



# City of Daytona Beach Shores

*"Life is Better Here"*

*"A Premier, Friendly Place to Be"*

## **AGENDA CODE ENFORCEMENT BOARD MEETING SEPTEMBER 17, 2019 2:00 PM, 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 Board, 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**

### **2. OPENING REMARKS**

- A. Indication of any Cases to be Removed from Agenda

### **3. MINUTES**

- A. Minutes from July 16, 2019, Code Enforcement Board Meeting

### **4. ADVANCED HEARINGS (Post-Initial Hearings)**

- A. SECOND COMPLIANCE HEARING  
Property Owner: Udon Daytona Resort Fee Owner, LLC  
Violation Address: 2637 S. Atlantic Avenue in Daytona Beach Shores, FL  
Code Enforcement Case #: FCDEF2018-64  
Volusia County Parcel ID #: 5322-00-04-0090

### **5. INITIAL HEARINGS**

### **6. CLOSING REMARKS**

- A. Staff thanks and regards

**7. BOARD COMMENTS**

**8. ADJOURNMENT**

**MINUTES**  
**CODE ENFORCEMENT BOARD MEETING**  
**July 16, 2019**  
**3000 Bellemead Drive Daytona Beach Shores, FL 32118**

**1. CALL TO ORDER**

**Present:** Member Ike Ofer, Member Van Alder, Chairman Larry Saffer, Member Clay Getz and Member Lowell Wynn

**Staff:** Board Attorney Lonnie Groot, Gwyn Herstein, Steve Edmunds and Fred Hiatt.

**2. OPENING REMARKS**

A. Indication of any Cases removed from this Agenda by Staff

There were no cases removed from the agenda by staff.

Board Attorney Groot swore in all witnesses for the day's hearings.

**3. MINUTES**

A. Minutes from April 23, 2019, Code Enforcement Board meeting

Chairman Saffer requested one change on page two, from he to she.

**MEMBER LOWELL WYNN moved, seconded by MEMBER CLAY GETZ to Approve Minutes from April 23, 2019, Code Enforcement Board meeting.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Member Van Alder, Member Clay Getz, Member Ike Ofer, Chairman Larry Saffer, Member Lowell Wynn

**4. ADVANCED HEARINGS (Post-Initial Hearings)**

A. First and Second Compliance Hearings  
Property Owner: Castle Enterprises South Corp.  
Violation Address: 3310 S. Atlantic Avenue in Daytona Beach Shores, FL  
Code Enforcement Case #: CDEF2019-02  
Volusia County Parcel ID #: 5335-04-00-0022

First Compliance Hearing -

Ms. Herstein asked that all documents be accepted into evidence. The chairman accepted the documents. The case originally began on January 17, 2019. The violations were read for the record. The case was brought before the board on March 19, 2019. It was found to be in violation by the board and given 90 days to gain compliance or a fine of \$250 per day would be imposed. A permit application was submitted less than a month later but it required additional plans that were not turned in. Inspector Steve Edmunds send two different letters of explanation to the Respondent. The office received the one page bank stabilization plan from the engineer on June 12th and the permit was obtained on June 13th. The board compliance date was June 17th. The contractor reached out to see if

seeding the property would be accepted instead of sodding and was told that would be okay. Inspector Edmunds inspected the property on June 18th, at two different time to determine if compliance was achieved. Pictures were shown of the property on that date. The property gained compliance on June 20th by the afternoon inspection. The pile of concrete was gone and the lot was seeded. The permit was finalized on June 20th as well. The notice for First and Second Compliance Hearings were sent and good service was achieved. Ms. Herstein asked Building Inspector Steve Edmunds if the pictures and documents presented were true and accurate. He replied they were. She asked if the events presented were true and accurate and he replied affirmatively. She asked him to explain his June 18-20 property inspections and the pictures he had taken. He explained that he visited the property twice a day on these dates until compliance was achieved. On the last day, the concrete was removed. She inquired if he would have been able to final the permit anytime before June 20th? He responded negatively due to the pile of concrete that remained and the sod that needed to be placed before the permit could be closed. There were no additions or corrections to the record.

Staff requested that the board find the property was in violation beyond the date ordered and to impose a fine of \$250 per day for 2 days. She requested reimbursement for an additional \$76.31 Administrative Fee.

Mr. Getz inquired about the handrail. It was explained that since the slope of the ground was changed, the handrail was no longer required. It was removed prior to the compliance date.

Attorney Debbie Hallisky spoke for Mr. Harner. She requested the board waive the \$500 fine. She explained the issue for Mr. Harner with obtaining the permit was due to hiring an engineer to address the city's concerns. She reiterated Mr. Harner's concerns regarding the building next door and the run off/erosion problem. Once the engineering plan was approved by the city, there were two days of heavy rain so the property could not be seeded. The tractor was also not able to remove the concrete due to the weather.

Mr. Alder inquired in the property next door had any code violations due to the gutter issue.

Ms. Herstein replied that city staff have not seen any violations.

the board held a brief discussion and agreed that the property was not compliant by the date specified.

**MR GETZ moved, seconded by MR ALDER that based on the testimony given and the evidence presented today regarding Castle Enterprises South Corp. at 3310 S. Atlantic Avenue, Case Number CDEF2019-02, Parcel Number 5335-04-00-0022, find that the Respondent has failed to comply with the Board's Order of March 19, 2019 and to impose a fine in the amount of \$250 per day for each and every day the violation continues as stated in this Board's prior Order, plus an additional Administrative Fee of \$76.31 against the Respondent, and the Respondent is further ordered to contact the Code Enforcement Office to verify compliance with the Orders entered in this case.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Member Van Alder, Member Clay Getz, Member Ike Ofer, Member Lowell Wynn, Chairman Larry Saffer

## Second Compliance Hearing

Ms. Herstein stated that of the four violations on the property, three were not compliant by the board's ordered date. Violation b) the hand rail was compliant. She noted that each remaining violation could be considered a life safety issue with a fine of \$250 per day. It is the board's decision.

Mr. Wynn felt the case had been very contentious with extenuating circumstances. He noted that the property was now compliant. After a brief discussion, the board was in consensus to waive the \$500 fine.

**MR ALDER moved, seconded by MR WYNN based on the testimony given and the evidence presented today regarding Castle Enterprises South Corp at 3310 S. Atlantic Avenue, Case Number CDEF2019-02, Parcel Number 5335-04-00-0022, to find that, while the property is compliant at this time, the Respondent did not comply with the Code Enforcement Board's Order of march 19, 2019, by the date specified in that Order. However, based on the extenuating circumstances listed, he further moved to reduce the fines to \$0 plus total Administrative Fees of \$217.29.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Member Van Alder, Member Clay Getz, Member Ike Ofer, Member Lowell Wynn, Chairman Larry Saffer

## 5. INITIAL HEARINGS

### A. Initial Hearing

Property Owner: CCGCPETER LLC

Violation Address: 2035 Schulte Avenue in Daytona Beach Shores, FL

Code Enforcement Case #: CDEF2019-18

Volusia County Parcel ID #: 5316-18-00-1090

Ms. Herstein requested that all documents be accepted into evidence. The chairman accepted the documents. The violations were read for the record. The Notice of Violation was sent on March 22, 2019. Pictures were shown of the violations to the board members. The property owner called the office to discuss the violations. He requested contractor lists that were emailed to him. On June 10th, a Statement of Violation/Request for Hearing and Notice of Hearing were mailed by Certified Mail. The property was reinspected again on July 1st and most violations were still present. Staff requested that the board allow until August 30th or impose a fine of \$175 per day. Reimbursement of the Administrative Fee in the amount of \$140.98 was also requested. It was noted that the respondent was not able to attend the hearing as he was in south Florida.

**MR. ALDER moved, seconded by MR GETZ, based on the testimony given and the evidence presented today regarding CCGCPETER LLC at 2035 Schulte Avenue, Case Number CDEF2019-18, Parcel Number 5316-18-00-1090, to find the property in violation of the City Codes enumerated in the Statement of Violation and the charges**

as set forth in the agenda and that the Respondent be Ordered to correct the violations identified as A, B, C, D on or before August 30th , including obtaining approved final inspections on all required permits, and pay an Administrative Fee of \$140.98. In the event the Respondent does not comply with the Order, a fine of \$175 will be imposed for each and every day the violations continue past the aforesated date and additional Administrative Fees may be approved by the Board at subsequent hearings and imposed. The Respondent is further ordered to secure all required permits before beginning correction of said violations and to contact the City of Daytona Beach Shores Code Enforcement Office to report and verify compliance with this Order. Any recurrent violation of these Codes by the Respondent within five (5) years may be treated as a Repeat Violation for which a fine of up to \$500.00 per day may be imposed.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Member Van Alder, Member Clay Getz, Member Ike Ofer, Member Lowell Wynn, Chairman Larry Saffer

B. Initial Hearing

Property Owners: Kaushik & Deborah Pandya

Violation Address: 3051 S. Atlantic Avenue, Unit 1003 in Daytona Beach Shores, FL

Code Enforcement Case #: PCDEF2019-22

Volusia County Parcel ID #: 5327-08-01-J030

Ms. Herstein asked that all documents be accepted into evidence. The chairman accepted the documents. The violation was read for the record. The case began when an open electrical permit expired. The Notice of Violation was posted and mailed First Class on May 13, 2019. A new permit application was provided for the owner on May 17th. It was for five mini can lights to be installed. A Statement of Violation/Request for Hearing and Notice of Hearing were posted on the door of the unit and sent by both Certified and First Class mail on June 11, 2019. The owner and his contractor came in on July 11th to submit an after-the-fact permit application. The permit was issued and the property was final inspected earlier today (July 16). Staff requested a no fine standing order with reimbursement for the \$140.98 Administrative Fees.

Ms. Deborah Pandya spoke on her own behalf. She explained and apologized stating that it took numerous calls to their contractor for him to get a final inspection.

**MR. GETZ moved, seconded by Mr. ALDER, based on the testimony given and the evidence presented today regarding Kaushik & Deborah Pandya at 3051 S. Atlantic Avenue, Unit 1003, Case Number PCDEF2019-22, Parcel Number 5327-08-01-J030, find that the Respondents violated the City Code enumerated in the Statement of Violation and the charge as set forth in the agenda and failed to correct the violation identified as A by the time specified for correction by the Code Inspector and therefore is required to pay an Administrative Fee of \$140.98. He further moved to find that said property is now in compliance with regard to stated Code and any recurrent violation of the same Code by the Respondent within five (5) years may be treated as a Repeat Violation, for which a fine of up to \$500.00 per day may be**

**imposed.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Member Van Alder, Member Clay Getz, Member Ike Ofer, Member Lowell Wynn, Chairman Larry Saffer

C. Initial Hearing

Property Owners: Ramesh Yeluri & Krishna Yeluri, as Trustees of the Ramesh Yeluri & Krishna Yeluri Revocable Living Trust

Violation Address: 3760 S. Atlantic Avenue in Daytona Beach Shores, FL

Code Enforcement Case #: CDEF2019-20

Volusia County Parcel ID #: 6302-05-08-0320

Ms. Herstein asked that all documents be accepted into evidence. The chairman accepted the documents. The violations were read for the record. Ms. Herstein noticed the violations on March 8th while in the area. A Notice of Violation was sent on April 2 by Certified Mail but was returned on May 9th. John Jones, the local representative, came into the office on April 8th and spoke with staff regarding options for the roof and siding. The property has both an east and west building with a total of 10 units. The property was posted on April 30th. On June 7th, a building permit application was submitted to add siding to the buildings. A Statement of Violation/Request for Hearing and Notice of Hearing were sent on June 10th. The property was also posted and good service was achieved. The property was inspected on July 15th and was deemed fully compliant. Pictures were shown to the board of the violations. Staff requested that the board find that the violations went beyond the time allowed by the Code Enforcement Office. The reimbursement of the Administrative Fee in the amount of \$140.98 was also requested.

**MR. ALDER moved, seconded by Mr. GETZ, based on the testimony given and the evidence presented today regarding Ramesh Yeluri & Krishna Yeluri, as Trustees of the Ramesh Yeluri & Krishna Yeluri Revocable Living Trust at 3760 S. Atlantic Avenue, Case Number CDEF2019-20, Parcel Number 6302-05-08-0320, to find that the Respondents violated the City Codes enumerated in the Statement of Violation and the charges as set forth in the agenda and failed to correct the violations identified as A through G by the time specified for correction by the Code Inspector and therefore is required to pay an Administrative Fee of \$140.98. He further moved to find that said property is now in compliance with regard to stated Codes and any recurrent violation of the same Code by the Respondent within five (5) years may be treated as a Repeat Violation, for which a fine of up to \$500.00 per day may be imposed.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

**Yes:** Member Van Alder, Member Clay Getz, Member Ike Ofer, Member Lowell Wynn, Chairman Larry Saffer

6. CLOSING REMARKS

Ms. Herstein announced that the city was utilizing new software for agendas and minutes to comply with ADA regulations.

- A. Next Code Enforcement Board Meeting will be on August 20, 2019, if needed

## **7. BOARD COMMENTS**

Chairman Saffer announced that the City Council had decided to begin utilizing a Special Magistrate for Code Enforcement cases. He added that the council had made changes to other boards as well. Board Attorney Lonnie Groot advised that this was a trend in local government and not to take it personally. Mr. Saffter would like to hold a small celebration with refreshments at their last meeting.

## **8. ADJOURNMENT**

The meeting ended at 2:54 p.

Attest:

---

**Cheri Schwab, Recording Secretary**

---

**Larry Saffer, Board Chairman**



## **CODE ENFORCEMENT CASE SUMMARY SEPTEMBER 17, 2019 AGENDA**

**TO:** The Members of the Code Enforcement Board

**FROM:** Gwyn Herstein, Code Enforcement Coordinator

**PREPARED BY:** Gwyn Herstein, Code Enforcement Coordinator

**SUBJECT:** SECOND COMPLIANCE HEARING

Property Owner: Udon Daytona Resort Fee Owner, LLC

Violation Address: 2637 S. Atlantic Avenue in Daytona Beach Shores, FL

Code Enforcement Case #: FCDEF2018-64

Volusia County Parcel ID #: 5322-00-04-0090

### **TYPE OF HEARING:**

Second Compliance

### **PRINCIPAL INFORMATION:**

Please see attached detail sheet.

### **VIOLATIONS FOUND:**

- Fire walls modified without prior approval (permits) in the lobby area of the hotel - an assembly occupancy
- Smoke separation elements modified without prior approval (permits) in the lobby area of the hotel - an assembly occupancy
- Alterations made to an assembly occupancy, the lobby of the hotel, without prior approval leaves the required fire sprinkler system unverified as to proper coverage and functionality
- Alterations made to an assembly occupancy, the lobby of the hotel, without prior approval leaves the required fire alarm system unverified as to proper coverage and functionality

### **REQUESTED ORDER(S):**

Order on Request for Rescission/Reduction of Fines

### **REQUESTED MOTION(S):**

Motion #12 or Motion #13

## **SUPPLEMENTARY INFORMATION:**

**Initial Hearing Date:** December 12, 2018

**Board-Ordered Compliance Dates:** Obtain all permits required to rectify the above-stated code violations by January 11, 2019, and correct the above-stated code violations, including obtaining approved final inspections on all required permits, by February 11, 2019

**Actual Compliance Dates:** The last of the required permits to rectify the above-stated violations was obtained on March 28, 2019, and the last of the approved final inspections on the required permits was obtained on August 7, 2019

**Fined Days of Non-Compliance:** 207 (January 12, 2019, through and including August 6, 2019)

**Board-Ordered Fine:** \$250.00 per day

**Total Accrued Fine:** \$51,750.00

**Board-Approved Administrative Fees:** \$217.29

**Additional Administrative Fees Requested:** \$76.31 (for a total of \$293.60)

**ATTACHMENT:**     None