City of Daytona Beach Shores

"Life is Better Here"
"A Premier, Friendly Place to Be"

AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
MARCH 21, 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 February 15, 2024

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

5. INITIAL HEARINGS

A. Property Owner: Holiday Shores Condominium Association, Inc.
Violation Address: 2617 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-40
Volusia County Tax Parcel ID #: 5322 21 00 0001

B. Property Owner: 3159 South Atlantic, LLC
Violation Address: 3159 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-45
Volusia County Tax Parcel ID #: 5334 00 02 0110

6. CLOSING REMARKS

A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, April 18, 2024, at 9:00 a.m.

B. May's meeting is scheduled for Thursday, May 16, 2024, at 9:00 a.m.

C. June's meeting is scheduled for Thursday, June 20, 2024, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

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

CODE ENFORCEMENT CASE SUMMARY
MARCH 21, 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
MARCH 21, 2024 AGENDA

TO: The Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owner: Holiday Shores Condominium Association, Inc.
Violation Address: 2617 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-40
Volusia County Tax Parcel ID #: 5322 21 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)., Section 14-52.9.(D)(2) & (D)(7).

VIOLATION(S) FOUND:

Violation a) Seawall is structurally flawed and missing in places with only temporary sandbags preventing further damage to property from high surf events
Violation b) Seawall is non-functional and is not structurally sound
Violation c) Pool deck has collapsed in places
Violation d) Pool and pool deck are undermined
Violation e) Seawall is not in good repair/missing and is not protecting property elements
Violation f) Rail above seawall is missing

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
MARCH 21, 2024 AGENDA

TO: The Code Enforcement Special Magistrate
FROM: Gwyn Herstein, Code Enforcement Coordinator
PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator
SUBJECT: Property Owner: 3159 South Atlantic, LLC
Violation Address: 3159 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-45
Volusia County Tax Parcel ID #: 5334 00 02 0110

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)(3) & (B)(8). and Section 14-52.9.(D)(2).

VIOLATION(S) FOUND:

Violation a) Unprotected property creates an attractive nuisance which is open to trespass from the beach and used to access the beach
Violation b) Land on the east side of the property was eroded away when the seawall was destroyed in late 2022, no restoration [has been] permitted or begun
Violation c) Unprotected property erosion is potentially injurious to adjacent properties
Violation d) Seawall was destroyed in late 2022, no restoration [has been] permitted or begun

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