



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

SEPTEMBER 21, 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 August 24, 2023

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

- A. 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

- B. Property Owner: Pinchas Mamane
Violation Address: 3348 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-13
Volusia County Tax Parcel ID #: 5335 03 05 0050

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, October 19, 2023, at 9:00 a.m.
- B. November/December's meeting is scheduled for Thursday, December 7, 2023, at 9:00 a.m.
- C. January's meeting is scheduled for Thursday, January 18, 2024, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

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
Code Enforcement Case #: CDEF2023-24

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



CODE ENFORCEMENT CASE SUMMARY SEPTEMBER 21, 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 14-52.9.(D)(1), (2), (3), (4), (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 (rectified by September 14, 2023)

Violation h) Paint discolored by rust in places, west building (rectified by September 14, 2023)

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 (was visually improved, but without an associated, required permit)

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

Violation m) Windows broken at southeast corner of east building face

Violation n) Awning is ripped and missing, west face of east building (rectified by September 14, 2023)

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

Violation p) Flashing missing in places, west building

Violation q) Soofit missing in places, west building (was visually improved, but without an associated, required permit)

Violation r) Fascia missing in places, west building (was visually improved, but without an associated, required permit)

Violation s) Dumpster not shielded from view from street

Violation t) Landscaping is not kept in a neat and well-maintained condition

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 SEPTEMBER 21, 2023 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Pinchas Mamane

Violation Address: 3348 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-13

Volusia County Tax Parcel ID #: 5335 03 05 0050

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) "KWIK STOP FOOD Gojuice" 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