
City of Daytona Beach Special Magistrate

City Commission Chambers, 301 S Ridgewood Ave, Daytona Beach, FL 32115

Robert J. Riggio, Special Magistrate

January 26, 2021 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney
Captain Scott Lee, Daytona Beach Police Department
Mr. Denzil Sykes, Neighborhood Services Manager
Mr. Mark A. Jones, Rental Inspector
Mr. Cliff Recanzone, Rental Inspector
Ms. LaWanda Tomengo, Rental Inspector
Mr. Kevin Yates, Rental Inspector
Ms. June Barnes, Board Secretary
Ms. Rose Askew, Planning Coordinator

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:15 a.m.

Mr. Riggio announced the procedures of the meeting.

Ms. Barnes announced the following cases.

CASE # 23 - RTL 01-21-06 - Bonnie A Keating is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 605 S Lanvale Ave. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/31/2019.

Compliance 1-20-2021

CASE # 24 - RTL 01-21-07 - Bonnie Keating is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 554 S Lanvale Ave. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/23/2019.

Compliance 1-20-2021

CASE # 44 - RTL 01-21-28 - Adams Gator Land Co LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 385 Woodland Ave. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 12/8/2020.

DISPOSITION: Ms. Barnes announced that the Respondent and the City have agreed to a continuance until the February 23, 2021 meeting.

Ms. Barnes swore in members of the staff who will be testifying.

Mr. Riggio called the first Lien Review.

LR-1 - RTL 06-20-04 - 116 S Grandview Ave Kourama LLC is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 3/11/2020. Order of Non-compliance, Finding of Irreparable and Irreversible Violations and Imposition of Fine of \$15,000.00 effective June 29, 2020. Total Amount: \$15,000.00 plus \$24.00 recording costs = \$15,024.00

Mr. Michael Moore, attorney, came forward.

Mr. Jackson stated the City has no objection to the Respondent's request.

Mr. Moore stated he believes the \$15,000 fine was fairly heavy handed and the Respondent is not wealthy. He stated she has been furloughed due to the pandemic and asked for the fine to be reduced to \$1,000 payable within 30 days.

Mr. Jackson agreed.

DISPOSITION: Mr. Riggio reduced the amount of the lien to \$1000 payable within 30 days of the hearing or the fine reverts back to the original amount of \$15,024.00.

CASE # 11 - RTL 11-20-136 - Rivera Family Properties LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 900 S Peninsula Dr #302. Violation(s) – Failure to obtain Rental License (RTL) First Notified – 10/25/2018.

Ms. Karen Wonsetler, attorney for HOA, came forward and was sworn in. She stated the Board asked her to appear since she is aware of the history of the case. She stated she worked with Inspector Fitzgerald for roof, railing and many other violations that have been corrected in another case. She stated there are a lot windows that have issues and cannot be piece-mealed and must be the same. She stated about ½ of the units are under contract or were sold during December. She stated there has been some improvement and asked for no imposition of fine.

Inspector Tomengo stated inspection failed on December 16 due to windows and stove at this unit and she is requesting Non-Compliance and next cutoff to come into compliance. She stated in two of the following cases, the ownership has changed and they are Case # 14 and #15. She stated Unit 301 and 105 were not sold but under contract.

Ms. Wonsetler stated #11, #12, #13, #19 were sold. She stated 11 units were sold. She asked for a 60 day extension. She stated at this property, the tenants have been asked to leave.

Captain Lee asked Ms. Wonsetler for a timeline.

Ms. Wonsetler stated she did not have the funds yet and as soon as the assessments are paid will sign a contract to replace all of the windows.

CASE # 12 - RTL 11-20-137 - Rivera Family Properties LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 900 S Peninsula Dr #212. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 09/26/2018.

Inspector Tomengo stated she conducted a re-inspection of December 16 and the unit needs a front door. She stated some of the repairs have been made.

Ms. Wonsetler stated they did replace some doors but she is not sure if that is one of the units.

CASE # 13 - RTL 11-20-138 - Gregory I LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 900 S Peninsula #107. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/04/2018.

Inspector Tomengo stated she re-inspected the property on December 16 and it needs window replacement and dishwasher. She stated it is tenant occupied.

Mr. Riggio asked Ms. Wonsetler if she will take care of the dishwasher.

Ms. Wonsetler stated yes.

CASE # 14 - RTL 11-20-139 - Estrella De Mar LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 900 S Peninsula Dr #301. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 09/25/2018.

Inspector Tomengo stated the property has no Rental License (RTL). She stated she had conducted no inspections at this unit but she checked to see if this property was occupied. She stated spoke to Berta at Green Light Realty yesterday and she stated they were no longer representing the property. She stated she is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Ms. Wonsetler stated the property is vacant pending sale.

Inspector Tomengo stated the Rental License (RTL) is on hold.

CASE # 15 - RTL 11-20-140 - JIL Invest LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 900 S Peninsula #105. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/15/2018.

Inspector Tomengo stated she conducted a rental inspection of November 20th and the property is vacant. She stated on December 16 she was at the property and observed a “For Rent” sign. She stated she is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Ms. Wonsetler stated she will ask the owners to take down the sign and not rent until the inspection is done.

Mr. Jackson asked if there were violations on the property.

Inspector Tomengo stated she had not conducted a re-inspection.

Ms. Wonsetler stated the property is waiting for the sale to close.

CASE # 16 - RTL 11-20-141 - Agostina LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 900 S Peninsula Dr #104. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 09/25/2018.

Inspector Tomengo stated she inspected the property on October 30th. She stated the re-inspection on December 3 was cancelled. She stated the windows need to be replaced and some are glued shut. She stated there are also issues with smoke detectors.

Mr. Riggio asked if the property was occupied.

Inspector Tomengo stated yes.

Mr. Riggio asked if the unit is on the first floor.

Inspector Tomengo and Ms. Wonsetler stated yes.

Mr. Riggio stated that the windows being glued is a problem and they need to be made usable during an emergency.

CASE # 17 - RTL 11-20-142 - Frandon USA LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 900 S Peninsula Dr #102. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/06/2018.

Inspector Tomengo stated she re-inspected the property on December 16th and the property failed. She stated the issues are a broken window and screens but have completed the other corrections.

Mr. Riggio asked Ms. Wonsetler to check on the window and to get them to open for emergencies.

CASE # 18 - RTL 11-20-143 - Frandon USA LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 900 S Peninsula Dr #103. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 09/25/2018.

Inspector Tomengo stated the property failed rental inspection of November 10 due to no screens installed. She stated there are cracks in the ceiling in the living room and dining room and damaged tiles in the bathroom. She stated the bathroom also has issues with the fixtures and ventilation. She stated there is a problem with the stove and is missing smoke detectors. She stated the property is occupied.

Mr. Riggio stated the smoke detectors, stove and bathroom need to be addressed.

CASE # 19 - RTL 11-20-146 - BOTS Daytona LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 900 S Peninsula Dr #114. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/01/2018.

Inspector Tomengo stated she re-inspected the unit on December 16 and the paint is chipped and peeling on the ceiling. She stated the front door is also in violation.

Ms. Wonsetler stated she believed they had installed a new door.

Mr. Riggio asked if the property is occupied.

Inspector Tomengo stated yes.

Captain Scott Lee stated staff would agree to give the Respondent 60 days.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance in cases #11, #12, #13, 14, #15, #16, #17, #18 and #19 and ordered the Respondent to come into Compliance by March 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

Mr. Riggio asked the Respondent to make contact with the inspector within 30 days to schedule and inspection and make sure all life-safety issues have been addressed.

CASE # 29- RTL 01-21-30 - Robert T & Betty J Lunzar TR, Luznar Fam Liv Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 531 S Palmetto Ave. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/18/2019.

Ms. Betty Jane Luznar came forward and was sworn in.

Inspector Tomengo stated the case began in November of 2019 and the application for Rental License (RTL) has been submitted and paid in December. She stated she went to the property to verify occupancy and inspected the property on January 21st. She stated there were some outstanding violations including GFCI's in the kitchen and the bathroom. She stated the unit at 531 has 2 outstanding violations and the unit at 533 has 1. She stated she is asking for a finding of Non-Compliance and next cutoff to come into compliance.

Ms. Luznar stated the violations have been fixed and she was not notified after she sent the check.

Captain Lee stated the City's records show that the Inspector was not allowed to inspect.

Mr. Jackson stated staff is asking for a finding of Non-Compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 1 - SMG 04-20-77 - Christopher Brown is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 300 Hartford. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 8/12/2019.

Ms. Colleen Miles came forward and was sworn in.

Mr. Jackson stated the case was continued for the imposition of a fine at the last hearing. He stated the issue is that the Respondents have a BTR but cannot obtain a Rental License (RTL). He stated the City will not issue one because the property is Zoned single family and there are too many units. He stated this is a result of a 2013 review where the property had a change in ownership and it was determined the multi-family use was abandoned. He stated the determination at that time was not appealed. He stated the respondents asked again in 2017 for a rental license and again it was denied. He stated it was the same circumstance in 2019. He stated the property needs to come into compliance and has failed to do so since 2013. He stated staff is requesting a fine in the amount of \$200 per day to a maximum of \$15,000.

There was discussion regarding whether the property was platted between Mr. Riggio and Zoning Coordinator Rose Askew.

Ms. Askew stated she contacted the Tax Appraiser's office and submitted a response stating the property was made single family in 1987 and the property kept the same use as long as he had it. She stated when the property was sold, the purchaser was not made aware.

Mr. Riggio asked if the lot was of sufficient size to allow for setbacks.

Ms. Askew stated the zoning is not based on lots. He stated the City develops neighborhoods by setting the zoning first. She stated the original determination was made by Ms. Miles. She stated in 1948 there was no zoning or Land Development Code.

Mr. Jackson stated the ruling in 2013 could have been challenged.

Ms. Miles stated they did not discontinue the use and it had not changed ownership. She stated the leases continued and the utility bills continued. She stated there are 2 meters on 1 parcel. She stated at least one of the units were occupied and sometimes more than one.

Mr. Riggio stated they need to show that all three units were used continually and the evidence showed spotty use during the period in question. He stated the City is not contesting that they can have one unit but is non-conforming with multiple units. He stated the case falls in line with Res judicata.

Ms. Miles conferred with the owner and stated they will have to evict and demolish the other units and expects it will take 90 to 120 days.

Captain Scott Lee stated the City cannot agree to that long a period and asked for 30 days.

Ms. Miles agreed to 30 days and then discussion to extend the order if needed.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to come into compliance by February 17, 2021 or be returned to a subsequent hearing for consideration of the imposition of a fine up to \$1000 per day.

CASE # 3 - RTL 06-20-32 - Village Resources & Real Estate, LLC TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 341 Maple St. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/16/2019.

Mr. Jonathan Schon, attorney, came forward.

Field Inspector Jones stated he received a letter on December 10, 2020 from the attorney. He stated the Respondents have no Rental License or permit applications. He stated the property is occupied and is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Schon stated he thought the property was in compliance and is vacant. He stated the submitted the Trespass Arrest paperwork and it may take time to get the financing. He stated they are not looking to rent the property, just repair. He stated he is meeting with a contractor later today.

Mr. Jones stated work had been done without a permit. He stated the City will accept an affidavit not to rent. He stated if he finds it rented, he will ask for a substantial fine.

Mr. Schon agreed. He stated they registered with the vacant house program. He stated the current owner was not aware that work had been done without permits.

Mr. Riggio stated the lien search should also include an open permits review.

Mr. Schon stated the owner plans to fix and then sell the property.

DISPOSITION: Mr. Riggio amended the previous Order of Non-Compliance and ordered the Respondents to come into compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day.

Mr. Riggio stated the Respondent needs to resolve all outstanding code violations and provide an affidavit stating the property will not be rented.

CASE # 25 - RTL 01-21-08 - Morgan & Parker LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 26 S Oleander Ave. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/7/2019.

Ms. Jane Rocco, owner, came forward and was sworn in.

Inspector Tomengo stated the inspection failed but no re-inspection has been scheduled. She stated the violations on the property and stated she has had no contact with the owner.

Ms. Rocco stated she had contact with the previous inspector, Jerome McCoy and Karen Baum. She stated all of the work is done except for the window and it is back ordered.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by March 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 38 - RTL 01-21-22 - Morgan & Parker LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 14 S Halifax Ave. Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 5/29/2020.

Ms. Rocco came forward and was sworn in. She stated the owners thought that the property was zoned for short-term rentals and that the tenant had been kicked out for doing drugs.

Inspector Recanzone stated the violation is irreparable and irreversible and is asking for a fine in the amount of \$15,000.

Ms. Rocco stated the owner tried to take the listing off but could not take it off. She stated she didn't know it was still showing on the site.

Inspector Recanzone pointed to the picture showing "Ask the owner a question" and indicated that anyone can email the owner and request open dates.

Mr. Riggio asked if the owner was first notified on May 29th.

Inspector Recanzone stated yes and said there were new postings on December 13, 2020, January 6, 2021 and January 11, 2021.

Ms. Rocco stated the owner did get requests for bookings after the posting automatically came back online but did not schedule any bookings and blocked the inquiries again.

Mr. Jackson stated the case was complaint generated.

Inspector Recanzone stated he received a complaint on March 8, 2020 and in May he verified it on the website.

Mr. Riggio asked the nature of the complaint.

Inspector Recanzone stated it was received online and was anonymous.

Mr. Jackson stated staff is asking for the violation to be irreparable and irreversible as it cannot be repaired or reversed.

Ms. Rocco stated the property does not disturb those on Mains Street and they had hired Cobb and Cole to rezone half of the property.

Mr. Riggio called for a recess at 11:42 a.m. and the meeting resumed at 12:21 p.m. to determine if the Respondent receive adequate notice of the violation.

Mr. Recanzone stated the notification was delivered to the Registered Agent.

Ms. Rocco stated she did not receive the first notice.

Mr. Jackson referred to his previous statement in reference to Art. 5 Sec 5.2. and read the public lodging definition from Chapter 26. He stated advertising is the equivalent.

Captain Lee stated Ms. Rocco should have gotten a Business Tax Receipt (BTR) and she would have known.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and that the violation was Irreparable and Irreversible in nature and imposed a fine in the amount of \$15,000 and for any future violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 49 - RTL 01-21-34 - David V & Gerardette A Almeida is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 237 & 239 N Halifax Ave. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 12/14/2020.

Mr. David A Almeida came forward and was sworn in.

Mr. Recanzone stated the case started from a complaint on March 16th and he is requesting a fine in the amount of \$15,000.

Mr. Almeida stated the listing was taken down.

Mr. Jackson stated anyone can look on the web and the violation is irreparable and irreversible.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and that the violation was Irreparable and Irreversible in nature and imposed a fine in the amount of \$15,000 and for any future violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 45 - RTL 01-21-29 - Pascale Reidenberg Tr, The Pascale Reidenberg Rev Trust & Joel R Reidenberg Tr, The Joel R Reidenberg Rev Trust is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 347 Plaza Blvd. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 12/9/2020.

Mr. Pascale Reidenberg came forward and was sworn in.

Inspector Recanzone stated the Respondent's property is located in Zoning SFR-5 and is in violation of the "Other Accommodations" ordinance also known as Short Term Rentals. He stated the case came in as a complaint and he found the property listed online. He stated the Respondent was still advertising after December 3 and is requesting a fine in the amount of \$15,000.

Mr. Reidenberg stated he stopped when he was noticed. He stated he was not aware it was a violation and he immediately stopped after he was notified.

Mr. Jackson stated the violations are irreparable and irreversible and have benefitted the Respondent and harmed the residents. He referred to his previous argument that the violation is egregious.

Mr. Riggio stated the respondent took immediate action and has no past record.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and that the violation was Irreparable and Irreversible in nature and imposed a fine in the amount of \$7,500 and for any future violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 37 - RTL 01-21-21 - Colin & Krista Goodrich is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 1280 Bel-Aire Dr. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 8/13/2020.

Mr. David Russell, attorney, came forward and was sworn in.

Inspector Recanzone stated the case is here for a violation of the Land Development Code for "Other Accommodations" also known as short-term rentals. He stated the property is zoned SFR-5. He stated the violation was found on August 13 and believes the violations to be irreparable and irreversible in nature. He stated he is requesting a fine in the amount of \$15,000.

Mr. Jackson stated his prior argument from Art. 5 Sec. 5.2 is also applicable to this case.

Mr. Russell asked Inspector Recanzone some questions.

Captain Lee read the complaint out loud. It was determined later in the meeting that this was not the first complaint but this was the September 2nd complaint.

Mr. Russell stated his clients have an agreement with the County of Volusia and AIRBNB to collect the bed tax and he doesn't believe there is sufficient evidence.

Inspector Recanzone stated he found the property listed online on August 2nd and August 13th

Mr. Riggio stated that the September complaint was outside the window and he may disagree that it is irreparable and irreversible. He stated he believes the Respondent's rapidity should also receive some credit.

There was further discussion regarding the timing of the complaints.

DISPOSITION: Mr. Riggio found the property is in Non-Compliance and the violation was Irreparable and Irreversible in nature and imposed a fine in the amount of \$2,000 and for any future violations may be returned to the Special Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 39 - RTL 01-21-23 - Christina L Goddu Tr & Christina L Goddu Trust; Christina L Goddu as Trustee is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2,

at 521 Lenox Ave. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 10/20/2020.

Inspector Recanzone stated he found the property online and had active ads until October 20. He stated he is requesting a fine in the amount of \$15,000.

Mr. Jackson stated the property was advertised online and referred to section 501-242 for adoption of the vacation rental definition. He stated it did not matter is the property was rented one time or 1000 times.

Mr. Russell stated the owners have a long term rental license.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and that the violation was Irreparable and Irreversible in nature and imposed a fine in the amount of \$1,000 and for any future violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

Mr. Jackson referred back to case #37 to correct a testimony error. He stated the prior complaint case originated on August 12, 2020 when Inspector Yates was approached in his car in the neighborhood and passed it along to Inspector Recanzone.

LR-2 - RTL 06-20-01 - 9 S Oleander Ave – Beachside Mansion, LLC is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2. Violation(s) – Zoning violation - the property is zoned RDB-9. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 3/11/2020. Order of Non-compliance, Finding of Irreparable and Irreversible Violations and Imposition of a Fine of \$15,000.00 plus \$10,000.00 for a total of \$25,000.00 effective July 28, 2020. Total Amount: \$25,000.00 plus \$24.00 recording costs = \$25,024.00

Ms. Jessica Gow, attorney, came forward. Ms. Gow stated that the property was found in violation of Short Term Rentals and they had presented evidence from the Land Development Code at the June 2020 meeting. She stated the July meeting minutes indicate the case was continued for determination of a compliance date.

Mr. Jackson stated the Respondent was found in Non-Compliance at the June meeting and the use was prohibited conduct and a fine can be imposed at any time.

Ms. Gow agreed that the use was not permitted and stated at the July meeting, there were 2 fines imposed for a total of \$25,000.00 for the same violation and asked for a reduction in the fine.

Mr. Jackson stated for irreparable and irreversible violations, the \$15,000 fine was imposed and the additional \$10,000 fine was imposed because the prohibited activity continued after the continuation was granted.

She stated a photo and the re-inspection were not entered into TRAKit at the time of the fine.

Mr. Recanzone stated he did not enter the information until a later time.

Mr. Riggio stated he was inclined to continue the case and find the document with the additional fine.

Mr. Jackson conferred with staff and stated they would be willing to agree to a reduction of ½ to \$12,500.

Mr. Riggio called a recess at 2:30 p.m. to allow the Respondent, City Attorney and Staff to confer.

The meeting resumed at 2:38 p.m. and Mr. Jackson stated that the City and Respondent have come to an agreement to reduce the amount of the lien to \$12,500.

DISPOSITION: Mr. Riggio reduced the amount of the lien to \$12,500.00 payable within 30 days or fine reverts back to the original amount of \$25,000.

CASE # 9 - RTL 11-20-130 - Herbert S B & Lorin Kawesh is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 327 N Caroline. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/16/2019.

Mr. Herbert Kawesh came forward and was sworn in.

Inspector Tomengo stated the property is in Non-Compliance and is asking that it be brought into compliance by the next cutoff. She stated the property failed inspection and has a significant number of items including an electric overload. She stated Units 1 & 2 were inspected on the 22nd and the slab remains. She stated the Respondent advised her yesterday that the glass was fixed and windows replaced as well as the bathroom fixtures. He stated Unit 2 had not made much progress.

Mr. Kawesh stated there are problems with the tenants.

Mr. Riggio stated he could not advise him on what to do with the tenants.

Mr. Kawesh stated he will be in compliance by February.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to come into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 26 - RTL 01-21-09 - Gregory Wolfenden is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 144 S Hollywood Ave. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/18/2019.

Ms. Sabrina Wolfenden came forward and was sworn in.

Inspector Tomengo stated the Rental License (RTL) has been applied for and fees paid in November 2019. She stated it is on hold. She stated she made a site visit on December 8 and could not gain access through a locked gate. She stated she left her card and rescheduled the inspection for January 29. She stated she is asking for a finding of Non-Compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 27 - RTL 01-21-10 - Thomas Eugene Johnson Jr. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 106 Springwood Dr. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/12/2019.

Mr. Thomas Eugene Johnson Sr. came forward and was sworn in.

Inspector Tomengo stated the owner has applied for the Rental License (RTL) and paid the fees. She stated there has been no re-inspection scheduled since the last inspection of December 9 at which time the property failed. She said she spoke to Mr. Johnson Sr and sent an email with corrections. She stated there is a re-inspection scheduled for February 10. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Johnson stated the work was all done.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 30 - RTL 01-21-12 - Nak Haeng Cho & Jin Sook Cho is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 521 White St. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/9/2020.

Mr. Jin Sook Cho, son of the owner, came forward and was sworn in.

Inspector Kevin Yates stated he has had contact with the father who is living in the unit. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Cho stated he thinks he can be done by February.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 33 - RTL 01-21-17 - James & Lisa P McDede is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 523 Vermont Ave. Violation(s) – Zoning violation - the property is zoned MFR-20. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 10/15/2020.

Mr. James McDede came forward and was sworn in.

Inspector Cliff Recanzone stated the Respondent is here for a zoning violation of Other Accommodations where short-term rentals are prohibited. He stated a violation occurred on

September 5th, October 7th and on December 3rd. He stated they actively advertised the property and ceased after December 28th. He stated he is asking for a fine in the amount of \$15,000.

Mr. Jackson stated the violation is irreparable and irreversible in nature and was complaint driven.

Inspector Recanzone stated the first complaint came in on September 5th of 2020 and recorded AXON video while speaking to the tenant. The axon video was played in the Chamber. He stated the tenant found the property online and were renting both 523 and 527 properties.

Mr. Riggio asked if the violation continued after notification.

Mr. McDede stated he is no longer renting the property and would like to obtain counsel. He stated he is a long time resident of the City.

Mr. Riggio asked if there was an objection to continuing the case.

Mr. Jackson stated they had been give property notice and evidence was presented.

Mr. Riggio asked if this was related to the next case.

Mr. Recanzone stated yes and the picture showed both properties side by side.

Mr. Jackson stated the action must cease.

ACTION TO BE TAKEN: Impose Fine IRREPARABLE OR IRREVERSIBLE

DISPOSITION: Mr. Riggio continued to the case to the February 23, 2021 meeting for consideration of the imposition of a fine up to \$15,000 per each occurrence.

CASE # 34 - RTL 01-21-18 - James A & Lisa P McDede is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 527 Vermont Ave. Violation(s) – Zoning violation - the property is zoned MFR-20. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 10/16/2020.

Details of this property were heard with the previous case.

DISPOSITION: Mr. Riggio continued to the case to the February 23, 2021 meeting for consideration of the imposition of a fine up to \$15,000 per each occurrence.

CASE # 35 - RTL 01-21-19 - Professional Sunshine & Management LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 417 N Wild Olive Ave. Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 10/15/2020.

Ms. Meghan Price, Property Manager, came forward and was sworn in.

Inspector Recanzone stated the property owners violated the Zoning referred to as "Other Accommodations" in this area on October 7, December 3, December 28, January 7 and January 18 and the listing is still active. He stated is requesting a fine in the amount of \$15,000.

Mr. Riggio asked if the case originated from a compliant.

Mr. Jackson stated the violations were discovered as a response to a complaint.

Inspector Recanzone stated he found the violations the same day as the complaint.

Mr. Jackson stated the violations are irreparable and irreversible and the Respondents reaped the benefits, caused harm to the neighborhood and it was advertised worldwide in the internet to 10 million to 1 billion people. He stated the contact info was long range and around the world and staff is asking for a fine in the amount of \$15,000. He stated there have been news and articles against this violation published online by the City and in the News-Journal.

Ms. Price stated they did not know about the complaints. She stated the property was previously listed as a short term rental. She stated they contact the City and it was approved and inspected and they paid the fees to the county. She submitted documents showing they paid taxes to the County of Volusia. She stated they have managed the property since July of 2020.

Captain Lee stated the County does not regulation the zoning in the City and the Respondent did not contact the City or they would have known it was not allowed. He stated they have not obtained a City Business Tax Receipt (BTR).

DISPOSITION: Mr. Riggio found the property in Non-Compliance and that the violation was Irreparable and Irreversible in nature and imposed a fine in the amount of \$15,000 and for any future violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 40 - RTL 01-21-24 - George C & Debra J Symington is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 150 S Hollywood Ave. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 10/7/2020.

Mr. George Symington came forward and was sworn in. He stated they were renting through VRBO, he removed the listing on the 19th and the property is for sale.

Inspector Recanzone stated he found the property online on October 7th and the advertisement was removed shortly after that. He stated he is requesting a fine in the amount of \$15,000 and a finding of irreparable and irreversible in nature.

Mr. Jackson stated his previous arguments apply.

Mr. Symington stated he has a letter from VRBO saying the listing was removed on the 19th.

Mr. Recanzone stated the case began from a complaint from the County Code Officer.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and that the violation was Irreparable and Irreversible in nature and imposed a fine in the amount of \$2,000 and for any future violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 41 - RTL 01-21-25 - Thomas Charles Betts is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 621 Lenox Ave. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 10/29/2020.

Mr. Thomas Charles Betts came forward and was sworn in. He stated he just retained council in Mr. Russell and asked to continue the case.

Mr. Jackson stated the violations are still active on this property

DISPOSITION: Mr. Riggio continued the case to the February 23, 2021 meeting for consideration of the imposition of a fine up to \$15,000 per each occurrence.

CASE # 42- RTL 01-21-26 - Lazaro & Odalys Loureiro is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 2551 E Coral Way. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 11/11/2020.

Mr. Lazaro Loureiro came forward and was sworn in.

Mr. Riggio explained there is no rental platform for family neighborhoods in having transients every week.

Mr. Jackson stated he presumes the advertising is still active.

Mr. Loureiro stated he had taken it off the website in December and will retain council.

DISPOSITION: Mr. Riggio continued the case to the February 23, 2021 meeting for consideration of the imposition of a fine up to \$15,000 per each occurrence.

CASE # 43 - RTL 01-21-27 - Ion Lighting Realty LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 322 Silver Beach Ave. Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 7/30/2020.

Mr. James Cornell came forward and was sworn in.

Mr. Riggio asked the Respondent if he would like to continue or if he wishes to obtain council.

Mr. Cornell stated he would like to proceed.

Inspector Recanzone stated the case began from a complaint received on March 12, 2020. He stated he found the property online and violations occurred on August 5, 2020, December 8, 2020 and December 21, 2020. He stated the violations ceased after December 21st. He stated

he is requesting a finding of irreparable and irreversible harm and a fine in the amount of \$15,000.

Mr. Cornell stated he spoke with Stephanie Jackson at the County and thought he was ok.

Mr. Riggio suggested someone speak to the County and make sure they have someone to check with the City to make sure short-term rentals are allowed in that area.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and that the violation was Irreparable and Irreversible in nature and imposed a fine in the amount of \$1,000 and for any future violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 46 - RTL 01-21-31 - Jamey & Christy Gregg is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 210 Auditorium Blvd. Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 12/10/2020.

Ms. Christy Gregg came forward and was sworn in.

Mr. Riggio asked the Respondent if she would like to go forward or if she would like to obtain counsel.

Ms. Gregg stated she is prepared to proceed.

Inspector Recanzone stated the Respondent is in violation of the zoning regulations and is short term renting. He stated the Respondent was notified on December 10th and ceased renting on December 10th. He stated he is asking for a fine in the amount of \$15,000.

Mr. Jackson stated his previous arguments apply in this case and the violation is irreparable and irreversible in nature. He stated the advertisement contains a request.

Ms. Gregg stated the tourism tax was filled and collected by VRBO. She stated she purchased the house in December and paid all of the back fines. She stated she intended no harm.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and that the violation was Irreparable and Irreversible in nature and imposed a fine in the amount of \$1,000 and for any future violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 47 - RTL 01-21-32 - Sigrid A Cottrell is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 2315 N Oleander Ave. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 12/10/2020.

Mr. Andrew Heath came forward and was sworn in.

Mr. Recanzone stated the case is here for a zone violation that occurred on December 10, 2020 and the nature is irreparable and irreversible. He stated he noticed the property on December

10 and the advertising ceased on December 10th. He stated he is asking for a fine in the amount of \$15,000.

Mr. Jackson stated his prior arguments apply.

DISPOSITION: Based on the inspector's testimony, Mr. Riggio found the property in Non-Compliance and that the violation was Irreparable and Irreversible in nature and imposed a fine in the amount of \$1,000 and for any future violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 48 - RTL 01-21-33 - Christina T Chau is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 155 Michigan Ave. Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 12/10/2020.

Ms. Christina Chau and Mr. Pope Chau came forward and were sworn in.

Mr. Jackson stated the City anticipates the case is still active.

Mr. Chau stated he sent a letter.

Mr. Riggio stated the site is not shut down and not sure why.

Mr. Chau stated he tried to stop it and he didn't know he needed a license.

Mr. Riggio stated he believes there is a language barrier and that he will continue to the case so that Mr. Chau can bring someone to help him understand.

Mr. Jackson asked the Respondent to contact the Inspector and not to rent the property.

DISPOSITION: Mr. Riggio continued the case to the February 23, 2020 meeting.

CASE # 2 - SMG 04-20-79 - Equity Trust Company Custodian fbo Mark Wandmacher IRA is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 315 Glenview #5. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 11/13/2019.

Respondent was not present.

Field Inspector Jones stated he was at the property last week and it is occupied. He stated they have no Rental License (RTL).

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100 dollars per day, effective January 26, 2021, to a maximum of \$15,000 or until compliance is achieved.

CASE # 4 - RTL 06-20-47 - Lisa & William B McCarthy is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 200 N Halifax. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 09/28/2019.

Respondent was not present.

Field Inspector Jones stated the property failed inspection in January and there were no windows replaced. He stated he has had no contact with the Respondent and is asking for a fine in the amount of \$1090 per day to a maximum of \$15,000. He stated the property is occupied.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$200 per day, effective January 26, 2021 to a maximum of \$15,000 or until compliance is achieved.

CASE # 5 - RTL 09-20-109 - In Land We Trust LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 425 N Oleander. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 01/29/2020.

Respondent was not present.

Field Inspector Jones stated the last contact he had with the Respondent was January 19, 2021 and the owner is waiting on a window. He stated they have applied for a permit and is asking to amend to the next cutoff.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to come into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 6 - RTL 11-20-117 - Suzanne N Slaughter Rev Tr 1 Susanne N Slaughter as Trustee is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 2604 Tulane Ave. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 06/23/2020.

Respondent was not present.

Inspector Yates stated he has had no contact with the owner since the last inspection and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100 per day, effective January 26, 2021 to a maximum of \$15,000 or until compliance is achieved.

CASE # 7 - RTL 11-20-118 - Joseph Leonard Risse Jr is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297 City Code Ch. 26 Sec. 26-294, at 1158 Hampton Rd. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 05/09/2020.

Respondent was not present.

Mr. Yates stated the Respondent has applied for the license since the last hearing and is requesting to amend to the next cutoff for compliance.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to come into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 8 - RTL 06-20-17 - Escudo Capital LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 615-613 Seaman Pl. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/13/2019.

Respondent was not present.

Inspector Tomengo stated there has been a sale of the property and the new owner is assuming responsibility. She stated she re-inspected the property and stated that 613 is in Compliance but 615 still has issues. She stated she is asking to amend to the next cutoff for compliance. Inspector Tomengo stated she would like to add the new owner to the case and gave the Secretary a copy of the updated Volusia Property tax to add Kelly Michelle Zingarelli and Anthony Michael Zingarelli to the case.

DISPOSITION: Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to come into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day. It is further ordered that the new owners, Kelly Michelle and Anthony Michael Zingarelli be added to the case.

CASE # 10 - RTL 11-20-134 - Caroline Daytona Properties LLC is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297 City Code Ch. 26 Sec. 26-294, at 150 N Caroline St. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/15/2019.

Respondent was not present.

Inspector Tomengo stated she re-inspected the property on January 11th and it is occupied. She stated she has had no contact with the Respondent and is requesting a fine in the amount of \$100 to a maximum of \$15,000.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100 per day, effective January 26, 2021 to a maximum of \$15,000 or until compliance is achieved.

CASE # 20 - RTL 01-21-03 - Thomas P Barrie is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 500 Bostwick. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/16/2019.

Respondent was not present.

Inspector Tomengo stated the owner has submitted the Rental License (RTL) application with fees paid and verified there is a tenant. She stated on December 2 she received a call from the owner but there has been no inspection to date. She stated she is asking for a finding of Non-Compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 21 - RTL 01-21-04 - Cecilia Cannon-Wallace TR & Hillside 425 Land Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 425 Hillside Ave._Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/22/2019.

Respondent was not present.

Inspector Tomengo stated she has been in contact with the Property Management Company. She stated the property failed inspection for GFCI outlets. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 22 - RTL 01-21-05 - Bonnie A Keating is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 601 S Lanvale Ave. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/31/2019.

Respondent was not present.

Inspector Tomengo stated she confirmed the owner applied for the Rental License (RTL) and fees have been paid. She stated she verified occupancy and spoke to the owners. She stated the inspection is scheduled for February and she would like a finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 28 - RTL 01-21-11 - Gary L & Leigh Ann Morrison Tr & Morrison Fam Joint Rev Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 120 S Hollywood. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/14/2020.

Respondent was not present.

Inspector Tomengo stated the property is occupied and she received a call from the Property Manager on December 29th stating they could not reschedule the inspection due to COVID. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 31 - RTL 01-21-15 - Lori Michelle Hartley is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 508 Fairmount Rd._Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/31/2019.

Respondent was not present.

Inspector Yates stated he has had no contact with the Respondent and is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 32 - RTL 01-21-16 - Samantha Smith is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 415 N Halifax Ave #208. _Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/15/2019.

Respondent was not present.

Inspector Yates stated the property remains in Non-Compliance and he is asking for a finding of Non-Compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by February 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 36 - RTL 01-21-20 - 506 Butler LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 508 Butler Blvd. _Violation(s) – Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 4/25/2020.

Respondent was not present.

Inspector Recanzone stated the property was found to be in violation of the Zoning ordinance for "Other Accommodations". He stated he opened the case in March of 2020 and the listing remained active until April 25, 2020. He stated he listing was removed after January 7, 2021 and was found on 3 websites. He stated there are multiple rentals on the same parcel. He stated he is requesting a finding of irreparable and irreversible and a fine in the amount of \$15,000.

Mr. Jackson stated the previous remarks regarding the use standards from Art. 5 Sec. 5.2 are valid in this case as well. He stated the case began in March of 202 and did not stop until January 2021.

DISPOSITION: Mr. Riggio found, based on the Inspector's testimony, the property is in Non-Compliance and the violation was Irreparable and Irreversible in nature and imposed a fine in the amount of \$15,000 and for any future violations may be returned to the Special Magistrate for consideration of a fine up to \$15,000 per occurrence.

CASE # 50 - RTL 01-21-35 - FIXB LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 606 Braddock Av. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 12/14/2020.

Mr. David Russell, Attorney came forward and was sworn in.

Mr. Recanzone stated he received a complaint to the CRM system on December 9, 2020 for short term rental. He stated the violation is irreparable and irreversible and is requesting a fine in the amount of \$15,000.

Mr. Jackson stated his previous argument of irreparable and irreversible applies.

Mr. Russell stated

Mr. Riggio stated he believes the Respondent took timely action.

DISPOSITION: Mr. Riggio found the property in Non-Compliance and that the violation was Irreparable and Irreversible in nature and imposed a fine in the amount of \$1,000 and for any future violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

MB-1 RTL 11-20-124 – 727 N Peninsula Dr. - Charlene A Solon is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 10/27/2020. Order of Non-Compliance, Finding of Irreparable and Irreversible Violation and Imposition of Fine of \$15,000.00 plus \$24.00 recording costs, effective November 24, 2020 for a total of \$15,024.00.

Respondent was not present.

Inspector Recanzone explained the property is in a Zoning area where "Other Accommodations" also known as short term rentals are not allowed and the Respondent violated the Land Development Code by renting the property short-term and the violation was irreparable and irreversible in nature.

DISPOSITION: Mr. Riggio denied reduction of the fine/lien without prejudice due to the Respondent not being present.

The meeting was adjourned at 5:37 p.m.