

**MINUTES**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING**  
**October 17, 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 9:09 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  
Ms. Herstein pulled Item 4-A from the agenda.

**3. MINUTES**

A. Code Enforcement Special Magistrate Minutes August 22, 2024  
SM deLaroche approved the minutes from 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  
This item was pulled from the agenda.

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

Ms. Herstein explained that she had received notice from the Respondent late yesterday. The property owner would not be able to attend the hearing as it was a religious holiday for him. She asked the SM to continue the item until the December 5th meeting. She requested reimbursement of the Administrative Fees in the amount of \$79.16 with a total of \$313.78 due. The Special Magistrate continued the hearing until the December 5th meeting. The Administrative Fee of \$79.16 is due within 30 days.

**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

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 following three violations were read for the record: sand on the east side of the property which eroded away in late 2022, was replaced without the required permits; land on the east side of the property was eroded away in late 2022 and had not been restored under permits; and unprotected property erosion is potentially injurious to adjacent properties. Slides of the violations were shown. Ms. Herstein questioned Code Enforcement Officer Lori McLaughlin. She was questioned about the accuracy of the documents and slides shown. She replied they were true and accurate with no changes or additions. Ms. Herstein questioned contractor Christopher Bump. She inquired what was planned for the property. He stated they were going to resubmit the permit documents to the state to have the temporary structure turned into a permanent one. He spoke with an engineer recently, and a coquina rock revetment may be considered. He felt the work would only take a couple of weeks, but the permit was delayed due to the recent Hurricane Milton. He stated he felt the deadline provided by the city was more than adequate.

The Special Magistrate issued Order #7 as provided, allowing until August 5, 2025, for compliance or a fine of \$200 per day will be imposed. The Administrative Fee of \$162.89 is due within 30 days.

- 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

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 following three violations were read for the record: sand on the east side of the property which eroded away in late 2022, was replaced without the required permits; land on the east side of the property was eroded away in late 2022 and had not been restored under permits; and unprotected property erosion is potentially injurious to adjacent properties. Slides of the violations were shown. Ms. Herstein questioned Code Enforcement Officer Lori McLaughlin. She was questioned about the accuracy of the documents and slides shown. She replied they were true and accurate with no changes or additions. In April 2024, an incomplete application for a FDEP permit was submitted. The permit was checked in September 2024 and had no forward movement. A Statement of Violation/Request of Hearing and Notice of Hearing were sent, and good service was achieved. Mr. Shailesh Patel, engineer for the project, was present but did not present any new evidence for the case. Order #7 was requested with an administrative fee of \$162.89.

The Special Magistrate issued Order #7 as provided, allowing until August 5, 2025, for compliance or a fine of \$200 per day will be imposed. The Administrative Fee of \$162.89 is due within 30 days.

## 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**

The meeting ended at 9:47 am.

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**Special Magistrate, Steven deLaroche**

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**Recording Secretary, Cheri Schwab**