



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

FEBRUARY 15, 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 January 18, 2024

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. Property Owner: Oceanside Inn Condominium Association, Inc.
Violation Address: 1909 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: PCDEF2022-55
Volusia County Tax Parcel ID #: 5316 31 00 0001

- B. 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
- C. Property Owner: WLW Capital LLC
Violation Address: 3738 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2023-06
Volusia County Tax Parcel ID #: 6302 05 08 0180

5. INITIAL HEARINGS

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, March 21, 2024, at 9:00 a.m.
- B. April's Meeting is scheduled for Thursday, April 18, 2024, at 9:00 a.m.
- C. May's Meeting is scheduled for Thursday, May 16, 2024, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

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
Code Enforcement Case #: SCDEF2023-50

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



CODE ENFORCEMENT CASE SUMMARY FEBRUARY 15, 2024 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Oceanside Inn Condominium Association, Inc.

Violation Address: 1909 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: PCDEF2022-55

Volusia County Tax Parcel ID #: 5316 31 00 0001

TYPE OF HEARING:

First 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. Building Code adopted. which refers, in part, to the Florida Building Code - Seventh Edition (2020), Chapter 1, Section 105.1 Required., and Appendix "G" - Land Development Code, Chapter 14, Section 14-52.9.(C) and (D)(2).

VIOLATION(S) FOUND:

- a) Daytona Beach Shores building, electrical, and plumbing permits numbered 20211125, 20211265, and 20211266 respectively were revoked by their contractors after work began
- b) Work conducted under Daytona Beach Shores building, electrical, and plumbing permits numbered 20211125, 20211265, and 20211266 respectively is currently unpermitted work
- c) First floor ceiling near the elevators is structurally flawed
- d) Concrete is spalled on first floor ceiling near elevators

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: February 16, 2023

First Ordered Compliance Date: March 20, 2023 (32 days from the Initial Hearing), *to submit signed and sealed drawings prepared by a Florida-licensed structural engineer for shoring and repair of the identified concrete spalls on the property.* This deadline was met.

Second Ordered Compliance Date: June 16, 2023 (120 days from the Initial Hearing), *to shore areas compromised by the identified concrete spalls per said engineered drawings.* This deadline was met.

Third Ordered Compliance Date: October 16, 2023 (228 days from the Initial Hearing), to fully correct all violations associated with this case including having obtained all required permits and approvals including approved final inspections on all required permits. This deadline was not met.

Ordered Fine: \$250.00 per day

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

Additional Administrative Fees Requested: \$99.33 (FCH)

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY FEBRUARY 15, 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 FEBRUARY 15, 2024 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: WLW Capital LLC

Violation Address: 3738 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2023-06

Volusia County Tax Parcel ID #: 6302 05 08 0180

TYPE OF HEARING:

First Compliance Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Chapter 13, Section 13-5. and Appendix G - Land Development Code, Chapter 14, Section 14.52.9.(B)(16)., and Sections 14-52.9.(D)(1), (2), (6), (8), & (12).

VIOLATION(S) FOUND:

Violation a) Weeds are over 12 inches high in landscaping bed east of building

Violation b) Siding is in disrepair on large shed near south property lines

Violation c) Stucco missing at northeast corner of building

Violation d) Roof overhang appears to be weakened and may not be fully fastened and supported, east building face

Violation e) Dumpster enclosure appears to be structurally unsound, top-to-bottom crack at southwest corner

Violation f) Roof overhang is visibly drooping along east side

Violation g) Roof is missing drip edge along top and bottom of east overhang

Violation h) Fascia is missing at northeast corner of building and south end

Violation i) Dumpster enclosure is missing gates which formerly faced northwest, dumpster is exposed to view from street

Violation j) Dead plant material and weeds in landscaping bed east of building

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: August 24, 2023

Ordered Compliance Date: December 22, 2023 (120 days from the Initial Hearing) to correct all violations including obtaining approved final inspections on all required permits

Ordered Fine: \$250.00 per day

Special Magistrate Approved Administrative Fees: \$162.89 (IH) - paid August 24, 2023

Additional Administrative Fees Requested: \$85.53 (FCH)

Please see supplementary document packet

ATTACHMENT: None