



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

OCTOBER 19, 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 September 21, 2023

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. Property Owner: Daytona Ocean Investment Corp
Violation Address: 2601 S. Atlantic Ave. in Daytona Beach Shores, FL

Code Enforcement Case #: SCDEF2023-11
Volusia County Tax Parcel ID #: 5322 00 04 0010

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

5. INITIAL HEARINGS

- A. Property Owner: 72-74 Lafayette Avenue Realty Corp.
Violation Address: 2624 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-14
Volusia County Tax Parcel ID #: 5322 00 04 0150
- B. 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
- C. Property Owner: Gold Mountain Investment LLC
Violation Address: 3619 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-15
Volusia County Tax Parcel ID #: 6302 05 03 0090

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, December 7, 2023, at 9:00 a.m.
- B. January's meeting is scheduled for Thursday, January 18, 2024, at 9:00 a.m.
- C. February's meeting is scheduled for Thursday, February 15, 2024, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

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



CODE ENFORCEMENT CASE SUMMARY OCTOBER 19, 2023 AGENDA

TO: The Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owner: Daytona Ocean Investment Corp
Violation Address: 2601 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case #: SCDEF2023-11
Volusia County Tax Parcel ID #: 5322 00 04 0010

TYPE OF HEARING:

First & Second Compliance Hearings

CODE(S) CITED:

City of Daytona Beach Shores Code of Ordinances, Appendix G - Land Development Code, Chapter 6, Section 6-7.5.

VIOLATION(S) FOUND:

Violation a) "Sea Scape INN" non-conforming sign remains in place beyond the ten-year period allowed by this section and the one-year extension granted by Resolution

REQUESTED ORDER(S):

11. First Compliance Hearing, not compliant by Ordered date
&
12. OR # 13. Second Compliance Hearing, impose entire fine OR reduce or rescind fine

POSSIBLE ORDERS:

1. Continuance
10. First Compliance Hearing, compliant by Ordered date
11. First Compliance Hearing, not compliant by Ordered date
12. Second Compliance Hearing, impose entire fine
13. Second Compliance Hearing, reduce or rescind fine

SUPPLEMENTARY INFORMATION:

Initial Hearing Date: July 13, 2023

Ordered Compliance Date: September 12, 2023 (61 days from the Initial Hearing)

Actual Compliance Date: September 22, 2023

Total Fined Days: 9

Ordered Fine: \$150.00 per day

Total Accrued Fines: \$1,350.00

Special Magistrate Approved Administrative Fees: \$149.09 (IH) *unpaid*

Additional Administrative Fees Requested: \$142.19 (FSCH)

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY OCTOBER 19, 2023 AGENDA

TO: The Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owner: Beachside Coastal LLC
Violation Address: 3150 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2023-05
Volusia County Tax Parcel ID #: 5334 00 02 0080

TYPE OF HEARING:

First Compliance Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Chapter 11. Florida Fire Prevention Code adopted by reference., which includes, in part, the Florida Statutes, Chapter 633, Section 633-222. Buildings with Light-frame Truss-type Construction; Notice Requirements; Enforcement, and of 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 14, Section 14-52.9.(B)(16) & (17) and (D)(1), (2), (4), (6), (7), & (9).

VIOLATION(S) FOUND:

Violation a) Building's required truss sign is faded and not easily eligible (Buildings 1, 2, 3, 4, 5, and 7) Rectified by September 13, 2023

Violation b) Exterior door openings abandoned without permits, north building faces (Buildings 4, 5, and 6)

Violation c) Fascia unprotected by paint in places (Buildings 1, 5, and 6)

Violation d) Gable end wood unprotected by paint in places (Buildings 5 and 6)

Violation e) Wood unprotected by paint in places, around A/C units (Buildings 4, 5, 6, and 7)

Violation f) Debris in the form of deteriorated building elements, south of building (Building 1) Rectified by September 13, 2023

Violation g) Open storage of building materials not covered by active permits, east of building (Building 2)

Violation h) Exhaust pipe rusting through paint, east building face (Building 1)

Violation i) Paint discolored in places around building (Buildings 1, 2, 2.5, 3, 4, 5, 6, and 7)

Violation j) Unit doors discolored (Buildings 3, 4, and 7)

Violation k) Door to Unit 3 deteriorated, hole at bottom (Building 1) Non-Compliant as of September 13, 2023

Violation l) Soffit deteriorates/missing in places (Buildings 1, 2.5, 3, 5, and 6)

Violation m) Fascia deteriorated /missing in places (*Buildings 1 and 3*)

Violation n) Roof vent turbine rusted and broken off (*Building 2.5*)

Violation o) Electrical weather-head missing from service mast, no drip loop in place (*Building 5*) Non-Compliant as of September 13, 2023 - visibly improved but associated permit 20231071 has not been inspected and final-approved

Violation p) Electrical service mast broken at meter can (*Building 6*) Non-Compliant as of September 13, 2023

Violation q) Window opening not properly abandoned, south building face (*Building 2*)

Violation r) Roof shingles missing in places (*Buildings 1 and 4*)

Violation s) Roof in disrepair, covered by tarps (*Buildings 2, 3, and 4*)

Violation t) Gutter not discharging water over 12" from building, northeast corner of building (*Building 1*)

Violation u) Wall is not structurally sound, cracked and/or leaning in places (Walls along north and west property lines) Non-Compliant as of September 13, 2023 - shortened north wall not properly capped and north wall gap not properly filled

Violation v) Wall is not maintained to present a cared-for aesthetic appearance (*Walls along north, south, and west property lines*)

Violation w) Exterior light fixture using interior bulbs, southwest corner (*Building 1*) Non-Compliant as of September 13, 2023

Violation x) Lamp post leaning, paint chipped and rusted-through in places, east of building (*Building 1*)

REQUESTED ORDER(S):

11. First Compliance Hearing, not compliant by Ordered date

POSSIBLE ORDERS:

1. Continuance

10. First Compliance Hearing, compliant by Ordered date

11. First Compliance Hearing, not compliant by Ordered date

SUPPLEMENTARY INFORMATION:

Initial Hearing Date: July 13, 2023

First Ordered Compliance Date: September 12, 2023 (61 days from the Initial Hearing) to correct Violations a), f), k), o), p), u), and w)

Second Ordered Compliance Date: January 15, 2024 (186 days from the Initial Hearing) to correct Violations b), c), d), e), g), h), i), j), l), m), n), q), r), s), t), v), and x)

Ordered Fine: \$250.00 per day

Special Magistrate Approved Administrative Fees: \$162.89 (IH) *unpaid*

Additional Administrative Fees Requested: \$92.43 (FCH)

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY OCTOBER 19, 2023 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: 72-74 Lafayette Avenue Realty Corp.

Violation Address: 2624 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-14

Volusia County Tax Parcel ID #: 5322 00 04 0150

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. and Chapter 14, Section 14-52.9.(D)(3).

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

Violation b) Non-conforming pole sign, pole housing, and other broken elements remain though part of the cabinet and the sign faces were destroyed, sign is non-conforming and the amortization period allowing repair has ended, east side of property

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 OCTOBER 19, 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) Soffit 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 OCTOBER 19, 2023 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Gold Mountain Investment LLC

Violation Address: 3619 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-15

Volusia County Tax Parcel ID #: 6302 05 03 0090

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., Section 6-4.3.(a), Section 6-8.6.1, Section 6-8.6.1.(d)., and Section 6-8.6.1.(h).

VIOLATION(S) FOUND:

Violation a) "Sand Castle MOTEL" non-conforming sign remains in place beyond the ten-year period allowed by this section and the one-year extension granted by Resolution

Violation b) "Sand Castle MOTEL" sign is closer than 2 feet from "right-of-way" (appears to be on the lot line)

Violation c) "Sand Castle MOTEL" sign is wider than the 8 feet width allowed by code (is 9 feet, 11 inches wide at the horizontal median line of the sign face)

Violation d) "Sand Castle MOTEL" sign does not have 6 inch to 12 inch street address numbers on north and south faces of the sign

Violation e) "Sand Castle MOTEL" sign does not have landscaping installed around the sign base

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