

**AGENDA**  
**CODE ENFORCEMENT BOARD**  
**Tuesday, January 20, 2015**  
**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. Approval of Minutes from the Code Enforcement Board Meeting on December 2, 2014

**PRELIMINARY STAFF COMMENTS**

2. Indication of any Cases removed from the Agenda

**OLD BUSINESS**

3. First Compliance Hearing (For the 2<sup>nd</sup> of 2 compliance dates)

Case #: PCDEF2014-75  
Address: 3162 S. Atlantic Avenue, Daytona Beach Shores, FL  
Owners: Surfside Square Condominium Association, Inc. & Guy Marchand  
Parcel ID #s: 5334-16-00-0001, 5334-16-00-0040 & 5334-16-00-0070

Violations: *Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" – Land Development Code, Chapter 6, Section 6-3. Permit required; application, issuance, fees. & Chapter 14, Section 14-52.9.(D). Minimum maintenance standards.*

- Pole sign copy change which reads "Oceans Luxury Realty sSales sRentals" was not permitted (*Board-ordered compliance date of October 16, 2014 - previously addressed*)
- Wall sign which reads "Oceans Luxury Realty" was not permitted (*Board-ordered compliance date of October 16, 2014 - previously addressed*)
- **Surface of pole for sign is deteriorated and not being maintained with a "painted and rust-free, cared for appearance" (*Board-ordered compliance date of Dec. 1, 2014*)**

Original Hearing Date: September 16, 2014

Board-Ordered Compliance Date: December 1, 2014 (for the violation listed in bold)

Board-Ordered Fine: \$150.00 per day

## NEW BUSINESS

### 4. Initial Hearing

Case #: CDEF2014-85  
Address: 2904 River Point Dr., Daytona Beach Shores, FL  
Owner: Sophie Petropoulos  
a/k/a Sophie Kay Petropoulos  
a/k/a Sophie Kay Petros  
Parcel ID#: 5327-09-00-0120

Violations: *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 5, Section 5-10.*Numerals.* and Chapter 14, Section 14-52.9.(B)(17) & (D)(12).

- **Weeds over 12" high in many places across lawn**
  - **Address numerals on the home, if present, are not visible from the right-of-way**
  - **Vehicle siting in driveway without evidence of current license tag is outdoor storage**
  - **Landscaping is not "kept in a neat and well-maintained condition"**
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### 5. Initial Hearing

Case #: PCDEF2014-117  
Address: 2324 S. Atlantic Ave., Daytona Beach Shores, FL  
Owner: M.R.H. Enterprises, Inc.  
Parcel ID #: 5322-03-04-0150

Violations: 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 to the 2010 Florida Building Code, Chapter 1, Section 105.1.*Required.* and Chapter 1, Section 105.4.1.1.

- **Split system A/C installed without a permit**
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## REMARKS OF STAFF

6. The next CEB meeting will take place on Tuesday, February 17, 2014, at 1:00 P.M.

## REMARKS OF BOARD MEMBERS

## ADJOURNMENT

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

**MINUTES**  
**CODE ENFORCEMENT BOARD**  
**December 2, 2014**  
**3048 S. Atlantic Avenue Daytona Beach Shores, FL**

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

The Chair called the meeting to order at 1:00 pm.  
The Board Attorney swore in Mr. Bauknecht as a regular member.

**MINUTES OF PREVIOUS MEETING**

1. Approval of Minutes from the Code Enforcement Board Meeting on October 21, 2014

**Mr. Kittinger moved, seconded by Mr. Ofer to approve the minutes of October 21, 2014. The motion passed unanimously by a voice vote.**

**PRELIMINARY STAFF COMMENTS**

2. Indication of any Cases removed from the Agenda  
Ms. Herstein explained that item 4 would be removed from the agenda due to lack of good service.

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

**OLD BUSINESS**

3. First Compliance Hearing

Case #: PCDEF2014-75  
Address: 3162 S. Atlantic Avenue, Daytona Beach Shores, FL  
Owners: Surfside Square Condominium Association, Inc. & Guy Marchand  
Parcel ID #s: 5334-16-00-0001, 5334-16-00-0040 & 5334-16-00-0070

Violations: *Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" – Land Development Code, Chapter 6, Section 6-3. Permit required; application, issuance, fees. & Chapter 14, Section 14-52.9.(D). Minimum maintenance standards.*

- **Pole sign copy change which reads "Oceans Luxury Realty was not permitted** Sales Renta
- **Wall sign which reads "Oceans Luxury Realty" was not permitted**
- Surface of pole for sign is deteriorated and not being maintained with a "painted and rust-free, cared for appearance" (*Board-ordered compliance date of Dec. 1, 2014*)

Original Hearing Date: September 16, 2014

Board-Ordered Compliance Date: October 16, 2014 (for the first two violations)  
Board-Ordered Fine: \$150.00 per day

Ms. Herstein asked that each document provided by the City be accepted into evidence. The Chairwoman accepted the documents into evidence. The case began on January 7, 2014. It came before the board on September 16<sup>th</sup>. The Respondent was given until October 16<sup>th</sup> to obtain the necessary permits. Ms. Herstein called the manager on October 15<sup>th</sup> regarding the permits, but did not hear back. The property was re-inspected and re-evaluated on October 17<sup>th</sup> with no changes having taken place. No permits had been applied for and on November 4<sup>th</sup>, a Notice of Hearing was sent and delivered. The property has been non-compliant for 47 days at a rate of \$150 per day. Ms. Herstein requested reimbursement of the Administrative Fee of \$140.98 plus an additional \$76.31 for a total of \$217.29. Ms. Herstein noted that the Respondent was not present. The board inquired if any contact had been made with the City and Ms. Herstein replied no.

**Mr. Saffer moved, seconded by Mr. Ofer that based on the testimony given and the evidence presented today regarding Surfside Square Condominium Association, Inc. & Guy Marchand at 3162 S. Atlantic Avenue, Case Number PCDEF2014-75, Parcel Numbers 5334-16-00-0001, 5334-16-00-0040 & 5334-16-00-0070, to find that the Respondent has failed to comply with the Board’s Order of September 16, 2014, and to impose a fine in the amount of \$150 per day for each and every day the violation continues as stated in this Board’s prior Order, plus an additional Administrative Fee of \$76.31 for a total 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 = 6).  
**Yes:** Donald Bauknecht, Ike Ofer, Larry Kittinger, Larry Saffer, Lowell Wynn, Sally Dowling.

## NEW BUSINESS

### 4. Initial Hearing

Case #: CDEF2014-85  
Address: 2904 River Point Dr., Daytona Beach Shores, FL  
Owner: Sophie Petropoulos  
a/k/a Sohpie Kay Petropoulos  
a/k/a Sophie Kay Petros  
Parcel ID#: 5327-09-00-0120

Violations: *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 5, Section 5-10. *Numerals.* and Chapter 14, Section 14-52.9.(B)(17) & (D)(12).

- **Weeds over 12” high in many places across lawn**
- **Address numerals on the home, if present, are not visible from the right-of-way**
- **Vehicle siting in driveway without evidence of current license tag is outdoor storage**
- **Landscaping is not “kept in a neat and well-maintained condition”**

This item was removed from the agenda.

## 5. Initial Hearing

Case #: CDEF2014-91  
Address: 2130 S. Atlantic Ave., Daytona Beach Shores, FL  
Owner: Century Nationwide Properties, LLC  
Parcel ID #: 5316-24-00-0080

Violations: Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" – *Land Development Code*, Chapter 14, Section 14-52.9.(B)(17), Section 14-52.9(C), & Section 14-52.9.(D)(1, 3, 9 & 12).

- **Weeds, trash, and debris on west side of building**
- **Electrical meter connections melted in meter can**
- **Exposed, residential-grade wire on light fixture on north building face**
- **Three exposed bulb sockets, north building face**
- **Electrical box with exposed wires**
- **Paint peeling and discolored on west building face**
- **Stone façade is discolored on east building face**
- **Loose wire hanging on west building face**
- **Two electrical boxes are rusted on north building face**
- **Landscaping boxes are dilapidated, discolored, and falling apart**

Ms. Herstein asked that each document provided by the City be accepted into evidence. The Chairwoman accepted the documents into evidence. The violations were listed for the record. The case began with a complaint from a representative of the property owner. Because the complaint involved a potential life/safety issue, the property was inspected on September 22<sup>nd</sup>. The city was notified that an eviction notice was served to the tenant on November 3<sup>rd</sup>. The property was re-inspected on November 11<sup>th</sup> and nothing had changed. The property owner, Doug Cook, was present for the inspection. A Statement of Violation was sent and good service was achieved by hand delivery to Mr. Cook. Ms. Herstein questioned Building Inspector, Steve Edmunds as to the accuracy of the pictures and documents. He responded affirmatively.

Doug Cook spoke on his own behalf explaining that they asked the city to get involved. The case is now with the court system to evict the tenant. He is hoping that the judge will find the tenant in default and then the building can be cleaned up. He asked for 45 days to correct the violations since they can't legally go into the property right now. Ms. Dowling inquired how the eviction would correct the issues. Mr. Cook stated that all of the issues were the tenants' responsibility. Mr. Ofer asked if a hearing date was set and was told there was not one as of yet. Mr. Cook informed the board that the business was still open in the evenings. They are handing out flyers by slipping them into motel rooms under the door. Ms. Herstein explained that the city had not determined that the problem was severe enough to shut the business down. Director Hiatt mentioned that during the inspection, they would have had the power shut off, if a severe problem existed. Mr. Cook added that the lease would be up in one year and it will not be renewed. Ms. Herstein stated for the record that the City doesn't typically get involved with landlord-tenant issues. Because this problem involved more than aesthetics, the city performed an inspection. Staff agreed to allow 45 days to correct the violations. She recommended a fine of \$250 per day and asked for reimbursement of the Administrative Fees of \$140.98.

**Mr. Bauknecht moved, seconded by Mr. Kittinger that based on the testimony given and the evidence presented today regarding Century Nationwide Properties, LLC at 2130 S. Atlantic Avenue, Case Number CDEF2014-91, Parcel Number 5316-24-00-0080, to find the property in violation of Land Development Code Appendix “G” – *Land Development Code*, Chapter 14, Section 14-52.9.(B)(17), Section 14-52.9(C), & Section 14-52.9.(D)(1, 3, 9 & 12 , and that the Respondent be Ordered to correct the violations on or before January 16, 2015, and pay an Administrative Fee of \$140.98. In the event the Respondent does not comply with the Order, a fine of \$250 will be imposed for each and every day the violation continues past the aforesaid date and additional Administrative Fees may be approved by the Board at subsequent hearings and imposed. The Respondent is further ordered to secure all required permits before beginning correction of said violation(s) and to contact the City of Daytona Beach Shores Code Enforcement Office to report and verify compliance with this Order. Any future reoccurrence of this Code violation by Respondent will be treated as a Repeat Violation for which a fine of up to \$500.00 per day may be imposed.**

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

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

#### 6. Initial Hearing

Case #: CDEF2014-68  
Address: 3310 S. Atlantic Ave., Daytona Beach Shores, FL  
Owner: Castle Enterprises South Corp.  
Parcel ID#: 5335-04-00-0022

Violations: *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 5, Section 5-6.*Building Code adopted.*, Chapter 5, Section 5-10.*Numerals.*, Chapter 14, Section 14-52.9.(B)(16 & 17) and Chapter 14, Section 14-52.9.(D)(1, 2, 3, 6, 7 & 9).

- **Invasive weed Brazilian Pepper plants over 10 feet tall present on the northwest side of the property (*has been trimmed but not removed*)**
- **Non-commercial wire (Romex) installed in ceiling area of first floor with no permit**
- **Extensive drywall removed from first floor without a permit**
- **Floor joists rotten in places on first floor**
- **Doors to building exterior on west building face were removed and some were replaced without a permit**
- **Roof section removed and replacement begun without a permit (on March 21, 2014, a verbal warning to stop work until permits are obtained was issued)**
- **No required, identifying address numerals are present on the building**
- **Truss and soffit/fascia wood exposed on east building face**
- **Significant gap at top of door opening to second floor on west building face (where the door was replaced with plywood), exposing building interior to damage**
- **Exterior concrete walls are not protected by paint or siding in places on south and west building faces**
- **Miscellaneous trash, debris, and furniture stored on west side of building**
- **Building does not present a “neat and fresh appearance”**
- **Paint deteriorated/peeling/missing from south and west building faces**

- **Roofing system comprised of mismatched roofing materials**
- **Roofing system comprised of deteriorated roofing materials**
- **Exterior stairs on second floor of west wall of building exterior are dilapidated and likely to collapse**
- **Truss and soffit/fascia wood is termite-damaged, visible on east building face**
- **Meter boxes on south building face are nonfunctional elements**
- **Electrical conduit has fallen from south building face**
- **Roofing system has not been maintained to prevent damage to the structure**
- **Retaining wall west of remaining building is not in good repair**
- **Light fixture at southwest corner of building is in disrepair**

Ms. Herstein asked that each document provided by the City be accepted into evidence. The Chairwoman accepted the documents into evidence. She stated the violations for the record. June 3, 2014 a verbal stop work order was given by Bldg. Inspector Steve Edmunds. Work was being done on the property without a permit. The Fire Marshal had already given the building a “No Entry” status. On July 8<sup>th</sup>, a written stop work order was given. A Notice of Violation was sent on August 25<sup>th</sup>, but it was not received by mail, so the building was posted after 30 days. Mr. Harner came in to obtain a Vacant Building registration form. The violations were discussed at that time explaining which ones would require a permit to rectify. October 13<sup>th</sup>, Michael Alvarez, the new tenant came in with his contractor, Mike Abel. Mr. Abel had a permit application with him to repair damaged wood due to termites. The violations were explained in detail and the scope of work was changed on the application. Three days later, the contractor asked to discontinue his permits for the property. On October 22<sup>nd</sup>, Mr. Harner emailed the office stating Mr. Alvarez gave the property back to him. He came in to meet with staff to discuss his options. He brought with him plans that were engineered back in 2006 for the building. It was explained to him that the building would be given No Entry placards that would need to remain posted until he fixed the interior issues. A re-inspection was performed on November 5<sup>th</sup> and some of the Brazilian Peppers had been cut back. Mr. Harner came in on November 7<sup>th</sup> with somewhat updated plans from 2006. The drawings were discussed and Mr. Harner was looking for a contractor. A paint permit application was submitted on November 21<sup>st</sup> and a listing of contractors who have pulled permits in the city was given to him. Both a building and roof permit are required to complete the repairs to the building. Ms. Herstein questioned Building Inspector, Steve Edmunds as to the accuracy of the pictures and documents. He responded affirmatively. Staff requested that the board find the property in violation and give 30 days to rectify. A fine of \$250 per day was suggested and a request for Administrative Fees of \$140.98.

The property owner, Michael Harner, handed out a timeline to the board members. He reviewed the various violations with his timeline stating that he had problems with his tenant and was attempting to evict him. He has not been paying the monthly lease payment for at least 4 months. The tenant finally agreed to leave. Mr. Harner stated that he has had a hard time obtaining a contractor to do work. He now has Bob Helsley who will start the third week of December. He hopes it will be finished in approximately two weeks. Ms. Herstein stated that the city was fine with allowing 60 days to gain compliance. Mr. Harner stated that since he obtained the building, he has tried to correct all that he could without a permit.

**Mr. Bauknecht moved, seconded by Mr. Saffer that based on the testimony given and the evidence presented today regarding Castle Enterprises South Corp. at 3310 S. Atlantic Avenue, Case Number CDEF2014-68, Parcel Number 5335-04-00-0022 find the property in violation of City Code Chapter 13, Section 13-5. *Growth of weeds restricted.* and Appendix “G” – *Land Development Code*, Chapter 5, Section 5-10. *Numerals.*, Chapter 14, Section 14-**

**52.9.(B)(16 & 17) and Chapter 14, Section 14-52.9.(D)(1, 2, 3, 6, 7 & 9), and that the Respondent be Ordered to correct the violations on or before January 31, 2015, and pay an Administrative Fee of \$140.98. In the event the Respondent does not comply with the Order, a fine of \$250 will be imposed for each and every day the violation continues past the aforesated date and additional Administrative Fees may be approved by the Board at subsequent hearings and imposed. The Respondent is further ordered to secure all required permits before beginning correction of said violation(s) and to contact the City of Daytona Beach Shores Code Enforcement Office to report and verify compliance with this Order. Any future reoccurrence of this Code violation by Respondent will be treated as a Repeat Violation for which a fine of up to \$500.00 per day may be imposed.**

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

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

#### **REMARKS OF STAFF**

7. The next CEB meeting will take place on Tuesday, January 20, 2014, at 1:00 P.M.

Ms. Herstein announced the next meeting date.

**REMARKS OF BOARD MEMBERS:** Ms. Dowling wished everyone Happy Holidays.

**ADJOURNMENT: The meeting ended at 2:14 pm.**

**Attest:**

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**Cheri Schwab, Recording Secretary**

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**Sally Dowling, Chairwoman**