



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

JUNE 20, 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

- A. Notification of Items Removed from Agenda by City Staff

3. MINUTES

- A. Code Enforcement Special Magistrate Minutes May 16, 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: CDEF2023-05
Volusia County Tax Parcel ID #: 5334 00 02 0080

- B. 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

- A. Property Owner: Debra Ann Nifong for the Debra Ann Nifong Life Estate
Violation Address: 3727 Cardinal Blvd. in Daytona Beach Shores, Florida
Code Enforcement Case #: CDEF2023-07
Volusia County Tax Parcel ID #: 6302 05 08 0131

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, July 18, 2024, at 9:00 a.m.
- B. August's C.E.S.M. Meeting is scheduled for Thursday, August 22, 2024, at 9:00 a.m.
- C. September's C.E.S.M. Meeting is scheduled for Thursday, September 19, 2024, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
May 16, 2024
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

SM deLaroche called the meeting to order at 9:09 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

3. MINUTES

A. Code Enforcement Special Magistrate Minutes April 18, 2024

SM deLaroche approved the minutes from 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

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. The Initial Hearing took place on December 7, 2023, with six violations. The Respondent was given three different compliance dates. The first date was December 18, 2023, to report on the condo board action. That date was met. The second deadline was January 22, 2024, to complete temporary measures for the leaning seawall. This became compliant on February 14th, 22 days late. The third and final compliance date was April 30, 2024. Affidavits of compliance and non-compliance were generated and sent. The property was re-inspected on May 1, 2024. The Notice of First Compliance Hearing was posted and mailed per FS. Good service was achieved. Slides were shown of the initial violations and

their updates. Ms. Herstein recommended Order #11 imposing a fine of \$250 per day and pay additional Administrative Fees in the amount of \$92.43. The total Administrative Fees now due are \$269.12.

Association President, Sheri Manning and their contractor, Parker Osborn, were in attendance. They were in agreement that the property was still in non-compliance. Mr. Osborn explained his process to complete the seawall.

SM deLaroche issued Order# #11 imposing a fine of \$250 per day beginning January 23, 2024, accruing daily through and including February 13, 2024. Beginning again on May 1, 2024 until full compliance. He ordered reimbursement of the Administrative Fee in the amount of \$269.12 payable within 30 days.

- 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

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. Attorney Victoria Zinn was present for the hearing along with Mike Bretzel. The SM inquired if they had any evidence to submit. Attorney Zinn replied that they did have receipts, but they were unable to find the receipts before the hearing and requested a continuance. Ms. Herstein had no objection and requested reimbursement of the Administrative Fee in the amount of \$80.22.

SM deLaroche continued the hearing until the next meeting on June 20, 2024, and imposed reimbursement of the Administrative Fees in the amount \$80.22 payable within 30 days.

- 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

This hearing was held over the telephone. Attorney James Pickens from Kinsey-Vincent Pyle called in. 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 was held on October 19, 2023. The case began with 20 violations. Three were corrected before the Initial Hearing and three were corrected by the ordered date. There are fourteen violations remaining. Ms. Herstein noted that the city was receiving the required engineering reports. The full compliance date was April 30, 2024. The property was re-inspected on May 1st and found that violations remained. The Notice of First Compliance Hearing was posted and mailed per FS. The re-inspection pictures were shown to the SM. Staff recommended Order #11 be issued and requested an additional \$99.33 in Administrative Fees. Attorney Pickens stated that his client was moving forward with the renovation process.

SM deLaroche issued Order #11 finding that the Respondent failed to gain full compliance and impose a fine beginning May 1, 2024, in the amount of \$250 per day. He ordered reimbursement of additional Administrative Fees in the amount of \$99.33 payable in 30 days.

- 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

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 was held on January 18, 2024, and three compliance dates were given. The First Compliance date was April 17, 2024, to take temporary measures to protect the intact portions of the property and building. The property was reinspected on April 24th and found still in violation. An Affidavit of Non-Compliance was generated. On May 6th, the Notice of First Compliance Hearing was posted and mailed per FS. Good service was achieved. Slides were shown of the violations. Staff recommended Order #11 and requested reimbursement of the additional Administrative Fee in the amount of \$85.53. It was noted that the total Administrative Fees due were \$234.62. SM deLaroche issued Order #11 finding that the Respondent failed to comply with the first of three compliance dates in the Order of January 18, 2024, and hereby imposed a fine beginning April 18, 2024, and accruing daily in the amount of \$250 per day. He also imposed additional Administrative Fees in the amount of \$85.53. The entire amount of \$234.62 is due and payable within 30 days.

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.
This meeting was changed to August 22nd.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

The meeting ended at 9:50 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab



CODE ENFORCEMENT CASE SUMMARY JUNE 20, 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 19, 2023 - 36 fined days]

Violation p) Electrical service mast broken at meter can (*Building 6*) [Rectified using a compliance date of February 9, 2024 - 149 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 19, 2023 - 36 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):

#11. First Compliance Hearing, was not compliant on time (with second Ordered compliance date)

AND, as a separate Order:

#12. Second Compliance Hearing, impose entire fine

or

#13. Second Compliance Hearing, reduce or rescind fine

POSSIBLE ORDERS:

1. Continuance

#10. First Compliance Hearing, was compliant on time

#11. First Compliance Hearing, was not compliant on time

#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 approvals including approved final inspections on all required permits

required permits and

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: \$80.22 (Continued SCH - Not added to OCH) and \$141.83 (SCH).

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY JUNE 20, 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 - compliant by December 22, 2024

Violation b) Siding is in disrepair on large shed near south property lines - compliant by December 22, 2024

Violation c) Stucco missing at northeast corner of building - compliant by December 22, 2024

Violation d) Roof overhang appears to be weakened and may not be fully fastened and supported, east building face - Compliant April 8, 2024 (107 fined days)

Violation e) Dumpster enclosure appears to be structurally unsound, top-to-bottom crack at southwest corner - compliant by December 22, 2024

Violation f) Roof overhang is visibly drooping along east side - Compliant April 8, 2024 (107 fined days)

Violation g) Roof is missing drip edge along top and bottom of east overhang - Compliant April 8, 2024 (107 fined days)

Violation h) Fascia is missing at northeast corner of building and south end - compliant by December 22, 2024

Violation i) Dumpster enclosure is missing gates which formerly faced northwest, dumpster is exposed to view from street - compliant by December 22, 2024

**Violation j) Dead plant material and weeds in landscaping bed east of building - Compliant
April 8, 2024 (107 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: 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
Date Full Compliance was Achieved: February 16, 2024
Total Fined Days: 107 days (December 23, 2023 through April 7, 2024)
Total Accrued Fine: \$26,750.00
Special Magistrate Approved Administrative Fees: \$162.89 (IH) and \$92.43 (FCH) were paid October 31, 2023
Additional Administrative Fees Requested: \$141.83 (SCH).
Special Magistrate Approved Administrative Fees: \$162.89 (IH) - paid August 24, 2023, and \$85.53 paid February 15, 2024
Additional Administrative Fees Requested: \$128.03 (SCH)

Please see supplementary document packet

ATTACHMENT: None



CODE ENFORCEMENT CASE SUMMARY JUNE 20, 2024 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, Code Enforcement Coordinator

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Property Owner: Debra Ann Nifong for the Debra Ann Nifong Life Estate

Violation Address: 3727 Cardinal Blvd. in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2023-07

Volusia County Tax Parcel ID #: 6302 05 08 0131

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)(14), (16), & (17); (C); and (D)(1), (2), (6), (12), & (13).

VIOLATION(S) FOUND:

*Violation a) Weeds over 12 inches tall in places on property - **all weeds presently appear to be under 12 inches tall***

Violation b) Yard, walkway, and driveway are not free from refuse and debris

Violation c) Building is not free of conditions which might admit dampness to the interior portions of the home

Violation d) Open storage of wood and fence/gate sections

Violation e) Structure has become unsafe and unsanitary for human occupancy as evidenced by the roof being destroyed/missing in places

Violation f) Paint is discolored around building

Violation g) Roof is not structurally sound

Violation h) Roofing system is not being maintained to prevent damage to the structure

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

Violation j) Tree is dead in middle of east portion of front yard - **most of tree was removed, stump remains**

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