

**AGENDA**  
**CODE ENFORCEMENT BOARD**  
**Tuesday, December 5, 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 October 17, 2017, meeting

**PRELIMINARY COMMENTS**

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

**OLD BUSINESS**

3. Second Compliance Hearing

Case #: CDEF2014-106  
Address: 2043 S. Atlantic Avenue, Unit 415, Daytona Beach Shores, FL  
Owner: Barry W. Barks  
Parcel ID #: 5316-30-00-4150

In violation of: *Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" – Land Development Code, Chapter 5, Section 5-5.1., Building Occupancy.* in the following manner:

- The unit referenced above in a building designed for short-term, transient occupancy is being occupied as though it were designed for multi-family, residential occupancy without meeting the requirements for such

Initial Hearing Date: August 18, 2015  
Board-Ordered Compliance Date: September 17, 2015  
Actual Compliance Date: October 17, 2017  
Fined Days of Non-Compliance: 760  
Board-Ordered Fine: \$150.00 per day  
Total Accrued Fine: \$114,000.00  
Board-Approved Administrative Fees: \$140.98  
Additional Requested Administrative Fees: \$76.31 (Total Requested: \$217.29)

#### 4. First Compliance Hearing

Owner: SS 2500, LLC  
Address: 2504 S. Atlantic Avenue, Daytona Beach Shores, FL  
Case #: PCDEF2017-34  
Parcel ID #: 5322-01-00-0266

In violation of: *Code of Ordinances of the City of Daytona Beach Shores*, Chapter 13, Section 13-5. *Growth of weeds restricted.* and Appendix "G" – *Land Development Code*, Chapter 14, Section 14-52.9, (B)(3), (11), (14), (16), & (17) and (D) (1), (2), (3), (6), (7), (9), & (12) in the following manner:

- Weeds have grown over 12" in places, especially on west side of property (compliant by October 25, 2017) **(9 days)**
- *At least one door was removed from its hinges, leaving an open structure and creating an attractive nuisance (compliant by Board's Ordered date)*
- *A door and other flat wood is arranged in the form of a ramp in the parking area (compliant by Board's ordered date)*
- *Mountains, a ship, and other former mini-golf course props are unprotected and unsupervised attractive nuisances (compliant by Board's ordered date)*
- Overgrown vegetation on west area of property is likely to harbor vermin or similar creatures (compliant by October 25, 2017) **(9 days)**
- Overgrown vegetation on west area of property, when dry, is likely to constitute a fire hazard (compliant by October 24, 2017) **(8 days)**
- Refuse and debris is present along south and east property lines (compliant by October 25, 2017) **(9 days)**
- Refuse and debris is present in swale area between walls along south and west property lines (compliant by October 24, 2017) **(8 days)**
- *The bodies of two, recently-deceased cats are present in swale area between walls near south property line (compliant by Board's ordered date)*
- Paint is faded/deteriorated on raised wooden walls near west property line (compliant by October 24, 2017) **(8 days)**
- *Holes, breaks, and rotting boards are present on the structure which formerly supported an airplane shell (compliant by Board's ordered date)*
- *Unprotected wood present on the structure which formerly supported an airplane shell (compliant by Board's ordered date)*
- *Standing water in pools create breeding conditions for mosquitoes (compliant by Board's ordered date)*
- Weeds, trash, and debris are present in swale area between walls on south and west property lines (compliant by October 24, 2017) **(8 days)**
- Trash and debris are present on all areas visible from public right-of-way (compliant by October 25, 2017) **(9 days)**
- *Weeds and dried vegetation are present in multiple areas visible from the public right-of-way (compliant by Board's ordered date)*
- **Thatched roof on south building is deteriorated** (work appears to be done but is not final-approved as of November 28, 2017)
- *Sections of structure which formerly supported an airplane shell do not appear to be structurally sound, holes in top (compliant by Board's ordered date)*

- *Sections of ship do not appear to be structurally sound, pieces of bottom are dangling (compliant by Board's ordered date)*
- *Mountains, a ship, bridges, pools, the structure which formerly held an airplane shell, signage, and other former mini-golf course props are currently non-functional elements (compliant by Board's ordered date)*
- **Sign poles on east property line are a non-functional element** (not rectified though a sign permit is ready to be obtained as of November 28, 2017)
- **Thatched roof on south building is not being maintained to prevent damage to the structure** (work appears to be done but is not final-approved as of November 28, 2017)
- Block wall facing east on south end of property is discolored and displays explicit graffiti (compliant by October 25, 2017) **(9 days)**
- **Wood retaining wall on south and west sides of property is in disrepair, it is split at the southwest corner, leaning outward on both sides, and discolored** (work appears to have been done by October 30, 2017, but permit needs to be final-approved)
- *Split rail fence is broken in at least one area (compliant by Board's ordered date)*
- Wood fencing is in disrepair, some panels broken, warped, or on the ground (compliant by October 25, 2017) **(9 days)**
- Painted retaining walls are discolored around property (compliant by October 24, 2017) **(8 days)**
- **Light fixtures on main sign on east property line are in disrepair, fixtures are rusted and deteriorated, wiring exposed** (work is reportedly done but permit has not been final-approved)
- *South pole sign face was removed incompletely (compliant by Board's ordered date)*
- *Landscaping in many areas is not in a neat and well-maintained condition (compliant by Board's ordered date)*
- *Landscape timbers are out of place and/or deteriorated in places (compliant by Board's ordered date)*

Initial Hearing Date: August 15, 2017

First Board-Ordered Compliance Date: August 22, 2017 – compliance date was met  
(to make the property inaccessible to the public)

Second Board-Ordered Compliance Date: October 16, 2017 – compliance date was not met  
(to bring the property into full compliance)

Board-Ordered Fine: \$250.00 per day

Board-Approved Administrative Fees: \$140.98

Additional Requested Administrative Fees: \$76.31 (Total Requested: \$217.29)

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## NEW BUSINESS

### 5. Initial Hearing

Owners: Boua Van Nguyen & Aree Hassinger  
Address: 109 Dunlawton Blvd., Daytona Beach Shores, FL  
Case #: CDEF2017-67  
Parcel ID #: 5335-03-07-0260

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.(B)(14) & (16) and (D)(1), (2), (3), & (4) in the following manner:

- **Re-roof of north-facing, first-floor roof without a permit** (permit applied for and obtained November 14, 2017, has not been final approved)
- **Plywood pieces on ground in yard east of building** (these pieces were removed but other wood is in yard is same area)
- **Large crack in block wall on east face of building** (crack was filled in and painted over but without a permit or engineering which is required due to the size and separation of the crack)
- **Cracked area above east-facing window, first floor** (crack was filled in and painted over but without a permit or engineering)
- **Door and area above door is discolored, south building face, first floor**
- **Wood missing near threshold of south-facing door, first floor**
- **Broken/cracked window, south building face, first floor** (window was boarded over and then a partial permit application was received November 9, 2017, the application was completed on November 14, 2017, and the permit was obtained on November 27, 2017)
- **Improperly abandoned /boarded window, south building face, first floor** (window was boarded over and then a partial permit application was received November 9, 2017, the application was completed on November 14, 2017, and the permit was obtained on November 27, 2017)
- **Improperly abandoned /boarded window, west building face, second floor** (window remains boarded, no permit obtained to replace)

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## 6. Initial Hearing

Owner: SS 2500, LLC  
Address: 2500 S. Atlantic Avenue, Daytona Beach Shores, FL  
Case #: PCDEF2017-71  
Parcel ID #: 5322-01-00-0252

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 – Fifth Edition (2014), Chapter 1, Section 105.1.Required.* in the following manner:

- No permit was obtained to remove and replace drywall in all units associated with the replacement of hot and cold water lines

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## REMARKS OF STAFF

7. The next meeting will be held on Tuesday, January 16<sup>th</sup>.

## REMARKS OF BOARD MEMBERS

## ADJOURNMENT

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

**MINUTES**  
**CODE ENFORCEMENT BOARD**  
**October 17, 2017**  
**3048 S. Atlantic Avenue Daytona Beach Shores, FL**

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

**CALL TO ORDER** Chairman Saffer called the meeting to order at 1:00 pm.

**MINUTES OF PREVIOUS MEETING**

1. Minutes from the September 19, 2017, meeting  
**Mr. Kittinger moved, seconded by Ms. Dowling to approve the September 19, 2017 minutes. 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, but Ms. Herstein requested that Case #5 be heard before #4 due to time restraints of the Respondent.

**OLD BUSINESS**

3. Second Compliance Hearing

Case #: CDEF2017-9  
Address: 2043 Schulte Avenue, Daytona Beach Shores, FL  
Owners: Mary E. & Larry W. Fenton  
Parcel ID #: 5316-18-00-1060

In violation of: *Code of Ordinances of the City of Daytona Beach Shores*, Appendix "G" – *Land Development Code*, Chapter 5, Section 5-10. *Numerals.* & 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 (*rectified by August 30<sup>th</sup>*)
- Wood is deteriorated on all visible sides of shed (*rectified by August 30<sup>th</sup>*)
- Paint is deteriorated on all visible sides of shed, exposing wood (*rectified by August 30<sup>th</sup>*)
- Soffit, fascia, and flashing are deteriorated and/or missing in places of shed (*rectified by August 30<sup>th</sup>*)
- Soffit, fascia, and flashing are deteriorated on west and north-facing areas of house (*rectified by April 18<sup>th</sup>*)
- Wood fence panels are stacked east of shed (*rectified by August 14<sup>th</sup>*)
- Shed does not present a neat and fresh appearance (*rectified by August 30<sup>th</sup>*)
- Paint is peeling from shed (*rectified by August 14<sup>th</sup>*)
- Wood on shed is warped and deteriorated in multiple places (*rectified by August 14<sup>th</sup>*)
- Attic vent covered/replaced with wood on south-facing gable where functional vent is required (*rectified by September 7<sup>th</sup>*)

- 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) (*rectified by August 30<sup>th</sup>*)
- Light fixture on shed is an unused element (*rectified by September 22, 2017*)
- Retaining wall on east side of property is not structurally sound and in good repair (*rectified by August 29<sup>th</sup> – permit for structure final-approved*)
- Paint on retaining wall on east side of property is deteriorated and discolored (*rectified by September 7<sup>th</sup>*)
- Fence placed without a permit (*rectified by April 18<sup>th</sup>*)

Initial Hearing Date: May 16, 2017

Board-Ordered Compliance Date: August 14, 2017

Actual Compliance Date: September 22, 2017

Fined Days of Non-Compliance: 37

Board-Ordered Fine: \$250.00 per day

Total Accrued Fine: \$9,250.00

Board-Approved Administrative Fees: \$217.29

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

Ms. Herstein asked that all documents be accepted as evidence. The Chairman accepted the documents. Originally there were 15 violations, five were completed before the board's ordered date. The remaining ten violations were read for the record with the date of compliance noted. The case began on January 27, 2017, and the initial hearing took place on May 16, 2017. The board's compliance date was August 14, 2017. On July 21<sup>st</sup>, a permit for the retaining wall was submitted. The permit was obtained on August 9<sup>th</sup>. The property was re-inspected on August 16<sup>th</sup> and was deemed non-compliant. Pictures were shown from that inspection. Both the Affidavit of Non-compliance and Affidavit of Compliance, Partial were sent on August 28, 2017, along with the Notice of First Compliance Hearing, and good service was achieved. The block wall was given a final inspection on August 29<sup>th</sup> and it passed. Hurricane Irma did impact some areas of the property. Some items previously rectified were taken back out of compliance but that did not affect the property's compliance with this case. The pre-storm, unrectified violations were not affected. As of September 15<sup>th</sup>, there was only one item outstanding, a light fixture that was capped off without a permit. The First Compliance Hearing was held on September 19<sup>th</sup>, and the property was found to be non-compliant. The electrical permit for the fixture was issued on September 20<sup>th</sup>, and a final inspection took place on September 22<sup>nd</sup> and passed. The Notice of Second Compliance Hearing was sent on September 25, 2017. Good service was achieved. The owner does live out of state, but he stopped into the office to provide authorization for his ReMax agent to represent him. There were 37 fined days of non-compliance for a total of \$9,250.00. Ms. Herstein requested reimbursement of the Administrative Fee totaling \$293.60. The cost break down of the 15 violations would be \$16.66 per day per violation. The initial reduction to account for the violations rectified earlier could be \$3,082.00 if the board desired.

Brent McGinnis spoke for the respondent. He works for ReMax and manages the property for the Fentons. He had a letter from the concrete contractor regarding the retaining wall. Work should have been completed in 90 days, but summer storms prevented that. The work on the concrete wall didn't begin until mid-August. He explained that he had been very persistent with all the contractors. Mr. Ofer inquired the total cost of the renovation and the answer was over \$33,000. The original estimate had been \$10,000. After Hurricane Irma, there was another \$10,000 in damage. It was a challenge to find contractors to do the work originally. Mr. Saffer inquired when the contract for the concrete work was signed. Mr. McGinnis responded that it had been signed on April 14<sup>th</sup>, along with a

deposit of \$1,500. A second check was mailed on July 11<sup>th</sup>, for \$9,000. The wall alone cost over \$22,000. Mr. Ofer stated that he believed the owner acted in good faith at all times and made a suggestion to reduce the fine by 50%. Ms. Dowling supported a fine of \$1,000 due to the fact that the contractor held up the work.

**Ms. Dowling moved, seconded by Mr. Wynn based on the testimony given and the evidence presented today regarding Mary E. & Larry W. Fenton at 2043 Schulte Avenue, Case Number CDEF2017-9, Parcel Number 5316-18-00-1060, to find that, while the property is compliant at this time, the Respondent did not comply with the Code Enforcement Board's Order of May 16, 2017, by the date specified in that Order. However, based on the time it took to gain compliance, I move to reduce the fines/lien to \$1,000 plus an Administrative Fee of \$293.60.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

#### 4. Second Compliance Hearing – Repeat Violation

Owner: Sunnyboy LLC  
Address: 2801 S. Atlantic Avenue, Daytona Beach Shores, FL  
Case #: REPCDEF2017-59 (Repeat of 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:

- Framing placed without a permit, ground floor (*compliant on August 21, 2017*)
- Drywall replaced without a permit, ground floor (*compliant on August 21, 2017*)
- Two vanities installed without permits, ground floor (*compliant on August 21, 2017*)
- Tub installed without permits, ground floor (*compliant on August 21, 2017*)
- Switches, fixtures, and wiring installed without permits, ground floor (*compliant on August 21, 2017*)

Date Repeat Violations were Observed: June 16, 2017

Initial Hearing Date: July 11, 2017

Board-Ordered Compliance Date: Immediately

Actual Compliance Date: August 21, 2017

Fined Days of Non-Compliance: 66

Board-Ordered Fine: \$500.00 per day

Total Accrued Fine: \$33,000.00

Board-Approved Administrative Fees: \$76.31

Additional Requested Administrative Fees: \$76.31 (Total Requested: \$152.62)

Ms. Herstein asked that all documents be accepted as evidence. The Chairman accepted the documents. She stated that the property was now compliant, but the owner was not able to be in



attendance. He is in Switzerland but will be in the country for the January meeting or will send someone to represent him. He had previously planned to be here. The fine is substantial at \$33,000.

**Mr. Bauknecht moved, seconded by Mr. Datz that Case #REPCDEF2017-59, Repeat of Case PCDEF2016-44, be Continued to the Code Enforcement Board meeting of January 16, 2018.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

## 5. First and Second Compliance Hearings

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 (*compliant by Board's ordered date of July 17, 2017*)
- Large section of soffit missing at southern end of plaza (*compliant by Board's ordered date of July 17, 2017*)
- Multiple windows are boarded after being broken/cracked during Hurricane Matthew, four separate locations of the plaza at this address (*all windows - Jet Set Tattoo, Aloha Laundry, and Pit Stop Bar were functionally compliant by Board's ordered date of July 17, 2017 - fully compliant by July 18, 2017*)
- Pole sign at southeast corner for property is in disrepair, cabinet damaged, faces missing (*compliant by Board's ordered date of July 17, 2017*)
- Main pole sign for the plaza is in disrepair, cabinet damaged, pole housing damaged, faces missing (*compliant on September 26, 2017*)

Initial Hearing Date: May 16, 2017

Board-Ordered Compliance Date: July 17, 2017

Actual Compliance Date: September 26, 2017

Fined Days of Non-Compliance: 70

Board-Ordered Fine: \$250.00 per day

Total Accrued Fine: \$17,500.00

Board-Approved Administrative Fees: \$140.98

Additional Requested Administrative Fees: \$76.31 (Total Requested: \$217.29)

Ms. Herstein asked that all documents be accepted as evidence. The Chairman accepted the documents. She passed out an additional page labeled 5-17, which was a picture taken the previous night. The first eighteen sheets of the case notes had been submitted by the Respondent. Ms. Herstein noted that both the First and Second Compliance Hearings would take place. The violations

were read for the record along with the dates of compliance. The case began 100 days after Hurricane Matthew. The original hearing was on May 16, 2017, and the Respondent was given until July 17<sup>th</sup>, for compliance. The permits were obtained promptly. During the May meeting, Mr. Pappas informed the board that he would be leaving for Greece for two months. The sign permit was obtained on May 24<sup>th</sup>. By the board's date, only the main pole sign remained in violation. The pole sign failed the first inspection. Mr. Pappas called to state he could not do the landscaping required due to the impending Hurricane Irma. The sign permit couldn't obtain a final inspection until the landscaping was complete. The final sign inspection occurred on September 26<sup>th</sup>, and it passed. The Notice of First and Second Compliance Hearing were generated, and good service was achieved. Staff requested the board find the property in violation beyond the board's ordered date and impose a fine of \$250 per day. Reimbursement of the Administrative Fee of \$217.29 was also requested. Staff suggested a mathematical approach to reducing the fines based on individual violation compliance dates. Since only one of the five violations went past the board's ordered date for 70 days, the board could reduce the fine to just 20% or \$3,500. Mr. Saffer verified the date that the sign itself was installed was September 6<sup>th</sup>. It would have only taken three days for landscaping and pavers, etc. if no storm had occurred. Ms. Dowling inquired why the inspections originally failed and she was informed the plans provided were not the same as the work being performed.

Chris Pappas and his daughter, Tina Pappas Ruth, were present. Ms. Ruth explained that her father has been in the city for over 40 years. He had a problem with the sign company who kept putting him off with delays. The contract, with Kenco Signs, was signed on December 6, 2016. The company was paid, and a rendering was created. The sign company did not follow through as directed and work didn't start until the summer. By August 22<sup>nd</sup>, only the concrete had been poured. The sign company blamed the city and their restrictions. Ms. Ruth asked for a reduction and leniency on the final violation.

Mr. Datz felt the sign company was beyond Mr. Pappas' control and supported rescinding the fine. After a brief discussion, the majority of the board agreed.

**Mr. Datz moved, seconded by Mr. Bauknecht, based on the testimony given and the evidence presented today regarding Pappas Daughters, LLC at 2518 S. Atlantic Avenue, Case Number CDEF2017-8, Parcel Number 5322-01-00-0282, to find that the Respondent has failed to comply with the Board's Order of May 16,2017, 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 \$217.29 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 = 7).

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

Second Compliance motion

**Mr. Datz moved, seconded by Mr. Wynn that based on the testimony given and the evidence presented today regarding Pappas Daughters, LLC at 2518 S. Atlantic Avenue, Case Number CDEF2017-8, Parcel Number 5322-01-00-0282, to find that, while the property is compliant at this time, the Respondent did not comply with the Code Enforcement Board's Order of May 16, 2017, by the date specified in that Order. However, based on the following factor that the owner tried everything possible to gain compliance, I move to reduce the fines to \$0 plus an Administrative Fee of \$217.29.**

**Vote:** Motion passed (**summary:** Yes = 6, No = 1.

**Yes:** Donald Bauknecht, Eric Datz, Larry Kittinger, Larry Saffer, Lowell Wynn, Sally Dowling.

**No:** Ike Ofer.

## NEW BUSINESS

### 6. Initial Hearing

Owner: A1A Beach House Inn & Suites, LLC  
Address: 3221 S. Atlantic Avenue, Daytona Beach Shores, FL  
Case #: CDEF2017-69  
Parcel ID #: 5335-01-02-0010

In violation of: *Code of Ordinances of the City of Daytona Beach Shores, Growth of weeds restricted.* & Appendix “G” – *Land Development Code*, Chapter 14, Section 14-52.9.(C) and (D)(7). in the following manner:

- Retaining wall on north property line is undermined and appears to be structurally flawed
- Retaining wall on north property line is undermined and does not appear to be structurally sound and in good repair
- Retaining wall on north property line and seawall on the east side of the property line are not “maintained to present cared-for aesthetic appearance” – white paint has been applied over blue inconsistently

Ms. Herstein asked that all documents be accepted as evidence. The Chairman accepted the documents. Pictures of the violations were shown. On August 2<sup>nd</sup>, Volusia County staff spoke with Director Fred Hiatt regarding the issue. They reported that the condition of the wall was causing a washout on the beach approach. Inspector Edmunds inspected the site that day and reported back to Director Hiatt. On August 9<sup>th</sup>, County staff met with the property manager to discuss the violations and advised them to retain a geotechnical engineer to assist in the restoration. No permit applications had been received by August 25<sup>th</sup>, so staff inspected the site from the right of way. They spoke with the manager and she allowed them onsite. The manager advised them that a contract with Joe’s Pools of Daytona was in place. Joe came to the office to speak with Mr. Edmunds about the job, but he was in a meeting. They spoke later that day on the phone. A Notice of Violation was generated and mailed on August 30, 2017. It was returned to the office on October 2<sup>nd</sup>. When the certified mail was not received by September 6<sup>th</sup>, Inspector Edmunds hand delivered the notice to the motel manager. The property was inspected again on October 6<sup>th</sup>, and no corrections had been made. A Statement of Violation/Request for Hearing and Notice of Hearing were hand delivered to the motel office on the same day. Ms. Herstein questioned Building Inspector Steve Edmunds if the pictures and documents presented were true and accurate. He replied they were. She asked if the events presented were accurate and he replied affirmatively with no corrections or additions. She requested he share his conversation with the property owner. Mr. Edmunds stated that when he delivered the notices, both the manager and owner were in the motel office. He advised the owner to attend the meeting today to explain what was happening. Ms. Herstein inquired as to a reasonable time estimate to repair the wall and Inspector Edmunds replied 30 days. Staff requested the board find the property in violation and give until January 16, 2018, for compliance and to impose a fine of \$250 per day. The reimbursement of the Administrative Fee of \$140.98 was also requested.

There was no one to speak on behalf of the Respondent. Mr. Ofer inquired how the pool water is being disposed of now. He was informed that with the broken pipe in the ground, water is running down the beach approach. Inspector Edmunds stated that if bad weather were to occur, it could be more destructive. After a brief discussion, staff suggested to include a requirement for an engineer's certification within 2 weeks. If the wall is secure, the Respondent could have 64 days for repairs. If the wall is deemed unsafe, the Board might allow two days to shore it up to the satisfaction of both the city and the engineer.

**Mr. Bauknecht moved, seconded by Mr. Kittinger, based on the testimony given and the evidence presented today regarding A1A Beach House at 3221 S. Atlantic Avenue, Case Number CDEF2017-69, Parcel Number 5335-01-02-0010, to find the property in violation of the Land Development Code, Chapter 14, Section 14-52.9.(C) and (D)(7), and that the Respondent be Ordered to correct the violations by obtaining a professional engineer's certification that the wall is safe by October 31, 2017. If unsafe, the wall must be temporarily shored to the satisfaction of both the engineer and the City by November 2, 2017. The Respondent must rectify the violations by January 5, 2018, and pay an Administrative Fee of \$140.98. In the event the Respondent does not comply with the order, a fine in the amount of \$250 will be imposed for each and every day the violations continue past the aforesaid dates and additional administrative fees may be approved at subsequent hearings and imposed. The Respondent is further ordered to secure all required permits before beginning correction of said violations and to contact the City of Daytona Beach Shores Code Enforcement Office to verify compliance with this Order. Any future recurrence of this Code violation by this Respondent will be treated as a Repeat violation for which a fine in the amount of up to \$500 per day may be imposed.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

## **ANNUAL BUSINESS MEETING**

7. Election of Chairperson Mr. Datz nominated Larry Saffer which was seconded by Mr. Bauknecht. There were no other nominations. Mr. Saffer was unanimously approved for Chair by a voice vote.
8. Election of Vice-Chairperson Mr. Kittinger nominated Eric Datz which was seconded by Ms. Dowling. There were no other nominations. Mr. Datz was unanimously approved for Vice- Chair by a voice vote.
9. Other Code Enforcement Business - Mr. Datz inquired if board members were insured against being sued. Board Attorney Groot responded affirmatively. Ms. Herstein asked the board to reaffirm that posting a property is considered a method of good service.

**Mr. Wynn moved, seconded by Mr. Kittinger that posting a property is considered a method of good service for notification. The motion passed unanimously by a voice vote.**

## **REMARKS OF STAFF**

10. The next meeting will be held on Tuesday, December 5<sup>th</sup> instead of a late November and late December meeting.

Ms. Herstein noted that the Treasure Island property was sold to a Canadian firm.

**REMARKS OF BOARD MEMBERS:** None.

**ADJOURNMENT:** The meeting ended at 3:18 pm.

**Attest:**

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**Cheri Schwab, Recording Secretary**

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**Larry Saffer, Board Chairman**