

**AGENDA**  
**CODE ENFORCEMENT BOARD**  
**Tuesday, May 16, 2017**  
**1:00 p.m.**  
**3048 S. Atlantic Avenue**  
**Daytona Beach Shores, FL**

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 Board, 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.

**CALL TO ORDER**

**MINUTES OF PREVIOUS MEETING**

1. Minutes from the April 11, 2017, meeting

**PRELIMINARY COMMENTS**

2. Indication of any Cases removed from the Agenda by Staff

**OLD BUSINESS**

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### 3. Initial Hearing

Owner: Mary E. & Larry W. Fenton  
Address: 2043 Schulte Avenue, Daytona Beach Shores, FL  
Case #: CDEF2017-9  
Parcel ID #: 5316-18-00-0160

In violation of: *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, 5<sup>th</sup> Edition (2014), Chapter 1, Section 105.1 Required. & Section 105.3 Application for permit., Chapter 5, Section 5-10. Numerals., and Chapter 14, Section 14-52.9.(B)(16) & (17) and (D)(1), (2), (3), & (7).* in the following manner:

- No required, identifying address numerals are present on the building
- Wood is deteriorated on all visible sides of shed
- Paint is deteriorated on all visible sides of shed, exposing wood
- Soffit, fascia, and flashing are deteriorated and/or missing in places of shed
- Soffit, fascia, and flashing are deteriorated on west and north-facing areas of house (*rectified by April 18, 2017*)
- Wood fence panels are stacked east of shed
- Shed does not present a neat and fresh appearance
- Paint is peeling from shed
- Wood on shed is warped and deteriorated in multiple places
- Attic vent covered/replaced with wood on south-facing gable where functional vent is required
- Vinyl siding starter strip remaining where siding used to be is currently an unused element on north-facing, gable section of house (vinyl siding and associated hardware can be removed from entire area or siding can be replaced in entire area)
- Light fixture on shed is an unused element
- Retaining wall on east side of property is not structurally sound and in good repair
- Paint on retaining wall on east side of property is deteriorated and discolored
- Fence placed without a permit (*Fence permit obtained on April 12, 2017, and final approved on April 18, 2017*)

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#### 4. Initial Hearing

Owner: Shores Plaza Investments, LLC  
Address: 2120 ½ S. Atlantic Avenue, Daytona Beach Shores, FL  
Case #: CDEF2017-7  
Parcel ID #: 5315-02-03-0012

In violation of: *Code of Ordinances of the City of Daytona Beach Shores, Appendix “G” – Land Development Code, Chapter 14, Section 14-52.9.(B)(16) & (17) and (D)(1), (2), (3), & (6)* in the following manner:

- Wood exposed in sections of mansard roof
- *Mattresses being stored outdoors, south building face (removed by April 18, 2017)*
- Chairs and parts of a table are being stored outdoors, west of building
- Wood roofing materials are deteriorated at mansard roof on north, east, and south sides of eastern section of building
- Bottom edge of mansard roof material is rusted and deteriorated on east building face
- Mismatched roofing materials where vinyl is missing
- Ceiling sections are missing or partially detached and dangling in fourth and sixth bays (if counted from east)
- Exposed wood at mansard roof is deteriorated, north and south building faces
- Mansard roof is weakened by deteriorated and missing wood and vinyl sections
- Soffit pieces are missing in places around building
- Soffit pieces are unsecured in places around building
- 2<sup>nd</sup> floor “railing” is not structurally sound, entire west “rail” is not in place
- Refrigeration unit on roof just east of eastern-most bay is an unused element
- Wooden beam poking out over mansard at southeast corner of building is an unused element
- Drip edge missing from south face of eastern section of building

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## 5. Initial Hearing

Owner: Pappas Daughters, LLC  
Address: 2518 S. Atlantic Avenue, Daytona Beach Shores, FL  
Case #: CDEF2017-8  
Parcel ID #: 5322-01-00-0282

In violation of: *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, 5<sup>th</sup> Edition (2014)*, Chapter 1, Section 105.1 *Required.* and Chapter 14, Section 14-52.9.(D)(2), (4), & (9) in the following manner:

- Large window at Mike's Galley was replaced without a permit, left window of the pair of windows immediately to the left of the doors located under the plaza's and the restaurant's wall signs
- Large section of soffit missing at southern end of plaza (*soffit permit was obtained, one progress inspection was approved, permit has not been final-approved*)
- Multiple windows are boarded after being broken/cracked during Hurricane Matthew, four separate locations of the plaza at this address (*Window at Jet Set Tattoo was permitted but not final approved, window at Aloha Laundry was permitted and final-approved, windows at Pit Stop Bar and north-end unit have not been permitted or observably worked on*)
- Pole sign at southeast corner for property is in disrepair, cabinet damaged, faces missing (*was completely rectified*)
- Main pole sign for the plaza is in disrepair, cabinet damaged, pole housing damaged, faces missing (*permit application was submitted, but is not yet approvable*)

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## 6. Initial Hearing

Owner: Mahmoud M. & Amneh Amele Ead  
Address: 2545 S. Atlantic Avenue, Unit 1004, Daytona Beach Shores, FL  
Case #: PCDEF2016-68  
Parcel ID #: 5322-46-10-1004

In violation of: *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, 5<sup>th</sup> Edition (2014)*, Chapter 1, Section 105.1 *Required.*, Section 110.3 *Required Inspections.*, and Section 110.5 *Inspection requests.* in the following manner:

- Water damage was repaired without first obtaining a building and a plumbing permit (in an emergency replacement situation, a permit must be applied for by the next business day)
- No required, passed final inspection inspections have been obtained after water damage repairs
- No required final inspections have been requested after water damage repairs

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## 7. Initial Hearing

Owner: Castle Enterprises South Corp.  
Address: 3310 S. Atlantic Avenue, Daytona Beach Shores, FL  
Case #: CDEF2016-92  
Parcel ID #: 5335-04-00-0022

In violation of: *Code of Ordinances of the City of Daytona Beach Shores*, Chapter 13, Section 13-5. *Growth of weeds restricted.* & Appendix “G” – *Land Development Code*, Chapter 14, Section 14-52.9.(B)(14) & (16) and (D)(1), (4), & (6). in the following manner:

- Invasive weed Brazilian Pepper plants over 7 feet tall present on the northwest side of the property
- Weeds over 12” present west of building
- Yard is not maintained free of weeds and foreign matter
- Exterior paint shows streaking, peeling, and discoloration on all building faces
- Fascia and siding wood exposed to the elements on north building face, second floor
- Building does not present a “neat and fresh appearance”
- Paint is streaked, peeling, and discolored on all building faces
- Windows broken in three locations, east and west building faces
- Flashing missing from roof system, west building face
- Shingles loose and missing from areas of mansard roof, east building face

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## REMARKS OF STAFF

8. The next two CEB meeting will be held on July 11<sup>th</sup> and August 15<sup>th</sup> (no June meeting)

## REMARKS OF BOARD MEMBERS

## ADJOURNMENT

MEETING FORMAT Pursuant to Chapter 2, Section 2-36, VIII, Municipal Code

**MINUTES**  
**CODE ENFORCEMENT BOARD**  
**Tuesday, April 11, 2017**  
**3048 S. Atlantic Avenue Daytona Beach Shores, FL**

**Present:** Donald Bauknecht, Eric Datz, Ike Ofer, Larry Kittinger, Larry Saffer, Lowell Wynn.  
**Excused:** Sally Dowling. **Staff:** Board Attorney Lonnie Groot, Fred Hiatt, Gwyn Herstein, and Steve Edmunds.

The Board Attorney swore in the witnesses for the day's hearings.

**MINUTES OF PREVIOUS MEETING**

1. Minutes from the March 21, 2017, meeting

**Mr. Wynn moved, noting one correction to remove the word unanimous from the vote on agenda item three. The motion was seconded by Mr. Kittinger. The motion was unanimously approved by a voice vote.**

**PRELIMINARY COMMENTS**

2. Indication of any Cases removed from the Agenda by Staff

There were no cases removed from the agenda.

**OLD BUSINESS**

3. First Compliance Hearing (second of two)

Owner: Hue Management LLC  
Address: 2400 S. Atlantic Avenue, Daytona Beach Shores, FL  
Case #: CDEF2016-59  
Parcel ID #: 5322-03-05-0180

In violation of: *Code of Ordinances of the City of Daytona Beach Shores*, Appendix "G" – *Land Development Code*, Chapter 14, Section 14-52.9.(D)(1), (2), & (3). in the following manner:

- Paint on multiple building faces is discolored in places
- Paint on multiple building faces is peeling in places
- Pieces of rooftop A/C unit are loose and coming apart
- Crumbling rooftop A/C units are unused elements
- Small awning is missing from awning supports, which are now unused elements on west building face
- Two poles in paved area on west side of building which used to support a dumpster enclosure are now unused elements

Initial Hearing Date: November 15, 2016

Second Board-Ordered Compliance Date: February 13, 2017  
Board Ordered Fine: \$250.00 per day  
Board Approved Administrative Fees: \$217.29  
Additional Administrative Fees Requested: \$76.31 (total \$293.60)

Ms. Herstein asked that all documents be accepted as evidence. The Chairman accepted the documents. Ms. Herstein explained why these First and Second Compliance Hearings were given separate case numbers. The case wasn't compliant at the time the agenda was created but the owner thought it would be by the hearing date and was flying in from California. The case began on July 29, 2016. The property representative was in communication with City staff and began work on the landscaping violations. The property was re-evaluated on November 2, 2016, and only the landscaping violations had been corrected. The Initial Hearing took place on November 15<sup>th</sup> and the Respondent was given until December 15<sup>th</sup> to obtain all permits required and until February 13, 2017, to completely rectify the violations. As to the first date, there was no paint permit application submitted. After staff created an Affidavit of Non-Compliance and achieved good service on the Notice of First Compliance Hearing, the Board found, during the February 21, 2017, hearing, that the property had remained in violation beyond their ordered date. The property was also inspected on February 14<sup>th</sup> and was found to be non-compliant with the second Board-ordered compliance date. Another Affidavit of Non-compliance was generated. Susan Tran, the property owner, called the office for the first time on March 6<sup>th</sup> to discuss the case. She explained that the building was not insured before the hurricane. She also explained that there had been a buyer for the property but he backed out. Ms. Herstein informed her that not getting a paint permit and not painting the building made up a substantial piece of the fine. The Notice of First Compliance Hearing for the second missed compliance date was sent to Ms. Tran on March 7<sup>th</sup> to the new address she had provided and good service was achieved. The paint permit was issued on March 29<sup>th</sup>. The property was re-inspected on April 10<sup>th</sup> and the painting was newly complete. The property is here for the second of two First Compliance Hearings. Ms. Herstein questioned Building Inspector Steve Edmunds as to the accuracy of the pictures and documents. He replied affirmatively. She inquired if the events presented were also true and accurate and he replied affirmatively. He did not wish to add or make other corrections to the record. Staff requested the board find the property in violation beyond the second date ordered by the board and to impose a fine. An additional Administrative fee of \$76.31 was requested.

The property owner, Susan Tran, explained that she lives in San Diego, CA. The initial documents were sent to the wrong address. She was not aware of any previous problems with the property when she purchased it on June 30, 2016. She distributed copies of the purchase agreement and contracts she had in place with contractors. She explained that initially she was going to create a Cajun steakhouse café but her partners backed out. She was reluctant to paint the building since she felt a new tenant would want to choose the color scheme. After the hurricane came through, the roof blew off so that was a new issue that had to be immediately addressed. The property had been up for sale with an interested buyer, but the buyer backed out of the deal. Ms. Tran informed the board that she had spent a ton of money and had been through extraordinary circumstances.

Ms. Herstein informed the board that she sent the notices to the address of record per State Statutes and that statutory "good service" had been achieved for each notice generated. She added that the owner's rep., Tim Bickle, was involved in early September, was aware of the information provided in the Notice of Violation and subsequent notices, and never mentioned or corrected the mailing address.

**Mr. Datz moved, seconded by Mr. Ofer, based on the testimony given and the evidence presented today regarding Hue Management at 2400 S. Atlantic Avenue, Case Number CDEF2016-59, Parcel Number 5322-03-05-0180, to find that the Respondent has failed to comply with the Board's Order of November 15, 2016, and to impose a fine in the amount of \$250 per day for each and every day the violation continues as stated in this Board's prior Order, plus an Administrative Fee of \$293.60 against the Respondent, and the Respondent is further ordered to contact the Code Enforcement Office to verify compliance with the Orders entered in this case.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Donald Bauknecht, Eric Datz, Ike Ofer, Larry Kittinger, Larry Saffer, Lowell Wynn.

#### 4. Second Compliance Hearing

Owner: Hue Management LLC  
Address: 2400 S. Atlantic Avenue, Daytona Beach Shores, FL  
Case #: CDEF2016-59  
Parcel ID #: 5322-03-05-0180

In violation of: *Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" – Land Development Code, Chapter 14, Section 14-52.9.(D)(1), (2), & (3) in the following manner:*

- Paint on multiple building faces is discolored in places
- Paint on multiple building faces is peeling in places
- Pieces of rooftop A/C unit are loose and coming apart
- Crumbling rooftop A/C units are unused elements
- Small awning is missing from awning supports, which are now unused elements on west building face
- Two poles in paved area on west side of building which used to support a dumpster enclosure are now unused elements

Initial Hearing Date: November 15, 2016

Board-Ordered Compliance Dates:

- December 15, 2016, to obtain all permits required to rectify the violations
- February 13, 2017, to correct all violations, including approved final inspections on all required permits

Actual Compliance Dates:

- March 30, 2017, all permits required to rectify the violations were obtained
- *tbd (between April 6 & 10, 2017)*, for compliance with all violations including approved final inspections on all required permits

Fined Days of Non-Compliance: *tbd (between 111 & 115)*

Board Ordered Fine: \$250.00 per day

Total Accrued Fine: *tbd (between \$27,750.00 and \$28,750.00)*

Board Approved Administrative Fees: *tbd*



Ms. Herstein asked if the Respondent agreed to stipulate all the documents from the just presented hearing #3 for this property (First Compliance Hearing – second of two) and all items presented in said hearing being introduced as a foundation for this case. The Respondent agreed. The Chairman accepted the documents and testimony as evidence. Ms. Tran stated she did not agree with having to paint the building just to gain compliance since it will have to be repainted to conform with a new concept. She requested the fine be reduced to \$2500. Mr. Ofer asked her about future endeavors. She responded that she was meeting with a restaurateur from New York later tonight. She hoped to lease the building and try to recoup some of her funds. Mr. Wynn felt that putting too much weight on the paint portion was unfair since she couldn't know what color scheme would be used. Ms. Herstein explained not having the paint permit consisted of \$14,750 in fines. Mr. Saffer felt they should have paid the \$43.50 for the permit and chosen a white color to satisfy the code violations. If the fine is reduced to include only non paint-related violation, it would be just under \$6,500.

**Mr. Bauknecht moved, seconded by Mr. Wynn based on the testimony given and the evidence presented today regarding Hue Management, LLC at 2400 S. Atlantic Avenue, Case Number CDEF2016-59, Parcel Number 5322-03-05-0180, to find that, while the property is compliant at this time, the Respondent did not comply with the Code Enforcement Board's Order of November 15, 2016, by the date specified in that Order. However, based on delays caused by Hurricane Matthew, and other complications, move to reduce the fines to \$6,000 plus an Administrative Fee of \$293.60. This reduced fine shall be paid within 60 days from the date of this order or the fine shall revert to the original fine amount and shall be imposed as a lien.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Donald Bauknecht, Eric Datz, Ike Ofer, Larry Kittinger, Larry Saffer, Lowell Wynn.

#### 5. First Compliance Hearing (second of two) and Second Compliance Hearing

Owner: Sunnyboy LLC  
Address: 2801 S. Atlantic Avenue, Daytona Beach Shores, FL  
Case #: PCDEF2016-44  
Parcel ID #: 5327-05-00-1380

In violation of: *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, 5<sup>th</sup> Edition (2014), Chapter 1, Section 105.1 Required.* in the following manner:

- Daytona Beach Shores building permit numbered 20151050 has expired twice without a final inspection
- Daytona Beach Shores roof permit numbered 20151051 has expired twice without a final inspection
- Roofing work done exceeded the scope of the roofing permit numbered 20151051, re-roof instead of patching
- The work previously covered by Daytona Beach Shores building permits numbered 20151050 and 20151051 is currently unpermitted work
- Multiple windows were replaced without an associated building permit
- Front door and sliding glass doors were replaced without an associated building permit

- Exterior siding was placed without an associated building permit
- Exterior lights were added without an associated electrical permit

Initial Hearing Date: September 20, 2016

Board-Ordered Compliance Dates:

- November 4, 2016, to obtain all permits required to rectify the violations
- February 17, 2017, to secure approved final inspections on all required permits

Actual Compliance Dates:

- December 6, 2016, all permits required to rectify the violations were obtained
- March 10, 2017, approved final inspections for all required permits were secured

Fined Days of Non-Compliance: 31 days + 20 days = 51 days

Board Ordered Fine: \$250.00 per day

Total Accrued Fine: \$12,750.00

Board Approved Administrative Fees: \$217.29

Additional Administrative Fees Requested: \$76.31 (total \$293.60)

Ms. Herstein asked that all documents be accepted as evidence. The Chairman accepted the documents. This is a First Compliance Hearing for the second board-ordered compliance date. The violations were read for the record. The case began in August 2015, when the owner pulled permits to repair his deck and a roof leak. The permits expired in March 2016, without any inspections. A Stop Work Order was issued on April 21, 2016. The case was forwarded to Code Enforcement on May 31, 2016. A Notice of Violation was sent on June 1, 2016, and good service was achieved. Multiple conversations took place between the owner and Building Inspector Edmunds. The property came before the board on September 20, 2016, and the Respondent had until November 4, 2016, to obtain all required permits and until February 17, 2017, to obtain approved final inspections on all required permits. The reimbursement of Administrative Fees were imposed and paid. On November 3<sup>rd</sup>, a building permit application was received, but other permits were also required. An Affidavit of Non-Compliance was generated the next day. All required permits were obtained by December 6, 2016. A First Compliance Hearing for the permit deadline was held on January 21, 2017, and the property was found to have remained in violation. A roofing inspection was held on January 25<sup>th</sup>, during which multiple problems were detected. Work on the interior of the home without permits was seen and a Stop Work Order was placed. The roof was given a final inspection and it was approved on February 15<sup>th</sup> other trades' jobs were inspected but none passed inspection. The notice for the second First Compliance Hearing was sent on March 6<sup>th</sup>, and good service was achieved. On March 10<sup>th</sup>, all final inspections took place and passed. The owner requested the Second Compliance Hearing occur on that date too. There were 51 total days of non-compliance with accrued fines of \$12,750.

Ms. Herstein questioned Building Inspector Steve Edmunds as to the accuracy of the pictures and documents. He replied affirmatively. She inquired if the events presented were also true and accurate and he replied affirmatively. He did not wish to add or make other corrections to the record. Staff requested the board to find the property was non-compliant beyond the second date ordered and to impose a fine. Reimbursement of additional Administrative Fees of \$76.31 was also requested. With final inspections passing on different dates, the fine could easily be reduced to \$10,209.00.

Mr. Loesche thanked city staff for their help and he apologized for the problems he created. He said he naively thought he could fix the problems on the house himself and has paid for many items twice now. He thought Mr. Parker had applied for all the permits before the deadline. After the hurricane, no contractors would answer his calls. Both Mr. Parker's father and brother died within two days of each other and he was unable to pick up the permits until December. They

tried very hard to meet the February final deadline. Mr. Datz appreciated that he admitted his mistakes.

**Mr. Datz moved, seconded by Mr. Wynn, based on the testimony given and the evidence presented today regarding Sunnyboy LLC, at 2801 S. Atlantic Avenue, Case Number PCDEF2016-44, Parcel Number 5327-05-00-1380, to find that the Respondent has failed to comply with the Board's Order of September 20, 2016, and to impose a fine in the amount of \$250 per day for each and every day the violation continues as stated in this Board's prior Order, plus an administrative Fee of \$293.60 against the Respondent, and the Respondent is further ordered to contact the Code Enforcement Office to verify compliance with the Orders entered in this case.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Donald Bauknecht, Eric Datz, Ike Ofer, Larry Kittinger, Larry Saffer, Lowell Wynn.

Second Compliance Hearing – Mr. Saffer recapped the issues Mr. Loesche mentioned that caused delays with the work. They were: Hurricane Matthew and the ability to obtain a contractor after the storm and that his contractor had two deaths in the family. It appeared that an effort was made by the Respondent and he would be comfortable reducing the fines in half. The board members were in agreement with the reduction amount.

**Mr. Bauknecht moved, seconded by Mr. Kittinger, based on the testimony given and the evidence presented today regarding Sunnyboy LLC, at 2801 S. Atlantic Avenue, Case Number PCDEF2016-44, Parcel Number 5327-05-00-1380, to find that, while the property is compliant at this time, the Respondent did not comply with the Code Enforcement Board's Order of September 20, 2016, by the date specified in that Order. However, based on the Hurricane Matthew and the contractor's personal circumstances, move to reduce the fines to \$5,000 plus an Administrative Fee of \$293.60. This reduced fine shall be paid within 60 days from the date of this order or the fine shall revert to the original fine amount and shall be imposed as a lien.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Donald Bauknecht, Eric Datz, Ike Ofer, Larry Kittinger, Larry Saffer, Lowell Wynn.

## **REMARKS OF STAFF**

6. The next three CEB meetings will be held on May 16<sup>th</sup>, June 20<sup>th</sup>, and July 11<sup>th</sup>

Ms. Herstein reviewed the next three meeting dates with the board. She also informed them of an upcoming training session on Friday, June 23<sup>rd</sup> in Orlando.

## **REMARKS OF BOARD MEMBERS**

Chairman Saffer wished everyone a happy Passover and a happy Easter.

**ADJOURNMENT** : The meeting ended at 2:33 pm.

**Attest:**

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**Cheri Schwab, Recording Secretary**

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**Larry Saffer, Board Chairman**