

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
July 13, 2023
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

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

There were no cases removed from the agenda.

3. MINUTES

A. Code Enforcement Special Magistrate Minutes May 18, 2023

SM deLaroche approved the minutes from May 18, 2023.

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

- A. Property Owner: Ocean Court Holdings, LLC
Violation Address: 2315 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-09
Volusia County Tax Parcel ID #: 5322 03 01 0110

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 one violation. Ms. Herstein provided a brief background to the sign ordinance that started in 2012. The City Council at the time wanted all pole signs and other non-conforming signs to

be replaced with monument-style signs smaller than the specified dimensions. On May 3rd, the Notice of Violation was sent to the property owner and also hand delivered in order to obtain good service. The property was re-inspected on June 29th and it was found that the violation still existed. Hannah Grafenstein, General Manager of the hotel, has been in contact with staff to determine how to gain compliance. They are working to submit a request for an Administrative Variance with the City Planner, Noel Eaton. The current sign is too tall and is within the setback area. Staff requested Order #7 be issued and allow 60 days to correct the violation with approved final inspection or a fine of \$150 be applied. Reimbursement of the Administrative Fee of \$149.09 was also requested. Donna Jollimore spoke on behalf of the Ocean Court motel. She stated that they were just recently informed of the sign issue. They bought the property back in June 2022, and were never made aware of the issue. They want to be in compliance, but would like time to rectify the situation. If the variance is not approved, they will adjust the sign to meet the current standards. She requested 120 days for compliance if the sign needed to be changed. Special Magistrate deLaroche issued Order #7 with 120 days to gain compliance or a fine of \$150 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$149.09 payable within 30 days.

- B. Property Owner: Sunoco Retail LLC
Violation Address: 2530 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2022-28
Volusia County Tax Parcel ID #: 5322 01 00 0321

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. Ms. Herstein explained that a representative planned to attend but he had a bad fall in early July. This was an Initial Hearing with three violations. The case began in March 2022 after a property inspection. The sign posts and electrical box were rusted along with the dumpster enclosure. In May, the dumpster enclosure was sanded and painted. On June 29, 2023, the property was re-inspected and all three original violations were present. A Statement of Violation/Request for Hearing and a Notice of Hearing were sent on July 2, 2023 and good service was achieved. Ms. Herstein spoke with two representatives, who requested 60 days to gain compliance. Slides were shown of the violations. Order #7 was requested with a fine amount of \$175 to include final inspection and permits. Reimbursement of the Administrative Fee in the amount of \$162.89 was also requested. Special Magistrate deLaroche issued Order #7 with 60 days to gain compliance to include final inspections or a fine of \$175 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$162.89 payable within 30 days.

- C. Property Owner: Daytona Ocean Investment Corp
Violation Address: 2601 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-11
Volusia County Tax Parcel ID #: 5322 00 04 0010

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. There was no property representative present. This was an Initial Hearing with one violation for a non-conforming sign past the ten-year period and the one-year extension. The Notice of Violation was sent on May 3rd and good service was achieved. The office was contacted by Jai Motwani, manager of the owning company. He stated that he planned to demolish the building by the

end of the year and didn't want to change the sign. It was explained that the existing sign needed to be removed. Mr. Motwani planned to speak with the SM at the hearing. On July 3, 2023, the Statement of Violation/Request for Hearing and Notice of Hearing were sent and hand delivered and good service was achieved. Order #7 was requested with a fine amount of \$150 to include final inspection and permits. The reimbursement of the Administrative Fee in the amount of \$149.09 was also requested.

Special Magistrate deLaroche issued Order #7 with 60 days to gain compliance or a fine of \$150 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$149.09 payable within 30 days.

- D. Property Owner: Holiday Shores Condominium Association, Inc.
Violation Address: 2617 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-12
Volusia County Tax Parcel ID #: 5322 21 00 0001

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. There was no property representative present. This was an Initial Hearing with one violation for a non-conforming sign. The sign faces were blown out during the recent hurricanes. The property had numerous other damage. A Notice of Violation was sent on May 3rd and good service was achieved by posting the property. Both the Statement of Violation/Request for Hearing and Notice of Hearing were sent on July 3rd and good service was achieved. Ms. Herstein has been in contact with the property rep and most of the sign was removed last week. Order #7 was requested with a fine amount of \$150 to include final inspection and permits. The reimbursement of the Administrative Fee in the amount of \$149.09 was also requested. Special Magistrate deLaroche issued Order #7 with 60 days to gain compliance or a fine of \$150 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$149.09 payable within 30 days.

- E. Property Owner: Beachside Coastal LLC
Violation Address: 3150 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2023-05
Volusia County Tax Parcel ID #: 5334 00 02 0080

Ms. Herstein requested that all the documents and slides be accepted into evidence. The Special Magistrate accepted the evidence with no objection. Mike Bretzel, real estate broker and property manager, was in attendance. SM deLaroche accepted Mr. Bretzel to speak during the hearing but he needed to file an authorization to answer questions signed by the property owner, afterward. This was an Initial Hearing with 24 violations on 8 separate buildings. These were partially due to hurricane damage that had still not been repaired. Slides of the violations were shown. A complaint was received by the office after the neighbor from the north removed a fence, uncovering hidden issues. A Notice of Violation was sent on April 28th and good service was achieved. Both electrical and roofing permits were issued but no inspections of that work have taken place yet. The property was re-inspected on June 29th and no corrective measures visibly were taken except that the stored materials may no longer be in violation if they'll be used for the newly acquired permits. A Statement of Violation/Request for Hearing and Notice of Hearing were sent on July 3rd and good service was achieved. Ms. Herstein noted that some of the violations were considered "life safety" and needed to be addressed sooner than others. Mr. Bretzel felt the time allowed was adequate to gain compliance.

Based on the testimony given and the evidence presented, Special Magistrate deLaroche issued Order #7 with Violations a), f), k), o), p), u), and w) to be corrected on or before September 12, 2023 and to correct Violations b), c), d), e), g), h), i), j), l), m), n), q), r), s), t), v), and x) on or before January 15, 2024, including obtaining approved final inspections on all required permits, 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 Thursday, August 17, 2023, at 9:00 a.m.

The next scheduled meeting will be on August 24, 2023.

- B. September's meeting is scheduled for Thursday, September 21, 2023, at 9:00 a.m.

- C. October's meeting is scheduled for Thursday, October 19, 2023, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

The meeting ended at 9:59 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab