



# City of Daytona Beach Shores

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*"A Premier, Friendly Place to Be"*

**AGENDA**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING**  
**DECEMBER 5, 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 October 17, 2024

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

- A. 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

- B. 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

**5. INITIAL HEARINGS**

**6. CLOSING REMARKS**

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

**7. SPECIAL MAGISTRATE COMMENTS**

**8. ADJOURNMENT**

**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,  
Code Enforcement 10/17/2024

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**



**CODE ENFORCEMENT CASE SUMMARY  
DECEMBER 5, 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), (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 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, but was taken by July 9, 2024. *(82 days of non-compliance)*

**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.**

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-1st Compliance Date) *unpaid*, \$76.31 (OCH) *unpaid* **Total unpaid: \$310.93**

Additional Administrative Fees Requested: \$85.53 (FCH-2nd Compliance Date)

Please see supplementary document packet

**ATTACHMENT:** None



## CODE ENFORCEMENT CASE SUMMARY DECEMBER 5, 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:

First 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 (Compliant by August 24, 2022 - **35 fined days**)
- b) Hole just west of sidewalk, while surrounded by orange netting, has remained unchanged since at least January 22, 2021 (Compliant by Initial Hearing - 0 fined days)
- 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 (Compliant by September 6, 2024 - **779 fined days**)
- d) Cut palm stump remains on north side of building, not replaced - Stump removed, not replaced (Compliant by November 17, 2023 - **485 fined days**)
- e) Shutters and underlayment broken and missing from south dormers (Compliant by Initial Hearing - 0 fined days)
- f) Outdoor storage of box carts, racks, and pallets west of building - Items remain (Compliant by September 4, 2024 - **777 fined days**)
- g) Loose trash and debris in places on north side of building - Debris is present (Compliant by September 4, 2024 - **777 fined days**)
- h) Electrical panel box covered with rust, west building face (Compliant by Ordered compliance date of July 19,

2022 - 0 fined days)

- i) Rust in places on building including door hinges and trim (Compliant by Ordered compliance date of July 19, 2022 - 0 fined days)
- j) Paint streaked, deteriorated, and discolored in places on building (Compliant by Ordered compliance date of July 19, 2022, was non-compliant for 231 days, then became compliant again July 5, 2024)
- k) Metal roof sheets are rusted in places - Rust remains (Compliant by June 5, 2024 - **686 fined days**)
- l) Exterior A/C ducts are rusted and discolored by mold in places - Violation remains (Compliant by August 24, 2024 - **35 fined days**)
- 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, was non-compliant for 231 days, then became compliant again July 5, 2024)
- n) Awning is mismatched (white and silver), east building face (Compliant by Initial Hearing - 0 fined days)
- o) Shutters and louvers broken in places on dormers and building - Some broken areas remain, no permit obtained (Compliant by June 5, 2024 - **686 fined days**)
- p) Exterior A/C ducts have rusted through in places - Remains, no permit obtained (Compliant by August 24, 2024 - **35 fined days**)
- q) Fascia discolored by rust on west cupola - Violation remains (Compliant by June 5, 2024 - **686 fined days**)
- r) Gutter and soffit discolored in places (Compliant by Ordered compliance date of July 19, 2022 - 0 fined days)
- s) Soffit falling and missing in places on dormers - Replaced incorrectly and without a permit (Compliant by June 5, 2024 - **686 fined days**)
- t) Guard rail and bollards rusted, south side of building (Compliant by Ordered compliance date of July 19, 2022 - 0 fined days)
- u) Dumpster enclosure posts rusted, south side of enclosure (Compliant by Ordered compliance date of July 19, 2022 - 0 fined days)
- v) Multiple white lamp shades rusted, around building - Rust shows through in places (Compliant by May 20, 2024 - **670 fined days**)
- 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, was non-compliant for 62 days, then became compliant again September 6, 2024)
- 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 (Compliant by November 17, 2023 - **485 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: 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: 779 days (July 20, 2022, through September 5, 2024)

Total Accrued Fine: \$194,750.00

Special Magistrate Approved Administrative Fees: \$149.09 (IH) *not paid*, \$85.53 (FCH) *not paid*

Additional Administrative Fees Requested: \$142.19 (SCH)

Please see Special Magistrate Hearing Notebook

**ATTACHMENT:** None