerated in the Statement of Violation and the charges as set forth in the agenda and that the Respondent be Ordered to correct the violation identified as "b)", on or before August 21, 2019, including obtaining approved final inspections on all required permits. In the event the Respondent does not comply with the Order, a fine of \$150 will be imposed for each and every day the violation continues past the aforesaid date and additional administrative fees may be approved by the Board at subsequent hearings and imposed. The Respondent is further ordered to secure all required permits before beginning correction of said violations and to contact the City of Daytona Beach Shores Code Enforcement Office to report and verify compliance with this Order. Any recurrent violation of these Codes by the Respondent within five years may be treated as a Repeat Violation, for which a fine of up to \$500.00 per day may be imposed.

a) *The board voted*

b) *The motion was approved by unanimous roll call vote (summary: 5 Yes)*

IV. REMARKS OF STAFF

A. Upcoming Meeting Dates

1. The May meeting will be on the regularly scheduled date of May 21st at 1:00 p.m.
2. There will be no meeting in June, unless an emergency meeting becomes necessary
3. The July meeting will be on the regularly scheduled date of July 16th at 1:00 p.m.

V. REMARKS OF BOARD MEMBERS

A. None

VI. ADJOURNMENT

A. The meeting ended at 2:08 p.m.

X

Larry Saffer
Code Enforcement Board Chairman

X

Cheri Schwab
Code Enforcement Board Recording Secretary



CITY COUNCIL AGENDA MEMORANDUM

JULY 16, 2019 AGENDA

TO: The Members of the Code Enforcement Board
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: First and Second Compliance Hearings
Property Owner: Castle Enterprises South Corp.
Violation Address: 3310 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-02
Volusia County Parcel ID #: 5335-04-00-0022

SYNOPSIS:

First and Second Compliance Hearings (this case's violations are currently compliant)
Property Owner: Castle Enterprises South Corp.
Violation Address: 3310 S. Atlantic Avenue, Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-02
Volusia County Parcel ID #: 5335-04-00-0022

In violation of: *The Code of Ordinances of the City of Daytona Beach Shores*, Appendix "G" - *Land Development Code*, Chapter 14, Section 14-52.9.(C). and Section 14-52.9.(D)(2) & (D)(7).

FISCAL IMPACT STATEMENT:

Non-Applicable

BACKGROUND:

VIOLATIONS:

- a) Concrete "deck" immediately west of building (which used to be part of the building's foundation) is undermined (**2 fined days**)
- b) Handrail is missing from places where there is a 30" or greater drop-off, especially at the northwest corner of the concrete "deck" (compliant by Board-ordered date)*
- c) Concrete "deck" and supporting retaining wall do not appear to be structurally sound and in good repair (**2 fined days**)

d) Retaining wall west of building does not appear to be structurally sound and in good repair - wall is missing in places and either missing or covered in other places **(2 fined days)**

Initial Hearing Date: March 19, 2019

Board-Ordered Compliance Date: June 17, 2019

Actual Compliance Date: June 20, 2019

Fined Days of Non-Compliance: 2

Board-Ordered Fine: \$250.00 per day

Total Accrued Fine: \$500.00

Board-Approved Administrative Fees: \$140.98

Additional Administrative Fees Requested: \$76.31 (for a total of \$217.29)

LEGAL REVIEW:

Will be provided during hearing if necessary

RECOMMENDATION:

Will be provided during hearing

SUGGESTED MOTION:

Motion #10 First Compliance Hearing, was compliant on time
OR

Motion #11 First Compliance Hearing, not compliant on time

AND

Motion #12 Second Compliance Hearing, impose entire fine
OR

Motion #13 Second Compliance Hearing, reduce or rescind fine

ATTACHMENT: None



CITY COUNCIL AGENDA MEMORANDUM
JULY 16, 2019 AGENDA

TO: The Members of the Code Enforcement Board
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Initial Hearing
Property Owner: CCGCPETER LLC
Violation Address: 2035 Schulte Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-18
Volusia County Parcel ID #: 5316-18-00-1090

SYNOPSIS:

Property Owner: CCGCPETER LLC
Violation Address: 2035 Schulte Avenue, Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2019-18
Volusia County Parcel ID #: 5316-18-00-1090

In violation of: *The Code of Ordinances of the City of Daytona Beach Shores*, Appendix "G" - *Land Development Code*, Chapter 14, Section 14-52.9.(B)(16). and Section 14-52.9.(D)(1) & (D)(2).

FISCAL IMPACT STATEMENT:

Non-Applicable

BACKGROUND:

VIOLATIONS:

- a) Front door (west building face) is faded with its protective treatment deteriorated
- b) Front door frame (west building face) is deteriorated toward bottom
- c) Painted areas are discolored on building, especially on north building face
- d) Window frame at bottom of stairs on north building face is deteriorated

LEGAL REVIEW:

Will be provided during hearing if necessary

RECOMMENDATION:

Will be provided during hearing

SUGGESTED MOTION:

Motion # 4 No Fine - Standing Order, compliant with fees
OR

Motion # 5 No Fine - Standing Order, compliant w/out fees
OR

Motion # 6 No Violations Found
OR

Motion #7 In Violation with fees

ATTACHMENT: None



CITY COUNCIL AGENDA MEMORANDUM
JULY 16, 2019 AGENDA

TO: The Members of the Code Enforcement Board
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Initial Hearing
Property Owners: Kaushik & Deborah Pandya
Violation Address: 3051 S. Atlantic Avenue, Unit 1003 in Daytona Beach Shores, FL
Code Enforcement Case #: PCDEF2019-22
Volusia County Parcel ID #: 5327-08-01-J030

SYNOPSIS:

Initial Hearing
Property Owners: Kaushik & Deborah Pandya
Violation Address: 3051 S. Atlantic Avenue, Unit 1003
Code Enforcement Case #: PCDEF2019-22
Volusia County Parcel ID #: 5327-08-01-J030

In Violation of: *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), Chapter 1, Section 105.1 Required.*

FISCAL IMPACT STATEMENT:

Non-Applicable

BACKGROUND:

VIOLATIONS:

a) No electrical permit was obtained for can light installation

LEGAL REVIEW:

Will be provided during hearing if necessary

RECOMMENDATION:

Will be provided during hearing

SUGGESTED MOTION:

Motion # 4 No Fine - Standing Order, compliant with fees

OR

Motion # 5 No Fine - Standing Order, compliant w/out fees

OR

Motion # 6 No Violations Found

OR

Motion #7 In Violation with fees

ATTACHMENT: None



CITY COUNCIL AGENDA MEMORANDUM
JULY 16, 2019 AGENDA

TO: The Members of the Code Enforcement Board

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Initial Hearing

Property Owners: Ramesh Yeluri & Krishna Yeluri, as Trustees of the Ramesh Yeluri & Krishna Yeluri Revocable Living Trust

Violation Address: 3760 S. Atlantic Avenue in Daytona Beach Shores, FL

Code Enforcement Case #: CDEF2019-20

Volusia County Parcel ID #: 6302-05-08-0320

SYNOPSIS:

Property Owners: Ramesh Yeluri & Krishna Yeluri, as Trustees of the Ramesh Yeluri & Krishna Yeluri Revocable Living Trust

Violation Address: 3760 S. Atlantic Avenue

Code Enforcement Case #: CDEF2019-20

Volusia County Parcel ID #: 6302-05-08-0320

In Violation of: *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), Chapter 1, Section 105.1 Required.* and also the *Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" - Land Development Code, Chapter 14, Section 14-52.9.(B)(16), (D)(1), & (D)(6).*

FISCAL IMPACT STATEMENT:

Non-Applicable

BACKGROUND:

VIOLATIONS:

a) No permit was obtained for materials added to mansard roof of east building

b) Building is not free of holes and conditions which could admit dampness to the interior of the walls

- c) Fascia wood is unprotected by paint or other approved covering, especially north face of east building
- d) Deteriorated and mismatched roof materials present on east and west buildings
- e) Mansard roof shingles are discolored in places on both buildings
- f) "3760 Sea Shell Villas" sign on southeast corner of east building is missing letters
- g) Roofing system has not been maintained to prevent damage to the structure, shingles missing in multiple places, flashing applied improperly

LEGAL REVIEW:

Will be provided during hearing if necessary

RECOMMENDATION:

Will be provided during hearing

SUGGESTED MOTION:

Motion # 4 No Fine - Standing Order, compliant with fees
OR
Motion # 5 No Fine - Standing Order, compliant w/out fees
OR
Motion # 6 No Violations Found
OR
Motion #7 In Violation with fees

ATTACHMENT: None