



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

AUGUST 24, 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. Code Enforcement Special Magistrate Minutes July 13, 2023

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

- A. Property Owner: Helen Majors as Trustee of the Shirrell and Helen Majors Family Trust dated April 18, 2006, and Kathryn E. Brookshire Joint Revocable Trust dated

March 3, 2006

Violation Address: 3 Oceans West Blvd., Unit 5B4 in Daytona Beach Shores, Florida

Code Enforcement Case #: PCDEF2023-21

Volusia County Tax Parcel ID #: 5327 16 00 5B40

- B. Property Owner: JK Daytona LLC
Violation Address: 2225 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-08
Volusia County Tax Parcel ID #: 5315 02 02 0010

- C. Property Owner: Halifax Investment Services, LLC
Violation Address: 3225 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2023-24
Volusia County Tax Parcel ID #: 5335 01 02 0030

- D. Property Owner: WLW Capital LLC
Violation Address: 3738 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2023-06
Volusia County Tax Parcel ID #: 6302 05 08 0180

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, September 21, 2023, at 9:00 a.m.

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

- C. November/December's meeting is scheduled for Thursday, December 7, 2023, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

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



CODE ENFORCEMENT CASE SUMMARY AUGUST 24, 2023 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Helen Majors as Trustee of the Shirrell and Helen Majors Family Trust dated April 18, 2006, and Kathryn E. Brookshire Joint Revocable Trust dated March 3, 2006

Violation Address: 3 Oceans West Blvd., Unit 5B4 in Daytona Beach Shores, Florida

Code Enforcement Case #: PCDEF2023-21

Volusia County Tax Parcel ID #: 5327 16 00 5B40

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:

Violation a) Daytona Beach Shores building permit numbered 20200718 and plumbing permit 20200722 have expired without approved final inspections

Violation b) Work previously covered by Daytona Beach Shores building permit numbered 20200718 and plumbing permit 20200722 is currently unpermitted work

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:

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY AUGUST 24, 2023 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: JK Daytona LLC

Violation Address: 2225 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-08

Volusia County Tax Parcel ID #: 5315 02 02 0010

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 6, Section 6-7.5.

VIOLATION(S) FOUND:

Violation a) Pole sign remains in place beyond the ten-year period allowed by this section and the one-year extension granted by Resolution

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:

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY AUGUST 24, 2023 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Halifax Investment Services, LLC

Violation Address: 3225 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2023-24

Volusia County Tax Parcel ID #: 5335 01 02 0030

TYPE OF HEARING:

Initial Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Chapter 13, Section 13-4. and Appendix G - Land Development Code, Chapter 14, Section 14.52.9.(C)., and Sections (D)(1), (2), (3), (4), (5), (6), (8), & (12).

VIOLATION(S) FOUND:

Violation a) Building on the east side of the property is severely undermined and threatens danger to a person or property

Violation b) East building is severely undermined, multiple caissons exposed

Violation c) East building's non-structural walls are in disrepair

Violation d) East building's roof is at least partially missing

Violation e) Broken seawall, pool, and deck debris remain where they fell, east of east building

Violation f) Paint chipped and peeled in places, east building

Violation g) Door rusted on south building face, east building

Violation h) Paint discolored by rust in places, west building

Violation i) East building is undermined and not supported as built

Violation j) Spalling concrete in places, east building

Violation k) Cracks in stucco, west building

Violation l) Electrical conduit is unsupported, no longer attached to the building face of the east building

Violation m) Windows broken at southeast corner of east building

Violation n) Awning ripped and missing, west face of east building

Violation o) Roof is damaged and missing in places, east building

Violation p) Flashing missing in places, west building

Violation q) Soffit missing in places, west building
Violation r) Fascia missing in places, west building
Violation s) Dumpster is not shielded from view from street
Violation t) Landscaping is not kept in a neat and well-maintained condition

REQUESTED ORDER(S):

#1. Continuance, requested by property owner's counsel

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:

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY AUGUST 24, 2023 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: WLW Capital LLC

Violation Address: 3738 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2023-06

Volusia County Tax Parcel ID #: 6302 05 08 0180

TYPE OF HEARING:

Initial Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Chapter 13, Section 13-5. and Appendix G - Land Development Code, Chapter 14, Section 14.52.9.(B)(16)., and Sections 14-52.9.(D)(1), (2), (6), (8), & (12).

VIOLATION(S) FOUND:

Violation a) Weeds are over 12 inches high in landscaping bed east of building

Violation b) Siding is in disrepair on large shed near south property lines

Violation c) Stucco missing at northeast corner of building

Violation d) Roof overhang appears to be weakened and may not be fully fastened and supported, east building face

Violation e) Dumpster enclosure appears to be structurally unsound, top-to-bottom crack at southwest corner

Violation f) Roof overhang is visibly drooping along east side

Violation g) Roof is missing drip edge along top and bottom of east overhang

Violation h) Fascia is missing at northeast corner of building and south end

Violation i) Dumpster enclosure is missing gates which formerly faced northwest, dumpster is exposed to view from street

Violation j) Dead plant material and weeds in landscaping bed east of building

Violation k) Shrub is overgrown at southwest corner of building

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:

Please see supplementary document packet

ATTACHMENT: None