

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
September 21, 2023
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

A. Opening Statement by Special Magistrate deLaroche

Due to technical difficulty, the meeting began at 9:12 am.

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 August 24, 2023

SM deLaroche approved the minutes from 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

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. Attorney James Pickens was present and requested a continuance so the engineer could be available to present testimony. SM deLaroche inquired if the owner was intending to rebuild or demolish the buildings. Attorney Pickens stated that currently, the properties on either side of them haven't done any work on their seawalls. The owners are still considering their options. Ms. Herstein explained that the staff recommendation for a timeframe to correct would be for 7 months, ending by April 30th, because of the turtle season beginning May 1st. Staff is unsure whether the state will allow construction work to continue on the beach next year. If the case is continued, staff would be requesting the same compliance date. At a minimum, temporary armoring for the property should be in place. It was explained to Attorney Pickens that if the SM finds the property in violation at the next meeting, the property owner would have one fewer month to gain compliance. Special Magistrate deLaroche granted the continuance until the October 19, 2023, hearing. He stated that there would not be a third one granted.

- 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

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 with one violation for a non-compliant sign. The Notice of Violation was sent on May 3rd by Certified Mail, but no green card was returned. Ray Webb of Kenco Signs called the office to state he needed time to prepare engineered drawings to submit the permit application. He inquired why he hadn't heard of the sign issues when he replaced the broken sign faces. He was informed that the city didn't have knowledge of the sign faces being replaced beforehand because no permit was applied for or obtained. Mr. Webb stated that the owner was given the paperwork to send to the city. On August 3rd, the property was posted and the Notice of Violation was sent by First Class Mail. The property was reinspected on September 8th, and the non-conforming sign remained. The Statement of Violation/Request for Hearing and Notice of Hearing were sent and posted on the property. Good service was achieved. Ms. Herstein requested the property be found in violation and given 90 days for compliance to include approved final inspections, or a fine of \$150 per day be levied. Reimbursement of the Administrative Fee in the amount of \$149.09 was also requested.

Special Magistrate deLaroche issued Order #7 with 90 days to gain compliance to include final inspections 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.

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

The meeting ended at 9:30 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab