

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
December 7, 2023
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

A. Opening Statement by Special Magistrate deLaroche

SM deLaroche called the meeting to order at 9:00 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

Ms. Herstein advised that case #CDEF2023-25 was removed from the agenda.

3. MINUTES

A. Code Enforcement Special Magistrate Minutes Oct. 19, 2023

SM deLaroche approved the minutes from October 19, 2023.

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

- A. Property Owners: Sea Oats Limited, L.L.P. & Club Sea Oats Association, Inc.
Violation Address: 2539 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-37
Volusia County Tax Parcel ID #: 5322 03 01 0110

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. It was noted that there was a scrivener's' error on the case summary page regarding the parcel ID. The correct number is #5322-49-00-0001, which relates to the common area on the property. This was an Initial Hearing due to damage from Hurricane Nicole with six violations. A Notice of Violation was sent on September 12, 2023, and good service was achieved to the Registered Agents. The property was also posted. Slides of the six violations were shown to include: a) seawall is structurally flawed and leaning eastward; b) seawall is non-functional and not structurally sound; c) pool deck has collapsed in places; d) pool and pool deck are undermined; e) seawall is not in good repair, missing in places, and is not protecting property elements; f) railing is not in good repair and missing in places. The property was re-inspected on November 22, 2023, and found all the violations remained. A Statement of Violation/Request for Hearing and Notice of Hearing were sent and good service was achieved. Ms. Herstein recommended and showed Order 7, with a compliance date of April 30, 2024. This included full completion, final engineering certification and approved final inspections. Reimbursement of the Administrative Fee in the amount of \$176.69 was requested. If not compliant by the ordered date, a fine of \$250 per day would begin. Staff also requested that within 45 days, January 22, 2024, temporary measures be in place for the existing, askew seawall.

Zoe Conifer, the Board Secretary for Sea Oats, was present for the Respondent. She explained that the board has a meeting scheduled on December 16th to discuss and approve funding for the repairs. Contractor, Parker Osborne, stated that he could complete both the deadline for temporary measures and the deadline for a new seawall project if funding was granted. The Special Magistrate requested that Ms. Conifer call the Code Enforcement Office on December 18th to advise whether the loan package was approved. SM deLaroche issued Order #7 granting until April 30, 2024, to gain full compliance including full completion of the new seawall with backfill complete and a copy of the final engineering certification submitted to the Daytona Beach Shores Building Division office along with obtaining approved final inspections on all required City of Daytona Beach Shores permits or a fine of \$250 per day would begin. He ordered reimbursement of the Administrative Fee in the amount of \$176.69 payable within 30 days.

- B. Property Owner: Kellywood Club 001, LLC
Violation Address: 3221 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2023-25
Volusia County Tax Parcel ID #: 5335 01 02 0010

This item was removed.

6. CLOSING REMARKS

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

C. March's meeting is scheduled for Thursday, March 21, 2024, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

The meeting ended at 9:23 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab