

AGENDA
CODE ENFORCEMENT BOARD
Tuesday, March 17, 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 January 20, 2015

PRELIMINARY STAFF COMMENTS

2. Indication of any Cases removed from the Agenda

OLD BUSINESS

3. Second Compliance Hearing

Case #: CDEF2013-121
Address: 2204 S. Atlantic Avenue, Daytona Beach Shores, FL
Owner: Nancy Tipton Bell
Parcel ID #: 5315-02-03-0015

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 2010 *Florida Building Code*, Chapter 1, Section 105.1. *Required.*, and Appendix "G" – *Land Development Code*, Chapter 8, Section 8-8. *General provisions.*

- **Brick façade was added to the north building face without a permit (compliant once building permit obtained – November 12, 2014)**
- **Roof was painted without a permit (compliant once paint permit obtained – January 5, 2015)**

Initial Hearing Date: July 15, 2014
Board-Ordered Compliance Date: August 14, 2014
Actual Compliance Date: January 5, 2015
Fined Days of Non-Compliance: 143
Board-Ordered Fine: \$150.00 per day
Total Accrued Fine: \$21,450.00
Board-Approved Administrative Fees: \$222.76
Additional Administrative Fees Requested: \$ 76.31 (Total: \$299.07)

NEW BUSINESS

4. Initial Hearing

Case #: CDEF2014-103
Address: 2043 S. Atlantic Ave., Unit 127, Daytona Beach Shores, FL
Owner: Richard Pauk
Parcel ID #: 5316-30-00-1270

Violations: Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" – *Land Development Code*, Chapter 5, Section 5-5.

- **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**
-

5. Initial Hearing

Case #: CDEF2014-104
Address: 2043 S. Atlantic Ave., Unit 201, Daytona Beach Shores, FL
Owner: Thomas E. Marr
Parcel ID #: 5316-30-00-2010

Violations: Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" – *Land Development Code*, Chapter 5, Section 5-5.

- **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**
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6. Initial Hearing

Case #: CDEF2014-105
Address: 2043 S. Atlantic Ave., Unit 203, Daytona Beach Shores, FL
Owner: Ted Coutchavlis
Parcel ID #: 5316-30-00-2030

Violations: Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" – *Land Development Code*, Chapter 5, Section 5-5.

- **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**

7. Initial Hearing

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

Violations: Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" – *Land Development Code*, Chapter 5, Section 5-5.

- **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**

8. Initial Hearing

Case #: CDEF2014-107
Address: 2043 S. Atlantic Ave., Unit 417, Daytona Beach Shores, FL
Owner: Janet J. Erb
Parcel ID #: 5316-30-00-4170

Violations: Code of Ordinances of the City of Daytona Beach Shores, Appendix "G" – *Land Development Code*, Chapter 5, Section 5-5.

- **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**

REMARKS OF STAFF

9. Annual CEB Statistics
10. Question directed to the Board about the value of continuing to include black and white pictures or leaving them out of the notebooks sent out before each meeting
11. The next CEB meeting will take place on Tuesday, April 21, 2015, 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
January 20, 2015
3048 S. Atlantic Avenue Daytona Beach Shores, FL

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

MINUTES OF PREVIOUS MEETING

1. Approval of Minutes from the Code Enforcement Board Meeting on December 2, 2014

Mr. Ofer moved, seconded by Mr. Kittinger to approve the minutes of December 2, 2014. The motion passed unanimously by a voice vote.

PRELIMINARY STAFF COMMENTS

2. Indication of any Cases removed from the Agenda

There were no cases removed.

The witnesses were sworn in by the Board Attorney.

OLD BUSINESS

3. First Compliance Hearing (For the 2nd 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

Ms. Herstein asked that each document provided by the City be accepted into evidence. The Chairwoman accepted the documents into evidence. The case had come before the board twice for these violations. They were originally found by city staff and the Board found the property in violation on September 16, 2014. The first two violations were brought before the board again in December for failing to comply by the board's ordered date of October 16, 2014. On December 3rd

a re-inspection for the pole sign violation was performed and it was still not compliant. Two incomplete permit applications were submitted on December 10th for the replacement sign and its electrical connection. The building department still needed a picture of the sign face, the paint colors for the sign base, and proof of insurance for the contractor. On January 2nd, the Notice of First Compliance Hearing was sent and good service was achieved.

Property Manager Lynn Becker spoke for the Respondent. She explained that the wall sign was removed. The real estate company had removed their wall sign and Ms. Becker knew the wall needed to be painted where the sign had been. The base of the monument sign is ready at this point and they have gotten bids on the sign to submit along with the sign grant application. She felt a few more weeks were needed to become compliant. Staff requested the board find the property was not compliant by the board's ordered date, impose a fine of \$150 per day, and ask for reimbursement of Administrative Fees totaling \$293.60 including the two prior hearings.

Mr. Bauknecht moved, seconded by Mr. Wynn 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 \$293.60 against the Respondent. 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, Eric Datz, 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 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"**

Ms. Herstein asked that each document provided by the City be accepted into evidence. The Chairwoman accepted the documents into evidence. The violations were stated for the record and the pictures were shown to the board. The case began on August 28, 2014, with a complaint from a neighbor. The property was inspected and a Notice of Violation was sent. Good service was achieved. The property was re-evaluated on October 15th with all violations remaining. A Statement of Violation/Request for Hearing was sent on November 5th but the mail was returned on December 1st. On January 5th, the property was posted and notice was sent again by first class and certified mail. Ms. Herstein questioned Building Inspector Tom Squires on the accuracy of the pictures and documents shown. He answered affirmatively. He stated that he had also checked on the property earlier that day and there were no changes to report. Staff requested that the board find the property in violation and allow 30 days to correct. Ms. Herstein stated that a fine of \$100 per day was appropriate and requested reimbursement of the Administrative fees in the amount of \$140.98.

There was no one to speak on for the Respondent. Mr. Datz felt the time to comply could be shortened since the violations weren't very severe. Ms. Herstein requested that 30 days be given to make sure that the Respondent has a better chance of receiving the notice so as to be aware of the problem. Staff does not believe anyone is currently occupying the residence.

Mr. Datz moved, seconded by Mr. Ofer, based on the testimony given and the evidence presented today regarding Sophie Petropoulos, a/k/a Sophie Kay Petropoulos, a/k/a Sophie Kay Petros at 2904 River Point Dr., Case Number CDEF2014-85, Parcel Number 53247-09-00-0120, to 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* and Chapter 14, Section 14-52.9.(B)(17) & (D)(12), and that the Respondent be Ordered to correct the violations on or before February 19, 2015, and pay an Administrative Fee of \$140.98. In the event the Respondent does not comply with the Order, a fine of \$100 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, Eric Datz, Lowell Wynn, Sally Dowling.

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**

Ms. Herstein asked that each document provided by the City be accepted into evidence. The Chairwoman accepted the documents into evidence. The violation was found by staff and issued a stop work order for mechanical work without a permit. The issue was turned over to Code Enforcement on December 10th and a Notice of Violation was sent. Good service was achieved. On January 2nd, a re-evaluation was performed and the violation had not been rectified. A Statement of Violation/Request for Hearing was sent and good service was achieved. A mechanical permit application was received on January 8th but it was missing some items. On both January 9th and 12th attempts were made by the contractor to provide the information. The requirement of providing proof of current Workman's Compensation insurance has not been completed. Ms. Herstein questioned Building Inspector Steve Edmunds as to the accuracy of the documents provided. He replied affirmatively. She stated that the city had received an Authorization form from Mr. Howard to allow Harvey Shuman to speak on his behalf. Staff suggested allowing 30 days (February 19th) and to set the fine at \$150 per day. The Administrative Fee of \$140.98 was asked to be reimbursed. Harvey Shuman, General Manager for Biggins, introduced his contractor Mark Wolford. He accepted full responsibility for the error. He explained that there was a change in his staff and the workman's compensation policy lapsed. They are working on the paperwork to obtain a new company and will provide the information for the permit.

Mr. Bauknecht moved, seconded by Mr. Kittinger, based on the testimony given and the evidence presented today regarding M.R.H. Enterprises, Inc. at 2324 S. Atlantic Avenue, Case Number PCDEF20014-117, Parcel Number 5322-03-04-0150, to find the property in violation of 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 that the Respondent be Ordered to correct the violation on or before February 19, 2015 and pay an Administrative Fee of \$140.98. In the event the Respondent does not comply with the Order, a fine of \$150 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, Eric Datz, Lowell Wynn, Sally Dowling.

REMARKS OF STAFF

6. The next CEB meeting will take place on Tuesday, February 17, 2015, at 1:00 P.M.

REMARKS OF BOARD MEMBERS: None.

ADJOURNMENT: The meeting ended at 1:43 pm.

Attest:

Cheri Schwab, Recording Secretary

Sally Dowling, Board Chairwoman