

**AGENDA**  
**CODE ENFORCEMENT BOARD**  
**Tuesday, December 4, 2007**  
**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 dated October 16, 2007, from the Code Enforcement Board Meeting.

**OLD BUSINESS:**

2. Margaret A. Harrison TR, 2808 S. Atlantic Avenue, CDEF2006-95, Order of Dismissal
3. Michael Stackpoole, 2009 S. Atlantic Avenue, CDEF2003-275, Order of Dismissal

**NEW BUSINESS:**

4. James J. & Effie Sarantos, 1906 S. Atlantic Avenue, CDEF2007-99, Notice of Violation
  - o Ordinances of the City of Daytona Beach Shores, Appendix G – Land Development Code, Chapter 14, Section 14-52.9.(B)*Nuisances defined* and (D)*Minimum maintenance standards*.
5. Blarney, Inc., 3221 S. Atlantic Avenue, CDEF2007-89, Notice of Violation
  - o Ordinances of the City of Daytona Beach Shores, Appendix G – Land Development Code, Chapter 14, Section 14-52.9.(C)*Unsafe structures* and (D)*Minimum maintenance standards*.
6. Sara Frances Heatherly & Melody Heatherly Elsmann, 3816 S. Atlantic Avenue, CDEF2007-113, Notice of Violation
  - o Ordinances of the City of Daytona Beach Shores, Appendix G – Land Development Code, Chapter 14, Section 14-52.9.(B)*Nuisances defined* and (D)*Minimum maintenance standards*.

**REMARKS OF STAFF**

**REMARKS OF BOARD MEMBERS**

**ADJOURNMENT**

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

**MINUTES**  
**CODE ENFORCEMENT BOARD**  
**December 4, 2007**  
**3048 S. Atlantic Avenue Daytona Beach Shores, FL**

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

**MEMBERS PRESENT:** John Ersland, Henry Fehrmann, James Thumser, Lowell Wynn, Larry Saffer, and James Wheeler. **MEMBERS EXCUSED:** Joanne Jerome and Diane Scavelli. **STAFF PRESENT:** Board Attorney Susan Stacy, Gwyn Herstein, Terry Griffiths, Bob Chumbley, Tom Squires and Steve Edmunds.

The City Attorney swore in the witnesses for the hearings.  
All items were introduced as evidence to the City Clerk by the Code Enforcement Supervisor Gwyn Herstein.

**MINUTES OF PREVIOUS MEETING**

1. Approval of Minutes dated October 16, 2007, from the Code Enforcement Board Meeting.

It was noted that the Board Attorney was mistakenly omitted from the Staff present in the October minutes. **Mr. Wynn moved, seconded by Mr. Ersland to approve the minutes as noted. The motion passed unanimously by voice vote.**

After further review of the minutes, **Mr. Ersland moved, seconded by Mr. Wheeler to amend the minutes regarding the vote for Lowell Wynn as Vice Chair to read that Mr. Wynn abstained from voting. The motion passed unanimously by voice vote.**

**OLD BUSINESS:**

2. Margaret A. Harrison TR, 2808 S. Atlantic Avenue, CDEF2006-95, Order of Dismissal

Gwyn Herstein noted that the property was in full compliance as of April 23, 2007. The fines were paid on October 11, 2007.

**Mr. Ersland moved, seconded by Mr. Fehrmann to dismiss case CDEF2006-95. The motion passed unanimously by voice vote.**

3. Michael Stackpoole, 2009 S. Atlantic Avenue, CDEF2003-275, Order of Dismissal

Gwyn Herstein noted that the property was in full compliance as of October 9, 2007. The fines were also paid in full on November 14, 2006. **Mr. Saffer moved, seconded by Mr. Wynn to dismiss case CDEF2003-275. The motion passed unanimously by voice vote.**

**NEW BUSINESS:**

4. James J. & Effie Sarantos, 1906 S. Atlantic Avenue, CDEF2007-99, Notice of Violation
  - o Ordinances of the City of Daytona Beach Shores, Appendix G – Land Development Code, Chapter 14, Section 14-52.9.(B)*Nuisances defined* and (D)*Minimum maintenance standards.*

Gwyn Herstein read the details of the case to the board. On July 31, 2007 the property was found in violation of having faded paint and holes in the soffits. On September 4, 2007 a paint permit application was submitted. The permit was paid for and picked up on October 11, 2007. The property was re-inspected on November 12, 2007 but was still in violation. Mr. Wynn inquired if the paint color was part of the new color palette. It was explained that a new color for the building would have been chosen in order for the permit to be issued.

James Sarantos, owner spoke to the board. He explained that the paint permit stated that it would not expire for six months so he was not in any hurry. He stated that he planned to paint the building, but it would take some time. Building Inspector Steve Edmunds stated that there was also a roof permit outstanding for Halifax Roofing. The owner attempted to work on the roof but was told to stop. He also clarified that the six month life of a permit does not supersede any code enforcement time frames. The board inquired as to how much time the owner felt he would need to correct the violations. Mr. Sarantos stated that he would need two months to complete the work. Inspector Edmunds stated that no work could be done on the roof until a permit was in place. The owner stated he didn't want to pay \$288 for the permit due to the penalty placed on it. The roof is repaired with tar and no further damage can happen. Unfortunately, the city can't verify this. Halifax roofing would be held accountable for the roof permit and they will be reported to the State. The staff recommended 30-60 days to fix all the outstanding violations. Code Enforcement Officer Bob Chumbley stated that the pictures, reports and facts are true and accurate as represented. The board briefly discussed a fine for the faded paint deciding that \$75 would be appropriate. **Mr. Ersland moved, seconded by Mr. Saffer that case # CDEF2007-99 be found in violation of Appendix G Chapter 14 Section 14-52.9 (B) Nuisances defined and (D) Minimum maintenance standards. The respondent is ordered to correct the violation by painting the building in approved colors and repairing the roof by 2/4/08 In the event that the respondent does not comply, a fine of \$75 per day will be imposed each and every day plus the administrative fee of \$146.45. He is further ordered to contact the Code Enforcement office when in full compliance. Any future re-occurrence will be considered a repeat violation.**

<b>ROLL CALL VOTE:</b>	<b>ERSLAND</b>	<b>YES</b>	
	<b>FEHRMANN</b>	<b>YES</b>	
	<b>WYNN</b>	<b>YES</b>	
	<b>SAFFER</b>	<b>YES</b>	
	<b>THUMSER</b>	<b>YES</b>	
	<b>WHEELER</b>	<b>YES</b>	<b>(motion passed 6-0)</b>

5. Blarney, Inc., 3221 S. Atlantic Avenue, CDEF2007-89, Notice of Violation
  - o Ordinances of the City of Daytona Beach Shores, Appendix G – Land Development Code, Chapter 14, Section 14-52.9.(C)*Unsafe structures* and (D)*Minimum maintenance standards*.

Gwyn Herstein read the details of the case to the board. The first Notice of Violation was sent on July 20, 2007 stating the following violations: large cracks in the support/seawall at the northeast corner of the property, crack in seawall on east side of property near top of stairs, bottom four feet of steps missing on stairwell to the beach, and torn awning on west side of building. The first notice was unclaimed and on August 23, 2007 it was hand delivered and accepted by an employee. Re-inspections were performed on September 25, and November 9, 2007 and the property was still in violation. City staff verified that the respondent was responsible for the wall in question with the County of Volusia. Code Enforcement Officer Bob Chumbley stated that the pictures, reports and facts are true and accurate as represented. On November 14, 2007 Mr.

Chumbley hand delivered a Notice of Hearing to the owner Mr. Patrick Welsh. It was noted that the motel is operational at this time.

The City Attorney swore in the owner for testimony. Mr. Welsh explained that he didn't think the wall was his responsibility since Volusia County had repaired it in the past after the hurricanes. He believed the reason that the wall cracked was due to the pool being installed. He stated that he was near bankruptcy and would remove the stairs and the awnings to comply. Building Inspector Steve Edmunds explained that the stairway needs to be cordoned off for safety reasons. He further stated that to do any work on the wall would need DEP approval and that could take some time. A way to remedy the immediate problem would be to have an engineer "safe" it off within 30 days. The awning could be remedied or removed in a few weeks time. The board briefly discussed a time frame that included the upcoming holidays for compliance.

**Mr. Ersland moved, seconded by Mr. Fehrmann that the Respondent is hereby ordered to repair the torn awning or remove the awning and frame, replace the bottom steps missing from the stairway leading to the beach, and secure the retaining wall to the satisfaction of a certified structural engineer and the City's Building Official on or before January 18, 2008 or a fine of seventy-five dollars (\$75.00) per day will be imposed for each and every day of non-compliance including and beyond January 19, 2008. Respondent is also ordered to repair the large cracks in the support wall at the northeast corner of the property and the seawall on the east side of the property to the satisfaction of a certified structural engineer and the City's Building Official on or before May 4, 2008 or a fine of one hundred seventy-five dollars (\$175.00) per day will be imposed for each and every day of non-compliance including and beyond May 5, 2007. Also, a fee of one hundred forty-six dollars and forty-five cents (\$146.45) for the City's administrative costs must be paid along with other costs constituting administrative fees which may be approved at subsequent hearings. Any future reoccurrence will be considered a repeat violation.**

<b>ROLL CALL VOTE:</b>	<b>ERSLAND</b>	<b>YES</b>	
	<b>FEHRMANN</b>	<b>YES</b>	
	<b>WYNN</b>	<b>YES</b>	
	<b>SAFFER</b>	<b>YES</b>	
	<b>THUMSER</b>	<b>YES</b>	
	<b>WHEELER</b>	<b>YES</b>	<b>(motion passed 6-0)</b>

6. Sara Frances Heatherly & Melody Heatherly Elsman, 3816 S. Atlantic Avenue, CDEF2007-113, Notice of Violation
  - o Ordinances of the City of Daytona Beach Shores, Appendix G – Land Development Code, Chapter 14, Section 14-52.9.(B)*Nuisances defined* and (D)*Minimum maintenance standards*.

Gwyn Herstein informed the board that the property owners asked for a continuance due to actually receiving the Notice only one week prior to the hearing and living out of town. **Mr. Saffer moved, seconded by Mr. Wheeler to continue case CDEF2007-113 to the meeting of January 15, 2008 or the next regular scheduled meeting.**

<b>ROLL CALL VOTE:</b>	<b>ERSLAND</b>	<b>YES</b>	
	<b>FEHRMANN</b>	<b>YES</b>	
	<b>WYNN</b>	<b>YES</b>	
	<b>SAFFER</b>	<b>YES</b>	
	<b>THUMSER</b>	<b>YES</b>	

**WHEELER**

**YES (motion passed 6-0)**

**REMARKS OF STAFF – None.**

**REMARKS OF BOARD MEMBERS – None.**

**ADJOURNMENT –** The meeting was adjourned at 2:13 p.m.

**ATTEST:**

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Cheri Schwab, Recording Secretary

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James Thumser, Chairman