

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
August 24, 2023
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

A. Opening Statement by Special Magistrate deLaroche

Today's hearings were postponed until 10:30am.

B. Swearing in Witnesses

The witnesses were sworn in for the day's hearings.

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 July 13, 2023

SM deLaroche approved the minutes from 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 as Trustee of the Larry J. Brookshire 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

Ms. Herstein requested that each of the documents included in the PowerPoint file, whether presented during the hearing or not, by the City for this case be accepted as evidence, most

of which have been provided to the Special Magistrate and all of which have been presented to the Respondent or their rep. The Special Magistrate accepted the documents with no objection. This was an Initial Hearing regarding permits from 2020 that expired without obtaining approved final inspections. The permits were for building and plumbing work for a kitchen and bathroom remodel. The contractors were notified in 2021, but neither company responded. In June, 2023, a Notice of Violation was sent and good service was achieved. Thiago, an employee with Volusia Granite spoke with Ms. Herstein regarding the issues and blank permit applications were sent to him. On August 11th, the case was re-evaluated and it was determined that nothing new had been submitted. A Statement of Violation/Request for Hearing and Notice of Hearing were sent and good service was achieved. A plumbing permit application was received on August 16th. Ms. Herstein questioned Chief Building Official Steve Edmunds as to his involvement in the case. 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. Both Helen Majors and Kathryn Brookshire were in attendance. It was explained to them that, per state guidelines, the city has to bring the homeowner, not the contractor, before Code Enforcement. Ms. Herstein recommended Order #7 allowing 60 days for compliance or a fine of \$150 per day. She requested reimbursement of the Administrative Fees in the amount of \$162.89. Special Magistrate deLaroche issued Order #7 with 90 days to gain compliance or a fine of \$150 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$162.89 payable within 30 days.

- 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

Ms. Herstein requested that each of the documents included in the PowerPoint file, whether presented during the hearing or not, by the City for this case be accepted as evidence. Most of which have been provided to the Special Magistrate and all of which have been presented to the Respondent or their rep. The Special Magistrate accepted the documents with no objection. Ms. Shamila Mohammed, General Manager of the hotel, was present. This was an Initial Hearing with one violation for a pole sign remaining past the allowed time. During the past 11 years, multiple letters were sent regarding the new sign requirements and the existence of the sign grant program. On May 19th, a Notice of Violation was hand-delivered to the hotel and good service was achieved. A representative for the hotel called and spoke to the City Planner regarding a variance for the existing sign location. On August 14th, the Statement of Violation/Request for Hearing and Notice of Hearing were both sent and hand-delivered and good service was achieved. Ms. Mohammed indicated that the hotel would be changing brands soon and they didn't want to replace the sign until that was finalized. She was informed that removing the old sign would gain compliance for them. Ms. Herstein recommended Order #7 and allow 90 days for compliance or a fine of \$150 would begin. She requested the Administrative Fee of \$149.09 be reimbursed. Special Magistrate deLaroche issued Order #7 with 90 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.

- C. Property Owner: Halifax Investment Services, LLC
Violation Address: 3225 S. Atlantic Ave. in Daytona Beach Shores, Florida

Ms. Herstein reported that a request to continue was received by Attorney James Pickens on behalf of the Respondent. Special Magistrate deLaroche granted the continuance until September 21, 2023.

- 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

Ms. Herstein requested that each of the documents included in the PowerPoint file, whether presented during the hearing or not, by the City for this case be accepted as evidence. Most of which have been provided to the Special Magistrate and all of which have been presented to the Respondent or their rep. The Special Magistrate accepted the documents with no objection. Mr. Berkley was present for the Respondent with authorization to answer the Special Magistrate's questions. This was an Initial Hearing with 11 violations. Violation k for an overgrown shrub in the SE corner has been removed, so is now rectified. The property is listed as a hotel/motel. The most severe violation was item d, which pertained to the weakened roof, which may not be fully fastened and supported. On June 9th, a Notice of Violation was sent and good service was achieved. There was no contact with the office. The property was re-inspected on August 11th and all violations remained. The Statement of Violation/Request for Hearing and Notice of Hearing were hand delivered to the office on August 14th. The Registered Agent, William Williams, Jr. called the office to follow-up a few days later. He is based in Tampa and not able to attend the hearing. An Authorization to Answer form was sent to him. Ms. Herstein recommended Order #7, allowing 120 days to correct or a fine of \$250 per day. The Administrative Fee in the amount of \$162.89 was requested. Mr. Berkley stated that they were unaware of the existing code violations, but didn't dispute them.

Special Magistrate deLaroche issued Order #7 for violations a-j with 120 days to gain compliance 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, 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

The meeting ended at 11:13 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab