

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
February 15, 2024
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

SM deLaroche called the meeting to order at 9:00 am.

A. Opening Statement by Special Magistrate deLaroche

B. Swearing in Witnesses

The code enforcement officer was sworn in for the day's hearings.

2. OPENING REMARKS

A. Indication of any cases being removed from the Agenda by City staff

There were no cases removed from the agenda.

3. MINUTES

A. Code Enforcement Special Magistrate Minutes January 18, 2024

SM deLaroche approved the minutes from 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

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 a First Compliance hearing. The Initial Hearing took place on February 16, 2023, and was found to have four violations. Two violations were for permits for the lobby renovations and two were for spalled concrete near the elevator shaft. The Respondent was

given three compliance dates at the Initial Hearing. The first two dates were met. The third date required full compliance by October 16, 2023. On October 27, 2023, violations c) and d) were made compliant, leaving only violations a) and b) non-compliant. The Notice of First Compliance Hearing was delivered, and good service was achieved. Staff requested Order #11 be imposed and requested an additional Administrative Fee in the amount of \$99.33. It was noted that the original Administrative Fee was still unpaid. The total due was \$262.22. Attorney Leanne Wagner was in attendance for the Respondent and had no objection to the city's statement of facts.

SM deLaroche issued Order 11 finding that the Respondent failed to comply with the Code Enforcement Order of February 16, 2023, and imposed a daily fine of \$250.00 beginning October 17, 2023. He ordered reimbursement of the Administrative Fee in the amount of \$262.22, payable within 7 days.

- 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

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. She stated that she received a phone call this morning requesting a continuance, so their attorney could be present. The property is fully compliant at this time. If a continuance was granted, reimbursement of the Administrative Fee in the amount of \$79.16 would be requested. Property manager, Mike Bretzel was in attendance. He explained that Attorney Victoria Zinn had been retained a month ago but had a conflict with attending today.

SM deLaroche granted a second continuance until the next scheduled meeting. He ordered the Administrative Fee of \$79.16 be paid within 30 days.

- 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

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 a First Compliance Hearing. The Initial Hearing took place on August 24, 2023. There were ten violations cited with a compliance date of December 22, 2023. The property was re-inspected on January 9, 2024. It was determined that six violations were fully rectified. A Notice of Partial Compliance was generated. The Notice of First Compliance Hearing was generated, and good service was achieved. Slides were shown of the four remaining violations (d, f, g, and j). Staff requested that an Order #11 be imposed with a fine of \$250 per day. The additional Administrative Fee in the amount of \$85.53 was also requested to be reimbursed.

Mr. William Williams was present as the property owner. He explained that he had been trying to secure the required permits, but the drawings took longer than anticipated.

SM deLaroche issued Order 11 finding that the Respondent failed to comply with the Code Enforcement Order of August 24, 2023, and imposed a daily fine of \$250.00 beginning December 23, 2023. He ordered reimbursement of the Administrative Fee in the amount of \$85.53 payable within 30 days.

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

The meeting ended at 9:33 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab