



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

MAY 16, 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 Statements by Special Magistrate deLaroche
- B. Swearing in Witnesses

2. OPENING REMARKS

3. MINUTES

- A. Code Enforcement Special Magistrate Minutes April 18, 2024

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. Property Owner: Club Sea Oats Association, Inc.
Violation Address: 2539 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-37
Volusia County Tax Parcel ID #: 5322 49 00 0001

- B. Property Owner: Beachside Coastal LLC
Violation Address: 3150 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case Number: CDEF2023-05
Volusia County Tax Parcel ID #: 5334 00 02 0080

- C. Property Owner: Halifax Investment Services, LLC
Violation Address: 3225 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2023-24
Volusia County Tax Parcel ID #: 5335 01 02 0030

- D. Property Owner: OC 3711, LLC
Violation Address: 3711 S. Atlantic Ave. in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-50
Volusia County Tax Parcel ID #: 6302 05 05 0070

5. INITIAL HEARINGS

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, June 20, 2024

- B. July's C.E.S.M. Meeting is scheduled for Thursday, July 18, 2024, at 9:00 a.m.

- C. August's C.E.S.M. Meeting is scheduled for Thursday, August 15, 2024, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
April 18, 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 Statements by Special Magistrate deLaroche

B. Swearing in Witnesses

All 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

There were no cases removed from the agenda.

3. MINUTES

A. Code Enforcement Special Magistrate Minutes March 21, 2024

SM deLaroche approved the minutes from March 21, 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

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 and stated that this case had been addressed multiple times. This is a Second Compliance Hearing for a case that had three violations. The case began in September 2022. Final compliance was achieved on October 29, 2023. The total number of non-compliant

days were 240 and the total fine due was \$60,000.00. The Administrative fee of \$128.03 from last month had not been paid and the fee for this hearing was \$79.69. Slides of the property and violations were shown. The SM had questions regarding the time it took for the interior work to be completed as weather should not have been a factor.

Attorney Victoria Zinn was in attendance for the property owner. She explained that the interior issues were delayed due to tenants having to move out/relocate or be evicted for non-payment. The plumber that had been contracted had extensive back surgery that included rehabilitation. The city did provide a list of plumbers but no one was interested in the job. Mr. Mike Bretzel, Property Manager, advised that some interior work wasn't done when it was raining as the contractors had to keep going in and out of the units. They didn't want to track in water and mud. Attorney Zinn requested a reduction of 30 days due to the fact that no meeting was held in March 2023. Mr. Bretzel indicated that he would have appeared to request additional time to complete the work. SM deLaroche confirmed that the total number of days asking to be removed from the fine was 195. Attorney Zinn confirmed the number at 195. The packet provided by Attorney Zinn at the last meeting was submitted into evidence. Ms. Herstein asked Attorney Zinn if she was aware that the list of plumbers provided by the city was not a recommendation, but a list of those who had pulled permits in the city. She understood that fact. Ms. Herstein also inquired if they understood that if a meeting had been held in March 2023, that would not have been a time to ask for an extension. Attorney Zinn replied yes but her client could have been able to submit that he had applied for permits and was showing a good faith effort.

SM deLaroche issued Order #13 reducing the fine to \$50,000 based on weather delays, plus both the Administrative Fees of \$79.69 and \$128.03 payable within 30 days.

5. INITIAL HEARINGS

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, May 16, 2024, at 9:00 a.m.
- B. June's Code Enforcement Special Magistrate Meeting is scheduled for Thursday, June 20, 2024, at 9:00 a.m.
- C. July's Code Enforcement Special Magistrate Meeting is scheduled for Thursday, July 18, 2024, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

The meeting ended at 9:24 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab



CODE ENFORCEMENT CASE SUMMARY MAY 16, 2024 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Club Sea Oats Association, Inc.

Violation Address: 2539 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-37

Volusia County Tax Parcel ID #: 5322 49 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 14, Section 14-52.9.(C), and Sections (D)(2). & (D)(7).

VIOLATION(S) FOUND:

Violation a) Seawall is structurally flawed and leaning outward with only temporary sandbags at the very south end preventing further damage to the 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, is missing in places, and is not protecting property elements

Violation f) Railing is not in good repair and is missing in places

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: December 7, 2023

First Ordered Compliance Date: December 18, 2023 (11 days from the Initial Hearing), to report the Association's decision regarding procurement of an SBA loan to make repairs to the east side of the property. This deadline was met on December 18, 2023 (0 days of non-compliance).

Second Ordered Compliance Date: January 22, 2024 (46 days from the Initial Hearing), to cause completion of temporary measures to remove the safety issue of the leaning seawall, while protecting the pool and remaining structures as much as possible. This deadline was met on February 14, 2024 (22 days of non-compliance).

Third Ordered Compliance Date: April 30, 2024 (145 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 has not been met yet.

Ordered Fine: \$250.00 per day

Special Magistrate Approved Administrative Fees: \$176.69 (IH) *unpaid*

Additional Administrative Fees Requested: \$92.43 (FCH)

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY MAY 16, 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: CDEF2023-05
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, Chapter 11. Florida Fire Prevention Code adopted by reference., which includes, in part, the Florida Statutes, Chapter 633, Section 633-222. Buildings with Light-frame Truss-type Construction; Notice Requirements; Enforcement, and of 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 14, Section 14-52.9.(B)(16) & (17) and (D)(1), (2), (4), (6), (7), & (9).

VIOLATION(S) FOUND:

Violation a) Building's required truss sign is faded and not easily eligible (Buildings 1, 2, 3, 4, 5, and 7) [Rectified by September 13, 2023 - 0 fined days]
Violation b) Exterior door openings abandoned without permits, north building faces (Buildings 4, 5, and 6) [Rectified by December 28, 2023 - 0 fined days]
Violation c) Fascia unprotected by paint in places (Buildings 1, 5, and 6) [Rectified by January 15, 2024 - 0 fined days]
Violation d) Gable end wood unprotected by paint in places (Buildings 5 and 6) [Rectified by January 15, 2024 - 0 fined days]
Violation e) Wood unprotected by paint in places, around A/C units (Buildings 4, 5, 6, and 7) [Rectified by January 15, 2024 - 0 fined days]
Violation f) Debris in the form of deteriorated building elements, south of building (Building 1) [Rectified by September 13, 2023 - 0 fined days]
Violation g) Open storage of building materials not covered by active permits, east of building (Building 2) [Rectified by January 15, 2024 - 0 fined days]
Violation h) Exhaust pipe rusting through paint, east building face (Building 1) [Rectified by January 15, 2024 - 0 fined days]

Violation i) Paint discolored in places around building (*Buildings 1, 2, 2.5, 3, 4, 5, 6, and 7*) [Rectified by January 15, 2024 - 0 fined days]

Violation j) Unit doors discolored (*Buildings 3, 4, and 7*) [Rectified by January 15, 2024 - 0 fined days]

Violation k) Door to Unit 3 deteriorated, hole at bottom (*Building 1*) Non-Compliant as of September 13, 2023 [Rectified December 28, 2023 - 106 fined days]

Violation l) Soffit deteriorated/missing in places (*Buildings 1, 2.5, 3, 5, and 6*) [Rectified by January 15, 2024 - 0 fined days]

Violation m) Fascia deteriorated /missing in places (*Buildings 1 and 3*) [Rectified by January 15, 2024 - 0 fined days]

Violation n) Roof vent turbine rusted and broken off (*Building 2.5*) [Rectified using a compliance date of February 16, 2024 - 31 fined days]

Violation o) Electrical weather-head missing from service mast, no drip loop in place (*Building 5*) [Rectified October 20, 2023 - 37 fined days]

Violation p) Electrical service mast broken at meter can (*Building 6*) [Rectified using a compliance date of February 12, 2024 - 152 fined days]

Violation q) Window opening not properly abandoned, south building face (*Building 2*) [Rectified with information provided February 25, 2024 - 0 fined days]

Violation r) Roof shingles missing in places (*Buildings 1 and 4*) [Rectified by January 15, 2024 - 0 fined days]

Violation s) Roof in disrepair, covered by tarps (*Buildings 2, 3, and 4*) [Rectified by January 15, 2024 - 0 fined days]

Violation t) Gutter not discharging water over 12" from building, northeast corner of building (*Building 1*) [Rectified by January 15, 2024 - 0 fined days]

Violation u) Wall is not structurally sound, cracked and/or leaning in places (Walls along north and west property lines) [Rectified by October 20, 2023 - 37 fined days]

Violation v) Wall is not maintained to present a cared-for aesthetic appearance (Walls along north, south, and west property lines) [Rectified by January 15, 2024 - 0 fined days]

Violation w) Exterior light fixture using interior bulbs, southwest corner (*Building 1*) [Rectified by October 19, 2023 - 36 fined days]

Violation x) Lamp post leaning, paint chipped and rusted-through in places, east of building (*Building 1*) [Rectified by January 15, 2024 - 0 fined days]

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: July 13, 2023

Ordered Compliance Dates:

September 12, 2023 (61 days from the Initial Hearing), to correct Violations a), f), k), o), p), u), and w) including having obtained all required permits and approvals including approved final inspections on all required permits and

January 15, 2024 (186 days from the Initial Hearing), to correct Violations b), c), d), e), g), h), i), j), l), m), n), q), r), s), t), v), and x) including having obtained all required permits and approvals including approved final inspections on all required permits

Ordered Fine: \$250.00 per day

Date Full Compliance was Achieved: February 16, 2024

Total Fined Days: 156 days

September 12, 2023, through January 15, 2024 (125 days)

January 16, 2024, through February 16, 2024 (31 days)

Total Accrued Fine: \$39,000.00

Special Magistrate Approved Administrative Fees: \$162.89 (IH) and \$92.43 (FCH) were paid October 31, 2023

Additional Administrative Fees Requested: \$141.83 (SCH).

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY MAY 16, 2024 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Halifax Investment Services, LLC

Violation Address: 3225 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2023-24

Volusia County Tax Parcel ID #: 5335 01 02 0030

TYPE OF HEARING:

First Compliance Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Chapter 13, Section 13-4. and Appendix G - Land Development Code, Chapter 14, Section 14.52.9.(C)., and Sections 14-52.9.(D)(1), (2), (3), (4), (6), (8), & (12).

VIOLATION(S) FOUND:

Violation a) Building on the east side of the property is severely undermined and threatens danger to a person or property

Violation b) East building is severely undermined, multiple caissons exposed

Violation c) East building's non-structural walls are in disrepair

Violation d) East building's roof is at least partially missing

Violation e) Broken seawall, pool, and deck debris remain where they fell, east of east building

Violation f) Paint chipped and peeled in places, east building

Violation g) Door rusted on south building face, east building (rectified by September 14, 2023)

Violation h) Paint discolored by rust in places, west building (rectified by September 14, 2023)

Violation i) East building is undermined and not supported as built

Violation j) Spalling concrete in places, east building

Violation k) Cracks in stucco, west building (was visually improved, but without an associated, required permit)

Violation l) Electrical conduit is unsupported, no longer attached to the east building face of the east building

Violation m) Windows broken at southeast corner of east building face

Violation n) Awning is ripped and missing, west face of east building (rectified by September 14, 2023)

Violation o) Roof is damaged and missing in places, east building

Violation p) Flashing missing in places, west building

Violation q) Soffit missing in places, west building (was visually improved, but without an associated, required permit)

Violation r) Fascia missing in places, west building (was visually improved, but without an associated, required permit)

Violation s) Dumpster not shielded from view from street

Violation t) Landscaping is not kept in a neat and well-maintained condition

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: October 19, 2023

First Ordered Compliance Dates: December 1, 2023, February 1, 2024, and April 1, 2024, to cause a Florida-licensed engineer to submit a signed and sealed evaluation documenting the safety status of the site and the state of the integrity of both buildings on the first day of every other month, beginning December 1, 2023, until the property is fully compliant with this Order. This deadline has been met on the required dates. (0 days of non-compliance). The next evaluation report is due June 1, 2024.

Second Ordered Compliance Date: April 30, 2024 (194 days from the Initial Hearing), to correct the above-stated code violations on the subject property including having obtained approved final inspections on all required permits. This deadline was not met by April 30, 2024.

Ordered Fine: \$250.00 per day

Special Magistrate Approved Administrative Fees: \$162.89 (IH) *paid 11-15-23*

Additional Administrative Fees Requested: \$99.33 (FCH)

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY MAY 16, 2024 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: OC 3711, LLC

Violation Address: 3711 S. Atlantic Ave. in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-50

Volusia County Tax Parcel ID #: 6302 05 05 0070

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 14, Section 14-52.9.(C), (D)(1), (D)(2), (D)(7).

VIOLATION(S) FOUND:

Violation a) Seawall has failed and is missing in places

Violation b) Pool deck has collapsed at northeast corner

Violation c) Paint on seawall is deteriorated and peeling

Violation d) Seawall does not appear to be structurally sound and sections are missing

Violation e) Seawall is not in good repair, is missing in places, and is not protecting property elements

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: January 18, 2024

First Ordered Compliance Date: April 17, 2024 (90 days from the Initial Hearing), to take temporary measures to protect the intact portions of the subject property and building. This deadline was not met on or by April 17, 2024

Second Ordered Compliance Date: July 18, 2024 (182 days from the Initial Hearing), to correct Violations a), d), and e) on the property, including fully backfilling west of the repaired/replaced seawall and providing a copy of the final engineer's report for said work to the Daytona Beach Shores Building Division Office. This deadline has not arrived yet.

Third Ordered Compliance Date: January 20, 2025 (368 days from the Initial Hearing), to correct Violations b) and c) on the property including obtaining approved final inspections on all required City of Daytona Beach Shores permits. This deadline has not arrived yet.

Ordered Fine: \$250.00 per day

Special Magistrate Approved Administrative Fees: \$149.09 (IH) *unpaid*

Additional Administrative Fees Requested: \$85.53 (FCH)

Please see supplementary document packet

ATTACHMENT: None