



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

JANUARY 18, 2024

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 the Agenda by City staff

3. MINUTES

- A. Code Enforcement Special Magistrate Minutes December 7, 2023

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. Property Owner: Beachside Coastal LLC
Violation Address: 3150 S. Atlantic Ave. in Daytona Beach Shores, FL

5. INITIAL HEARINGS

- A. Property Owners: Daytona Ocean Breeze Apartments FL LLC & Daytona Ocean Breeze Apartments FL TIC LLC
Violation Address: 140 Cascade Terrace in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2023-54
Volusia County Tax Parcel ID #: 5335 01 05 0120
- B. Property Owner: Pirates Cove (Volusia County) Condominium Association, Inc
Violation Address: 3501 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-47
Volusia County Tax Parcel ID #: 6302 36 00 0001
- C. Property Owner: OC 3711, LLC
Violation Address: 3711 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-50
Volusia County Tax Parcel ID #: 6302 05 05 0070

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, February 15, 2024, at 9:00 a.m.
- B. March's Meeting is scheduled for Thursday, March 21, 2024, at 9:00 a.m.
- C. April's Meeting is scheduled for Thursday, April 18, 2024, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

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



CODE ENFORCEMENT CASE SUMMARY JANUARY 18, 2024 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 Number: PCDEF2022-61
Volusia County Tax Parcel ID #: 5334-00-02-0080

TYPE OF HEARING:

Second Compliance Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" - Land Development Code, Chapter 5, Section 5-6., which refers, in part, to the Florida Building Code - Seventh Edition (2020), Chapter 1, Section 105.1. Required.

VIOLATION(S) FOUND:

- a) No plumbing permit was obtained for replacement of plumbing lines between buildings on the property
- b) No building permit was obtained for opening walls to access plumbing lines in multiple units on property (in at least Units #1, #2, #3, #14, & #15)
- c) No plumbing permit was obtained for altering or replacing plumbing lines in multiple units on the property (in at least Units #1, #2, #3, #14, & #15)

REQUESTED ORDER(S):

- #12. Second Compliance Hearing, impose entire fine
OR
#13. Second Compliance Hearing, reduce or rescind fine

POSSIBLE ORDERS:

- # 1. Continuance
#12. Second Compliance Hearing, impose entire fine
#13. Second Compliance Hearing, reduce or rescind fine

SUPPLEMENTARY INFORMATION:

Initial Hearing Date: January 19, 2023

Ordered Compliance Dates:

February 15, 2023, to obtain all required permits (27 days from the Initial Hearing) and

March 20, 2023, to complete all work including having obtained approved final inspections on all required permits (60 days from the Initial Hearing)

Ordered Fine: \$250.00 per day

Date Full Compliance was Achieved: October 25, 2023

Total Fined Days: 240 days

February 16, 2023, through March 9, 2023 (22 days)

March 21, 2023, through October 24, 2023 (218 days)

Total Accrued Fine: \$60,000.00

Special Magistrate Approved Administrative Fees: \$149.9 (IH) was paid February 15, 2023, & \$85.53 (FCH) was paid October 31, 2023

Additional Administrative Fees Requested: \$128.03 (SCH),

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY JANUARY 18, 2024 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owners: Daytona Ocean Breeze Apartments FL LLC & Daytona Ocean Breeze Apartments FL TIC LLC

Violation Address: 140 Cascade Terrace in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2023-54

Volusia County Tax Parcel ID #: 5335 01 05 0120

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 14, Section 14-52.9.(B)(17), (D)(1), (D)(3), (D)(6), (D)(7), & (D)(8)

VIOLATION(S) FOUND:

Violation c) Piles and stacks of concrete blocks stored openly on the property in places, esp. southwest corner of property and south property line

Violation d) Wood, fence pieces, vegetative debris, and miscellaneous debris stored openly on the property

Violation e) Trash and debris stuffed behind dumpster - trash and debris was moved from behind dumpster but was still present

Violation i) Soffit is falling in places and missing in others - violation has been rectified in places but remains in others

Violation j) fascia covers are missing in places, wood exposed

Violation k) Fascia wood deteriorated in places

Violation l) Roof drip edge is missing in places

Violation m) Gutter pieces missing in places, at least one downspout not connected

Violation n) Walls along south property line are discolored

Violation o) Walls along south property line are discolored

Violation p) West wall at southwest corner is in disrepair

Violation q) Dumpster enclosure is half-missing leaving dumpster exposed to view from the street

REQUESTED ORDER(S):

#7. Initial Hearing, In Violation w/ fees
and possibly #4. Initial Hearing, No Fine Standing Order, currently compliant, w/out fees
or #5. Initial Hearing, No Fine Standing Order, currently compliant, 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 JANUARY 18, 2024 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Pirates Cove (Volusia County) Condominium Association, Inc

Violation Address: 3501 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-47

Volusia County Tax Parcel ID #: 6302 36 00 0001

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 14, Section 14-52.9.(C)., Chapter 14, Section 14-52.9.(D)(1), (D)(2), and (D)(7).

VIOLATION(S) FOUND:

Violation a) Retaining wall at northeast corner of property is flawed and missing in places with only temporary sandbags preventing further damage to property from high surf events

Violation b) Structure at northeast corner of property is flawed and missing walls and a roof

Violation c) Paint on seawall is deteriorated and peeling

Violation d) Retaining wall at northeast corner of property is flawed and missing in places with only temporary sandbags preventing further damage to property from high surf events

Violation e) Structure at northeast corner of property is flawed and missing walls and a roof

Violation f) Concrete spalling in multiple places on seawall, evidenced by exposed rebar and rust streaks

Violation g) Pool deck undermined in places

Violation h) Retaining wall at northeast corner of property is not in good repair/missing and is not protecting property elements

Violation i) Paint on seawall is deteriorated and peeling

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 JANUARY 18, 2024 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: OC 3711, LLC

Violation Address: 3711 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-50

Volusia County Tax Parcel ID #: 6302 05 05 0070

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 14, Section 14-52.9.(C), (D)(1), (D)(2), (D)(7).

VIOLATION(S) FOUND:

Violation a) Seawall has failed and is missing in places

Violation b) Pool deck has collapsed at northeast corner

Violation c) Paint on seawall is deteriorated and peeling

Violation d) Seawall does not appear to be structurally sound and sections are missing

Violation e) Seawall is not in good repair, is missing in places, and is not protecting property elements

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