

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
January 18, 2024
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 the Agenda by City staff

3. MINUTES

A. Code Enforcement Special Magistrate Minutes December 7, 2023

SM deLaroche approved the minutes from 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
Code Enforcement Case Number: PCDEF2022-61
Volusia County Tax Parcel ID #: 5334-00-02-0080

This case was continued to the next regular meeting.

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

This case was removed from the agenda.

- 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

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. Richard Merlino, President of the COA, was present for the hearing. This was an Initial Hearing with nine violations, but as of the hearing, violation g) was removed. The property was damaged in 2022 by Hurricanes Ian and Nicole. A Notice of Violation was sent on November 1, 2023, and good service was achieved. The property was issued an FDEP permit for the north wall on an emergency basis for 90 days. It was renewed in December but was set to expire in February 2024. Work still has not begun on the seawall. The property was reinspected on January 5, 2024, and the violations remained. A Statement of Violation/Request for Hearing and Notice of Hearing were sent, and good service was achieved. Slides were shown of the eight violations. Staff recommended Order #7 as follows: the Respondent is ordered to correct the violations identified as a), d), and h) on or before January 20, 2025, which may be accomplished by completing the planned, approximately 70-foot new wall along the north side the building, including submitting an approved final engineer's report to the Daytona Beach Shores Building Division Office and obtaining approved final inspections on all required DBS permits for this work on or before January 20, 2025, and to correct the violations identified as b), c), e), f), and i) on or before April 30, 2025, including submitting an approved final engineer's report to the Daytona Beach Shores Building Division Office and obtaining approved final inspections on all required DBS permits for this work on or before April 30, 2025. Reimbursement of the Administrative Fee in the amount of \$162.89 was also requested. In the event the Respondent does not comply with this Order, a fine of \$250 per day will be imposed.

Richard Merlino spoke on behalf of the Pirate's Cove COA. He explained that the building lost its roof during the storm and was unoccupied for 6-8 months. A restoration company came in to renovate the rooms. He stated that building owners are responsible for all common areas. They have engineering plans but they have been held up by Volusia County. The seawall was lost during Hurricane Ian and the county informed them that part of their north parking lot belonged to the county. He has been trying to work with them on replacing the wall. The county still did not have plans for their portion of the wall.

SM deLaroche issued Order #7 as presented and ordered reimbursement of the Administrative Fee in the amount of \$162.89 payable within 30 days.

- C. Property Owner: OC 3711, LLC
Violation Address: 3711 S. Atlantic Ave. in Daytona Beach Shores, Florida

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 are available to the Respondent or their rep. The Special Magistrate accepted the documents with no objection. This was an Initial Hearing with five violations that resulted from hurricane damage to the property. The property is a hotel that has been unoccupied since the storms. A Notice of Violation was sent on November 1, 2023, and good service was achieved. The property was inspected on January 5, 2024, and all the violations remained. On January 8, 2024, a Statement of Violation/Request for Hearing and Notice of Hearing was generated, and good service was achieved. Slides were shown of the property. There was no one in attendance to represent the property at the hearing. Staff recommended Order #7 be issued with temporary measures to protect the intact portions of the property and building on or before April 17, 2024; to correct Violations a), d), and e), including fully backfilling west of the repaired/replaced seawall and providing a copy of the final engineer's report for said work by July 18, 2024; and to correct Violations b), and c) on or before January 20, 2025, including obtaining approved final inspections on all required City of Daytona Beach Shores permits by January 20, 2025. In the event the Respondent does not comply with this Order, a fine of \$250 per day will be imposed. Reimbursement of the Administrative Fee in the amount of \$149.09 was included.

SM deLaroche issued Order #7 as presented and 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, 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

The meeting ended at 9:51 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab