



Special Magistrate Hearing

Code Enforcement

November 6, 2024

Case Number: EEN23-0019

Respondent: 1005 Oceanshore LLC

Address of Violation: 1005 Ocean Shore Blvd.

Tax Parcel ID Number: 01-12-31-1100-00040-0040

Violation: City of Flagler Beach Code of Ordinances, Chapter 13, Nuisances, Article I. In General, Section 13-1 Definition (4)

Attachments: Staff Findings

Affidavit of Posting – Dated October 28, 2024

Notice of Status Hearing – Dated September 13, 2024

Mailing Costs – Dated September 13, 2024

Certified Mailings

Total Cost of Mailings \$128.18

5/18/2023	Notice of Violation	\$17.40
7/12/2023	Notice of Hearing	\$18.52
10/4/2023	Notice of Status Hearing	\$18.52
1/9/2024	Notice of Status Hearing	\$18.52
2/12/2024	Notice of Status Hearing	\$18.66
7/5/2024	Notice of Status Hearing	\$16.00
9/13/2024	Notice of Status Hearing	\$20.56



City of Flagler Beach

Planning & Zoning Department
P.O. Box 70 * 800 S Daytona Ave.
Flagler Beach, FL 32136
www.cityofflaglerbeach.com

CITY OF FLAGLER BEACH

Case Number: EEN23-0019

Applicant: 1005 Oceanshore LLC

Property Owner(s): Cortlin Dillon
Jenna Dillon

Site Location: 1005 N Oceanshore Blvd
Flagler Beach, FL 32136

Property ID #: 01-12-31-1100-00040-0040

Total Acreage: .27 +/- acres

BACKGROUND APRIL 2021 – NOVEMBER 2024:

Demolition Permit Applications

April 2021:

The Property Owner/CJ Dillon Enterprises applied and was **issued demolition permit PB210848** for the interior which was **finalized 06/20/22.**

June 2022:

The Property Owner/CJ Dillon Enterprises applied and was **issued demolition permit PB221153** for the interior. The city sent notice on 11/21/2022 to advise the permit was set to expire and the property owner/CJ Dillon Enterprises **withdrew the demolition permit on 12/12/2022.**

June/July 2023

The Property Owner/CJ Dillon Enterprises applied and was **issued demolition permit PB221153** on 06/22/2022 for the interior. **No fee paid and no work completed. Permit expired 03/18/2023.**

The Property Owner/WKL Roofing LLC, applied and was **issued permit PB 231644** on 07/26/2023 to **demolish and to re-roof. No work completed. Permit expired 01/22/2024.**

Notices of Violation

1. May 18, 2023

- Chapter 13 of the Code of Ordinances dilapidated condition of a structure.

Notices of Hearing

1. July 12, 2023

- Notice of Hearing – Non-Compliance

2. October 4, 2023

- Notice of Hearing – Non-Compliance

3. January 9, 2024

- Notice of Hearing – Non-Compliance

4. February 12, 2024

- Notice of Hearing – Non-Compliance

5. July 5, 2024

- Notice of Hearing – Non-Compliance

6. September 13, 2024

- Notice of Hearing – Non-Compliance

Hearing Date(s)

1. July 26, 2023

- Order by Magistrate: Comply w/Finding of Fact, meet with Building Official, Code Enforcement to identify and secure potential hazards from property.
 - City Staff and Respondent held on-site meeting - August 17, 2023

Status Hearing Date(s)

2. October 25, 2023

- Status: Need for construction screen mitigated. Order by Magistrate: Employ erosion and sedimentation control measures and schedule status hearing for January 2024.

3. January 24, 2024

- Respondent emailed Code Enforcement Officer and stated he had emergency. Magistrate granted continuance.

4. February 28, 2024

- Respondent stated he submitted application for building permit on 02/28/2024 and that improvements would be completed in 3 to 6 months. (*See Feb/March notes Building, Engineering, Planning and Zoning Review below.*)
- Status hearing set for July 2024 if no progress made.

5. July 24, 2024

- Respondent stated he engaged a new civil engineering firm and will have a new site plan within the month.
- City Attorney stated if site plan submitted, it can be heard at the October 2024 regular meeting of the Planning and Architectural Review Board (PARB).

- Magistrate shared concerns of possible storm damage prior to approvals.
- Respondent to secure property from unauthorized entry into property, mitigate from potential storm damage, and submit site plan within the month August 2024 and appear before October 2024 Planning and Architectural Review Board.
- City Attorney to update Magistrate during regular hearing.
- Status Hearing scheduled January 2025.
 - Notice of Status Hearing for November 6, 2024 mailed as Respondent did not comply with order from September 13, 2024 Status Hearing to secure the property and submit site plan.

6. November 2024 -

Building, Engineering, and Planning/Zoning Review

Feb/March 2024

Respondent submitted an application for building permit on the same date as the Status Hearing 02/28/2024. Application Denied - Site Plan not provided.

- The submittal was **denied on 03/21/2024 by Planning and Zoning as the submittal lacked a site plan as required by the Land Development Code Section 8.05.02, and noted in the comments provided by Jack Shad, Planner North East Florida Regional Council (NEFRC).**
- **The comments made by the NEFRC identified the deficiencies in the submittal including the lack of a site plan demonstrating but not limited to parking requirements, landscaping, and screening from the abutting residential area.**

Respondent, Respondent Attorney, and City Planner Communication

July 10, 2024

Respondent and his attorney sent a calendar invite to City Planner for a meeting at 3:30 pm on 07/10/2024 via zoom.

- Following the zoom meeting an email was forwarded from the City Planner to Mr. Chiumento's office with relevant excerpts from the City's Land Development Code outlining the requirements for a site plan.
- Contrary to testimony by Respondent in July 2024 that the City Planner changed the scope, the same requirement was noted by the Planner from NEFRPC on 03/21/2024 when the submittal was denied for lack of a site plan.

Correspondence from Property Owner to City Planning Department

September 13, 2024

Property Owner sent email stating they "started exploring new options in terms of restaurant design and concept." Her email stated they had "submitted a full plan package to the City in February of 2024 which was subsequently denied due to a number of misstatements from your predecessor and your requirement of a minor site plan. Since then, as within our rights as

property owners, we have **begun to explore new construction options which would completely change the footprint of the proposed new structure and renovation.** While we will happily send a current survey, **we do not want to prepare a site plan based on plans with which we will not likely move forward.** Furthermore, **if the new concept will not be approved then we must make a decision as to how we will proceed with construction based upon the current plans within the City's possession.** Our primary concern at this juncture is that the entire concept will be denied and, as such, we would like to mitigate duplicate engineering costs. Simply put, **it would be wasteful to have a site plan engineered if we prefer to take the project in another direction.”**

Her email concluded by stating, “with this information, **please tell us how best to get preliminary information on approvals regarding the new proposed concept.** Once we have a **firm answer from the city, we can proceed with a site plan** and drawings relevant to the project to proceed with construction.”

City Planner Response to Respondent:

Contrary to the statements made by the property owner, **a full plan package was not submitted to the city; nor was it denied due to a number of misstatements from the NEFRPC; nor is it City Planner’s requirement to have a site plan.** The submittal was denied March 2024 due to the lack of a site plan as required by the LDC.

The following items were submitted for a building permit in February 2024, which was denied under Planning Review, and subsequently closed out:

- Survey
- Elevations
- Specifications for sliding doors
- Interior/Exterior Photometric Lighting Plan.

In response to the property owner’s email seeking a firm answer from the City, **submit a site plan** for the proposed development.

RECOMMENDATION

The Respondent has been provided adequate notice that a nuisance is occurring and been given a reasonable period of time to eliminate the nuisance.

The property has high visibility and the dilapidated structure is not only contributing to blight, but is also an immediate threat to life and safety.

Based on evidence presented by the Building Official, recommend Magistrate make the finding there is an immediate threat to life and safety and authorize code enforcement to present the matter to the City Commission for consideration to use City forces and mitigate the life safety hazard of the dilapidated structure. Recommend Magistrate levy fines of \$250 per day against the Respondent’s real and personal property effective immediately.

AFFIDAVIT OF POSTING

STATE OF FLORIDA

COUNTY OF FLAGLER

Ref: City of Flagler Beach

vs.

1005 OCEANSHORE, LLC
58 ISLAND ESTATES PARKWAY
PALM COAST, FL 32137

CODE ENFORCEMENT CASE NO.: EEN23-0019

John Gifford, Code Enforcement Officer states:

1. That I am employed as a Code Enforcement Officer by the City of Flagler Beach.
2. That pursuant to Florida Statute 162.12, Notices on the 28th day of October, 2024, I posted the foregoing notice to 1005 Oceanshore, LLC, 1005 N. Ocean Shore Blvd, Flagler Beach, FL 32136, as well as a posted notice 105 S. 2nd Street Flagler Beach, Florida (City Hall), for the dated October 28, 2024.

FURTHER, Affiant saith not.


Code Enforcement Officer

STATE OF FLORIDA

COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me by means of physical presence notarization the 28th day of October, 2024 by John Gifford, City of Flagler Beach Code Enforcement Officer, who is personally known to me.




NOTARY PUBLIC

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
OF THE CITY OF FLAGLER BEACH, FLORIDA

1005 OCEANSHORE LLC
58 Island Estates Parkway
Palm Coast, FL 32137

CITY OF FLAGLER BEACH,)
FLORIDA, a municipal corporation,)
)
Petitioner,)
vs.)
1005 OCEANSHORE LLC, owner,)
)
Respondent.)
_____)

CASE NO: EEN23-0019

NOTICE OF STATUS HEARING

Premises: 1005 N OCEAN SHORE BLVD, FLAGLER BEACH, FL 32136

Pursuant to Chapter 162, *Florida Statutes*, the Code Enforcement Special Magistrate was created in Chapter 2, Article IV, Division 2, Sections 2-71 through 2-83, *City of Flagler Beach Code of Ordinances*, to hear Code Enforcement matters. The Special Magistrate shall conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring violations of any City Code into compliance, including imposing fines and other noncriminal penalties to enforce the *Code of Ordinances*.


YOU ARE HEREBY FORMALLY NOTIFIED that on **WEDNESDAY, NOVEMBER 6, 2024 @ 3:00PM**, there will be a **STATUS HEARING** before the Special Magistrate in the City Commission Chambers, 105 2nd Street South, Flagler Beach, Florida, concerning NOTICE OF VIOLATION dated May 18, 2023. Your failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.

YOU ARE HEREBY NOTIFIED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case. The Code Enforcement Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your real and personal property for every day the violation continues beyond the date set by the Special Magistrate for compliance.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this hearing. Please be prepared to present evidence at the hearing concerning the amount of time necessary to correct the alleged violation, should you be found in violation of the *Code of Ordinances*.

If you wish to have any witnesses subpoenaed, or have any other questions, please contact the office of Code Enforcement Officer within five (5) days, at 800 S Daytona Avenue, Flagler Beach, Florida 32136, (386) 517-2000 ext 249.

DATED: September 13, 2024



John Gifford,
Code Enforcement Officer
City of Flagler Beach, Florida

I hereby certify that a copy of the foregoing was delivered by regular and certified mail # 9589 0710 5270 1562 5621 25 and 9589 0710 5270 1562 5621 32 September 13, 2024.

City of Flagler Beach

Code Enforcement

Notice Type: HEARING NOTICE

Date: 9/13/2024

Code Enforcement Complaint # **EEN23-0019**

Name: 1005 OCEAHSHORE LLC

Mailing Address: 1005 N OCEAN SHORE BLVD
FLAGLER BEACH, FL 32136

Name (2): 1005 OCEAHSHORE LLC

Mailing Address (2): 58 ISLAND ESTATES PARKWAY
PALM COAST, FL 32137

	Mailings	Cost Per Item	Total
Certified Mail Cost	2	\$9.64	\$19.28
Regular Mail Cost	2	\$0.64	\$1.28
		TOTAL	\$20.56

9589 0710 5270 1562 5621 32

U.S. Postal Service™ *Notice of status Hearing*
CERTIFIED MAIL® RECEIPT
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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ <i>9.64</i>
Total Postage	\$
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Street and Apt.	
City, State, Zi	



1005 OCEANSHORE LLC
1005 N Ocean Shore Blvd
Flagler Beach, FL 32136

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
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1005 OCEANSHORE LLC
58 Island Estates Parkway
Palm Coast, FL 32137

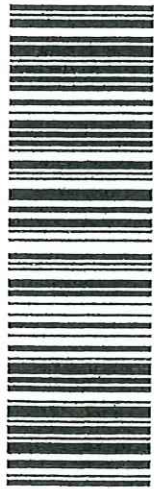


City of Flagler Beach

Building & Zoning Department
P.O. Box 70 • 800 South Daytona Avenue
Flagler Beach, FL 32136

Handwritten signature

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
CERTIFIED MAIL®



9589 0710 5270 1562 5621 32

1005 OCEANSHORE LLC
1005 N Ocean Shore Blvd
Flagler Beach, FL 32136

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VAC

US POSTAGE

quadrant

FIRST-CLASS MAIL
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09/13/2024 ZIP 32136
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RETURN TO SENDER
VACANT
UNABLE TO FORWARD

BC: 32136007070 *2974-03620-13-45

