



City of Daytona Beach Shores

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AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING

OCTOBER 17, 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 August 22, 2024

4. ADVANCED HEARINGS (Post-Initial Hearings)

- A. Property Owner: National Retail Properties, LP
Violation Address: 2112 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2022-02
Volusia County Tax Parcel ID #: 5316 24 00 0121

- B. 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

- A. Property Owners: Chhaya K. Nathoo, Trustee & Kiran D. Nathoo as co-trustees of the Chhaya K. Nathoo Revocable Living Trust dated September 10, 2007
Violation Address: 2711 S. Atlantic Avenue in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-42
Volusia County Tax Parcel ID #: 5327 05 00 1140
- B. Property Owners: Jai P. Agrawal & Vaidehi K. Agrawal
Violation Address: 2713 S. Atlantic Avenue in Daytona Beach Shores, Florida
Code Enforcement Case #: SCDEF2023-43
Volusia County Tax Parcel ID #: 5327 05 00 1150

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, December 5, 2024, at 9:00 a.m.
- B. January's C.E.S.M. Meeting is scheduled for Thursday, January 16, 2025, at 9:00 a.m.
- C. February's C.E.S.M. Meeting is scheduled for Thursday, February 20, 2025, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
August 22, 2024
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

A. Opening Statements by Special Magistrate deLaroche
SM deLaroche called the meeting to order at 9:00 am.

B. Swearing in Witnesses
All witnesses were sworn in for the day's hearings.

2. OPENING REMARKS

A. Notification of Items Removed from Agenda by City Staff
There were no items removed from the agenda. Ms. Herstein introduced the new Code Enforcement Officer, Lori McLaughlin.

3. MINUTES

A. Code Enforcement Special Magistrate Minutes June 20, 2024
SM deLaroche approved the minutes from June 20, 2024.

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

E. Property Owner: Laura B. Pendergrass, Individually and as Trustee of the Laura B. Pendergrass Trust dated January 14, 2016
Violation Address: 115 Oceans Circle
Code Enforcement Case Number: CDEF2024-22
Volusia County Tax Parcel ID #: 5327 24 00 0150

Ms. Herstein began by stating all eleven cases on the agenda had the same two violations; trash and recyclables containers were not screened from view from abutting streets, and they were left out earlier than 5:00 pm Monday or later than 9:00 pm Tuesday. The properties are all within Oceans 25 Townhomes. Complaints regarding the toters being left out have been coming in since they became occupied in April 2022. Ms. Herstein has spoken with many people about the issues over the past two years, but the violations keep occurring. The city has been made aware that there is a discussion about getting a dumpster and an enclosure for the townhomes.

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 an Initial Hearing with two violations and a slide was shown depicting them. It was noted that good service was achieved for all the notices sent. Laura Pendergrass spoke on her own behalf. She

apologized for having to appear with four cases before the Special Magistrate. These are rental properties, and she was made aware of the issue this past April. She immediately contacted the management company, who said a new procedure would be in place. There was a misunderstanding as they thought the cans could be in front of the house, but did not have to be in the garage. Her management company assured her they would take care of it and she will stay on top of the problem.

The Special Magistrate issued Order #7 as provided, allowing 45 for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within 45 days.

- F. Property Owner: Laura B. Pendergrass, Individually and as Trustee of the Laura B. Pendergrass Trust dated January 14, 2016
Violation Address: 116 Oceans Circle
Code Enforcement Case Number: CDEF2024-23
Volusia County Tax Parcel ID #: 5327 24 00 0160

This case was stipulated to by Ms. Pendergrass during the hearing for Case #CDEF2024-22. The Special Magistrate issued Order #7 as provided, allowing 45 for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$135.29 is due within 45 days.

- G. Property Owner: Laura B. Pendergrass, Individually and as Trustee of the Laura B. Pendergrass Trust dated January 14, 2016
Violation Address: 117 Oceans Circle
Code Enforcement Case Number: CDEF2024-24
Volusia County Tax Parcel ID #: 5327 24 00 0170

This case was stipulated to by Ms. Pendergrass during the hearing for Case #CDEF2024-22. The Special Magistrate issued Order #7 as provided, allowing 45 for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$135.29 is due within 45 days.

- H. Property Owner: Laura B. Pendergrass, Individually and as Trustee of the Laura B. Pendergrass Trust dated January 14, 2016
Violation Address: 118 Oceans Circle
Code Enforcement Case Number: CDEF2024-25
Volusia County Tax Parcel ID #: 5327 24 00 0180

This case was stipulated to by Ms. Pendergrass during the hearing for Case #CDEF2024-22. The Special Magistrate issued Order #7 as provided, allowing 45 for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$135.29 is due within 45 days.

- I. Property Owner: Higgins Hideaway LLC
Violation Address: 123 Oceans Circle
Code Enforcement Case Number: CDEF2024-26
Volusia County Tax Parcel ID #: 5327 24 00 0230

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 an Initial Hearing with two violations and a slide was shown depicting them. It was noted that good service was achieved for all notices sent. The property owner, Liz Hadaway, was present. She explained that she was part of the HOA board, (Secretary/Treasurer), and she had a meeting later that afternoon with a representative of Waste Pro to discuss installing a dumpster. She stated this

was a rental property, and she had advised her guests to leave the toters by the garage door. She was not aware that was still not correct.
The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within seven days.

- A. Property Owner: Bobbie Bray, Jr.
Violation Address: 101 Oceans Circle
Code Enforcement Case Number: CDEF2024-11
Volusia County Tax Parcel ID #: 5327 24 00 0010

9:45 am 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 are available to the Respondent, some of which were provided by mail. The Special Magistrate accepted the documents with no objection. This was an Initial Hearing with two violations and a slide was shown depicting them. This property is under the direction of a property management company and there was no one present for the Respondent. It was noted that good service was achieved for all notices sent.
The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within 30 days.

- B. Property Owner: D'SCIPLES LLC
Violation Address: 104 Oceans Circle
Code Enforcement Case Number: CDEF2024-14
Volusia County Tax Parcel ID #: 5327 24 00 0040

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 are available to the Respondent, some of which were provided by mail. The Special Magistrate accepted the documents with no objection. This was an Initial Hearing with two violations and a slide was shown depicting them. There was no one present for the Respondent. It was noted that good service was achieved for all notices sent.
The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within 30 days.

- C. Property Owner: David Ortiz
Violation Address: 108 Oceans Circle
Code Enforcement Case Number: CDEF2024-16
Volusia County Tax Parcel ID #: 5327 24 00 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 are available to the Respondent, some of which were provided by mail. The Special Magistrate accepted the documents with no objection. This was an Initial Hearing with two violations and a slide was shown depicting them. There was no one present for the Respondent. It was noted that good service was achieved for all notices sent.
The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within 30 days.

- D. Property Owner: David M. Goldman as Trustee of the 114 Oceans Circle Land Trust dated February 6, 2024
Violation Address: 114 Oceans Circle

Code Enforcement Case Number: CDEF2024-21
Volusia County Tax Parcel ID #: 5327 24 00 0140

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 an Initial Hearing with two violations and a slide was shown depicting them. There was no one present for the Respondent. It was noted that good service was achieved for all notices sent. The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within 30 days.

J. Property Owner: Crystal Anderson
Violation Address: 124 Oceans Circle
Code Enforcement Case Number: CDEF2024-27
Volusia County Tax Parcel ID #: 5327 24 00 0240

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 are available to the Respondent, some of which were provided by mail. The Special Magistrate accepted the documents with no objection. This was an Initial Hearing with two violations and a slide was shown depicting them. There was no one present for the Respondent. It was noted that good service was achieved for all notices sent. The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within 30 days.

K. Property Owner: Crystal Anderson
Violation Address: 125 Oceans Circle
Code Enforcement Case Number: CDEF2024-28
Volusia County Tax Parcel ID #: 5327 24 00 0250

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 are available to the Respondent, some of which were provided by mail. The Special Magistrate accepted the documents with no objection. This was an Initial Hearing with two violations and a slide was shown depicting them. There was no one present for the Respondent. It was noted that good service was achieved for all notices sent. The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$135.29 is due within 30 days.

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, September 26, 2024, at 9:00 a.m.
- B. October's C.E.S.M. Meeting is scheduled for Thursday, October 17, 2024, at 9:00 a.m.
- C. November/December's C.E.S.M. Meeting is scheduled for Thursday, December 5, 2024, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

Code Enforcement 8/22/2024

8. ADJOURNMENT

The meeting ended at 10:19 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab



CODE ENFORCEMENT CASE SUMMARY OCTOBER 17, 2024 AGENDA

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, City Planner

PREPARED BY: Gwyn Herstein, City Planner

SUBJECT: Property Owner: National Retail Properties, LP

Violation Address: 2112 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: CDEF2022-02

Volusia County Tax Parcel ID #: 5316 24 00 0121

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. Building Code adopted. which refers, in part, to the Florida Building Code - Sixth Edition (2017) & Seventh Edition (2020), Chapter 1, Section 105.1 Required. and Appendix "G" - Land Development Code, Chapter 14, Section 14-52.9.(B)(14) & (17) and (D)(1), (2), (6), (7), (8), (9), (12), & (13).

VIOLATION(S) FOUND:

a) Exterior A/C ducts were repaired without permits - No permit obtained

b) Hole just west of sidewalk, while surrounded by orange netting, has remained unchanged since at least January 22, 2021 - Compliant by Initial Hearing

c) Required landscape plants have died in places along all sides of property, some have not been removed, none have been replaced - Most dead plants have been removed, some have been replaced

d) Cut palm stump remains on north side of building, not replaced - Stump removed, not replaced

e) Shutters and underlayment broken and missing from south dormers - Compliant by Initial Hearing

f) Outdoor storage of box carts, racks, and pallets west of building - Items remain

g) Loose trash and debris in places on north side of building - Debris is present

h) Electrical panel box covered with rust, west building face - Compliant by Ordered compliance date of July 19, 2022

i) Rust in places on building including door hinges and trim - Compliant by Ordered compliance date of July 19, 2022

j) Paint streaked, deteriorated, and discolored in places on building - Compliant by Ordered compliance date of July 19, 2022

- k) Metal roof sheets are rusted in places - Rust remains
- l) Exterior A/C ducts are rusted and discolored by mold in places - Violation remains
- m) Decorative exterior pieces broken in places including a missing shingle and trim on west gable end of building - Compliant by Ordered compliance date of July 19, 2022
- n) Awning is mismatched (white and silver), east building face - Compliant by Initial Hearing
- o) Shutters and louvers broken in places on dormers and building - Some broken areas remain, no permit obtained
- p) Exterior A/C ducts have rusted through in places - Remains, no permit obtained
- q) Fascia discolored by rust on west cupola - Violation remains
- r) Gutter and soffit discolored in places - Compliant by Ordered compliance date of July 19, 2022
- s) Soffit falling and missing in places on dormers - Replaced incorrectly and without a permit
- t) Guard rail and bollards rusted, south side of building - Compliant by Ordered compliance date of July 19, 2022
- u) Dumpster enclosure posts rusted, south side of enclosure - Compliant by Ordered compliance date of July 19, 2022
- v) Multiple white lamp shades rusted, around building - Rust shows through in places
- w) Sign and sign base discolored, paint peeling in places, east of building - Compliant by Ordered compliance date of July 19, 2022
- x) Dead palm fronds remain untrimmed in places, especially along south property line, fronds drop and slide to neighbor's property - Compliant by Ordered compliance date of July 19, 2022
- y) Grass/weeds are overgrown in specific places near east and west property lines - Compliant by Ordered compliance date of July 19, 2022
- z) Vine climbing building, north building face - Compliant by Initial Hearing
- aa) Cut palm stump remains on north side of building, not replaced - Removed, not replaced

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: April 20, 2022
 Ordered Compliance Date: July 19, 2022 (90 days from the Initial Hearing) to correct all violations, including having obtained approved final inspections on all required permits
 Ordered Fine: \$250.00 per day
 Date Full Compliance was Achieved: September 6, 2024
 Total Fined Days: 780 days (July 20, 2022, through September 5, 2024)
 Total Accrued Fine: \$195,000.00
 Special Magistrate Approved Administrative Fees: \$162.89 (IH) *unpaid*, and \$85.53 *unpaid* = total *unpaid fees of \$248.42*
 Additional Administrative Fees Requested: \$128.03 (SCH)

Please see supplementary document packet

ATTACHMENT: None



**CODE ENFORCEMENT CASE SUMMARY
OCTOBER 17, 2024 AGENDA**

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, City Planner

PREPARED BY: Gwyn Herstein, City Planner

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 (Second Compliance Date)

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)(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 Second Ordered Compliance 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 (First Compliance Hearing was held May 16, 2024, *Order Imposing Fine/Lien* was generated)

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 was not met on or by July 18, 2024

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* + \$85.53 (FCH) *unpaid* = \$234.62

Additional Administrative Fees Requested: \$85.53 (FCH)

Please see supplementary document packet

ATTACHMENT: None



**CODE ENFORCEMENT CASE SUMMARY
OCTOBER 17, 2024 AGENDA**

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, City Planner

PREPARED BY: Gwyn Herstein, City Planner

SUBJECT: Property Owners: Chhaya K. Nathoo, Trustee & Kiran D. Nathoo as co-trustees of the Chhaya K. Nathoo Revocable Living Trust dated September 10, 2007

Violation Address: 2711 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-42

Volusia County Tax Parcel ID #: 5327 05 00 1140

TYPE OF HEARING:

Initial Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Appendix G - Land Development Code, Section 13-1.(a). and Section 14-52.9.(B)(8).

VIOLATION(S) FOUND:

Violation a) Sand on the east side of the property, which eroded away in late 2022, was replaced without the required permits

Violation b) Land on the east side of the property was eroded away in late 2022 and has not been restored under permits

Violation c) Unprotected property erosion is potentially injurious to adjacent properties

REQUESTED ORDER(S):

#7. Initial Hearing, In Violation w/ fees

and possibly #4. Initial Hearing, No Fine Standing Order, currently compliant, w/out fees

or #5. Initial Hearing, No Fine Standing Order, currently compliant, 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
OCTOBER 17, 2024 AGENDA**

TO: The Code Enforcement Special Magistrate

FROM: Gwyn Herstein, City Planner

PREPARED BY: Lori McLaughlin, Code Enforcement Coordinator

SUBJECT: Property Owners: Jai P. Agrawal & Vaidehi K. Agrawal

Violation Address: 2713 S. Atlantic Avenue in Daytona Beach Shores, Florida

Code Enforcement Case #: SCDEF2023-43

Volusia County Tax Parcel ID #: 5327 05 00 1150

TYPE OF HEARING:

Initial Hearing

CODE(S) CITED:

The Code of Ordinances of the City of Daytona Beach Shores, Appendix G - Land Development Code, Section 13-1.(a). and Section 14-52.9.(B)(8).

VIOLATION(S) FOUND:

Violation a) Sand on the east side of the property, which eroded away in late 2022, was replaced without the required permits

Violation b) Land on the east side of the property was eroded away in late 2022 and has not been restored under permits

Violation c) Unprotected property erosion is potentially injurious to adjacent properties

REQUESTED ORDER(S):

#7. Initial Hearing, In Violation w/ fees

and possibly #4. Initial Hearing, No Fine Standing Order, currently compliant, w/out fees

or #5. Initial Hearing, No Fine Standing Order, currently compliant, 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