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# City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

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## February 23, 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

Approval of Minutes by:  \_\_\_\_\_ Special Magistrate

Mr. Riggio called the meeting to order at 9:06 a.m.

Ms. Barnes announced the following cases in compliance.

**CASE # 15 - 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.

*Compliance 2-16-2021*

**CASE # 17 - 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.

*Compliance 2-19-2021*

**CASE # 19 - 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.

*Compliance 2-18-2021*

Ms. Barnes swore in members of the staff who are testifying.

Mr. Riggio approved the November 24, 2020 and January 26, 2021 meeting minutes.

Mr. Riggio called the first case.

CASE # 1 - RTL 02-21-50 - JNG Property Group is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1204 Continental Dr.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/13/2020.

Respondent was not present.

Inspector Cliff Recanzone stated the property has no active rental license permit. He stated the permit was approved but needs inspection. He stated 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 March 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 2 - RTL 02-21-51 - LA Philip Inc is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1209 Essex Rd.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 2/22/2020.

Respondent was not present.

Inspector Cliff Recanzone stated the case is before the Magistrate with no active rental license. He stated 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 March 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 3 - RTL 02-21-37 - Joseph P & Kim R. Daily is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **843 Essex Rd.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/14/2020.

Respondent was not present.

Inspector Cliff Recanzone stated the property has no active long term rental license. He stated 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 March 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 4 - RTL 02-21-41 - TRSTE LLC TR is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **869-867 Winchester St.** Violation(s) –

Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/13/2020.

Respondent was not present.

Inspector Cliff Recanzone stated the property has no active rental license at this time. He stated 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 March 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 5 - RTL 02-21-38 - Shawn Wayne Spencer is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **910 Madison Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/13/2020.

Respondent was not present.

Inspector Cliff Recanzone stated the property has no active rental license at this time. He stated 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 March 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 6 - RTL 02-21-39 - JKM Properties LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **116 N Keech St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/24/2019.

Respondent was not present.

Inspector LaWanda Tomengo stated the property's rental license is not active and failed inspection. She stated she has had contact with the owner and inspection is scheduled for March 18. 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 March 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 7 - RTL 02-21-42 - TRSTE LLC TR & 228 N Adams St Land Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **228 N Adams St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/4/2020.

Respondent was not present.

Inspector LaWanda Tomengo stated the owners have not applied for a Business Tax or Rental License. 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 March 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 8 - RTL 02-21-44 - Palms Land Investments LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **330 Hobart Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/21/2019.

Respondent was not present.

Inspector LaWanda Tomengo stated the owner has applied for the rental license and paid the fees. She stated she has had contact with the owner and inspection is scheduled for February 25. 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 March 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 9 - RTL 02-21-49 - Michael Turturro is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **346 Hobart Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/21/2019.

Respondent was not present.

Inspector LaWanda Tomengo stated license application has been submitted and paid but there has been no inspection. She stated she posted the property and has no contact with the Respondent. 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 March 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 10 - RTL 02-21-47 - Lazzetta B Webster is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **414 Lockhart Street.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/7/2019.

Ms. Elizabeth Downs, Property Manager, came forward and was sworn in.

Inspector LaWanda Tomengo stated the owner has applied for and paid for the rental license. She stated the property failed inspection in January and no re-inspection has been scheduled. She stated the license is not current, she posted the property in February and received a call from the homeowner. She stated she spoke to Christine Dinardo, who said she worked for the

Property Manager and scheduled inspection for March 18. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Downs agreed and asked to clarify the dates.

Inspector Tomengo stated there is a lengthy list of violation and she had sent the list via email to Ms. Dinardo.

**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 # 11 - RTL 02-21-46 - Robert L S Taggart Jr is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **721 Marion St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/4/2020.

Respondent was not present.

Inspector LaWanda Tomengo stated the license was paid for in January but is not current. She stated she posted the property and received a call from Mrs. Taggart who scheduled an inspection for March 18<sup>th</sup>. 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 March 17, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

CASE # 12 - RTL 02-21-48 - Deco Investments LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **813 Maley Street.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 7/1/2020.

Mr. Salazar came forward and was sworn in.

Inspector LaWanda Tomengo stated the property had a change in ownership which was completed in July 2020. She stated the license is on hold due to no rental inspection. She stated the property was posted in February and she received a call. She stated an inspection is scheduled for February 26. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Salazar stated the previous owners had a license but had not fixed the violations. He stated he had an inspection with Sara Kirk in June.

**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 # 13 - RTL 02-21-43 - Bulldog Empire IV LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **940 W International Blvd (942 W Intl Blvd).** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/18/2019.

Mr. Eric Brinkerhoff came forward and was sworn in.

Inspector LaWanda Tomengo stated the property failed inspection and no re-inspection was scheduled. She stated she spoke to the property owner who sent her to the Property Manager. She stated she spoke to Mr. Brinkerhoff and inspection is scheduled for February 26. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Brinkerhoff stated he came to the meeting to meet the inspector since all of their communication has been on the phone.

**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 # 14 - 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 – 5/9/2020.

Mr. Joseph Risse came forward and was sworn in.

Inspector Kevin Yates stated he spoke to the owner and he had received a document stating the tenants have COVID. He stated he is asking to amend to the next cutoff for Compliance.

Mr. Risse stated he has health issues and does not want to expose himself to the virus.

**DISPOSITION:** Mr. Riggio amended the previous order of 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 # 16 - 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.

Ms. Leigh Ann Morrison came forward and was sworn in.

Inspector LaWanda Tomengo stated the property failed inspection with a previous inspector. She requested to amend until the next cutoff.

Ms. Morrison stated she was not aware. She stated she tried to set up an inspection with the previous inspector and also spoke to Karen Baum. She stated the property is in Compliance and is awaiting inspection.

**DISPOSITION:** Mr. Riggio amended the previous order of 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 # 18 - 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.

Respondent was not present.

Inspector LaWanda Tomengo stated she has had no contact with the Respondent and requesting a fine in the amount of \$100 per day to a maximum of \$15,000.00.

**DISPOSITION:** Mr. Riggio imposed a fine in the amount of \$100 dollars per day, effective February 23, 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 LaWanda Tomengo stated she had planned to ask for the imposition of a fine however, she was contacted by the owner and inspection is scheduled for February 26. She stated she is asking to amend to the next cutoff.

**DISPOSITION:** Mr. Riggio amended the previous order of 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 # 21 - RTL 06-20-17 - Escudo Capital LLC & Kelly Michelle & Anthony Michael Zingarelli 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.

Ms. Barbara Burns, Property Manager, came forward and was sworn in.

Inspector LaWanda Tomengo stated she spoke to the Property Manager and re-inspection is scheduled for February 25<sup>th</sup>. She stated she is asking to amend to the next cutoff.

Ms. Burns agreed.

**DISPOSITION:** Mr. Riggio amended the previous order of 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 # 22 - 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.

Respondent was not present.

Field Inspector Mark Jones stated he has had no contact with the Respondent. He stated no application has been submitted or affidavit stating they will no longer rent the property. He stated he is requesting a fine in the amount of \$200 per day to a maximum of \$15,000.00.

Mr. Riggio asked the Inspector if this was the case where the attorney handled the eviction and used the writ of possession.

Mr. Jones stated yes that they were going to present an affidavit that they would not rent the property. He stated the property is vacant.

**DISPOSITION:** Mr. Riggio imposed a fine in the amount of \$100 dollars per day, effective February 23, 2021, to a maximum of \$15,000 or until compliance is achieved.

CASE # 23 - 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 – January.

Respondent was not present.

Field Inspector Mark Jones stated he has had no contact with the Respondent. He stated no application has been submitted or affidavit stating they will no longer rent the property. He stated he is requesting a fine in the amount of \$200 per day to a maximum of \$15,000.00.

Mr. Riggio asked the Inspector if this was the case where the attorney handled the eviction and used the writ of possession.

Mr. Jones stated yes that they were going to present an affidavit that they would not rent the property. He stated the property is vacant.

**DISPOSITION:** Mr. Riggio imposed a fine in the amount of \$100 dollars per day, effective February 23, 2021, to a maximum of \$15,000 or until compliance is achieved.

CASE # 24 - 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.

Julie Brown came forward and was sworn in.

Inspector Jones stated the Respondent is in the process of evicting the back 2 tenants and will remove the kitchens to return the property to a single family unit by the end of this week. He stated he is asking to amend to the next cutoff.

Ms. Brown stated they have been trying to evict since November. She stated they had already evicted two good tenants and are left with one in the main house that does not pay.

Mr. Jackson explained that the Circuit Court was a different authority.

**DISPOSITION:** Mr. Riggio amended the previous order of 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 # 25 - 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. Tu Dow and Mr. Phuc Chau came forward and were sworn in.

Mr. Recanzone stated the property is in violation of the Zoning ordinance. He stated the property is zoned RP and short-term rentals are not a permitted use in this zoning district. He stated he found the listing online in November of 2020. He stated violations occurred on December 10, 28, January 4 and 25<sup>th</sup>, 2021. He stated the list was removed by the owner and has not shown up since January 25<sup>th</sup>. He stated is he is requesting a fine in the amount of \$15,000 and a finding that the violation is irreparable and irreversible.

Ms. Dow stated they had a difficult time contacting AirBNB. She stated she did not receive the notice until her parents came back from Texas. She stated they could not figure out how to take down the listing but finally did. She stated she did not check after they thought it was removed.

Captain Lee stated AirBNB site is designed to be user friendly. He stated people state they can post but cannot figure out how to take the listing down. He stated is a property owner wants to short-term rent, they should confer with the local jurisdiction to make sure it is allowed.

Mr. Recanzone stated he went to the house and took the listing down for Mr. Chau. He stated it took him about 5 minutes. He explained the process to remove the listing.

Mr. Jackson asked the Respondent how they manage the property.

Ms. Dow stated he parents fly back and forth from Texas every month.

Mr. Jackson asked the Respondent how long they have been short-term renting.

Ms. Dow stated a few months. She stated it was a way for them to pay property taxes and utilities. She stated they have a Rental License.

Mr. Jackson stated for the record the violation is irreparable and irreversible and cannot be repaired or reversed and referred to Florida Statute 162.09. He stated the Respondents received a beneficial gain by advertising a property in a way that is prohibited by Code. He stated the Respondents are required to determine the legal obligation and obtain permits. He stated holding out property makes the violation irreparable and irreversible. He stated the advertising draws people from all over the world and can never be unadvertised. He stated the advertising can be copied, posted, retweeted and forwarded. He stated Facebook data shows 1.6 billion can connect on Facebook and 10 million to 1 billion through short-term rental. He stated the violations affects the safety, welfare of the community. He stated it is unregulated and potentially unsafe. He stated one day of an ad can book up to a whole year. He stated it is detrimental to licensed hotels and those that have gone through the proper channels to license and inspect.

He stated there is a 2018 article in the News Journal describing short-term rentals as an issue in the City. He stated it forces businesses to pay to play. He stated taxes, regulation fees, inspections and monetary effects are being avoided. He stated the listing continued for more than a month. He stated staff is requesting a finding of irreparable and irreversible and a fine in the amount of \$15,000.

Mr. Riggio stated research shows properties engaged in this type of business introduces transient stays into residential neighborhoods.

Ms. Dow asked for an extended amount of time.

Mr. Jackson explained that a lien would be placed on the property which would encumber them if they went to sell.

**DISPOSITION:** Mr. Riggio found the Respondent was in Non-Compliance and the violation is irreparable and irreversible and imposed a fine in the amount of \$12,000 dollars and the property is now in Compliance as of February 23, 2021.

CASE # 26 - 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.

Inspector Recanzone stated the violation is irreparable and irreversible, the property is zoned single family residence and short term rentals, also known as Other Accommodations are not a permitted us in this zoning district. He stated he was proactive in finding this property after another compliant on a different house on the same block was reported. He stated violations occurred on December 23, 28, January 18 and 25 but have not been active since. He stated he is requesting a fine in the amount of \$15,000.

Mr. Loureiro stated he took it down right away and has an email by VRBO. He stated he is the transient guy and he set the property up because he has two kids in college who used it. He stated he asked if the City has areas that where short-term rentals are allowed and was told yes. He stated he used the property for his family.

Mr. Jackson stated it is not a lawful activity.

Mr. Loureiro stated he took the listing off in December and there were no rentals, just family.

Captain Lee asked why would someone use VRBO for just family and advertise a nightly rate.

Inspector Recanzone stated VRBO takes a percentage of the nightly rate.

Mr. Jackson asked that his arguments for irreparable and irreversible be applied. He stated the listing remained posted two months after the Respondent was notified.

Mr. Loureiro stated the website would not allow him to post the listing without completing the section and his kids came up with the idea.

**DISPOSITION:** Mr. Riggio found the Respondent was in Non-Compliance and the violation is irreparable and irreversible and imposed a fine in the amount of \$13,000 dollars and the property is now in Compliance as of January 25, 2021.

CASE # 27 - 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.

Ms. Veronica Adams came forward and was sworn in. Angelica Jones, Esq. also came forward.

Mr. Recanzone stated the violations in this case are irreparable and irreversible and came as the result of a compliant on November 30<sup>th</sup> which included a link to VRBO. He stated the violation occurred on December 7<sup>th</sup> and he has been unable to find any listings since then. He stated he is asking for a fine in the amount of \$15,000.

Ms. Jones referred to Florida Statute 162.06 stated that irreparable and irreversible is specific to her petition.

Mr. Jackson stated he is referring for Florida Statute stating irreparable and irreversible violations are subject to a maximum of \$15,000. He stated the violations was advertised and the Respondent received gains. He stated in effect the Respondent is holding out the property and that makes it irreparable and irreversible. He stated the advertising draws from around the world

Ms. Jones stated there was money going to the City from the Taxes that were paid.

Mr. Riggio asked if a case was created from a complaint.

Mr. Jackson stated 162.06 subset 4 refers to those affected by violation of zoning codes. He stated the applicable statute in this case is 162.09.

Ms. Jones stated the violation is not a repeat violation and states a fine in allowed after due Notice. She stated her client was not given reasonable time.

Mr. Jackson stated the Notice referred to in the Statue is written Notice of the Hearing.

Mr. Riggio referred to Chapter 26 for the details of what is allowed with the Rental License. He referred to a Supreme Court ruling stating it is assumed that residents have knowledge of their codes. He stated the City provides for anonymous complaints and that the action of posting is irreparable and irreversible.

**DISPOSITION:** Mr. Riggio found the Respondent was in Non-Compliance and the violation is irreparable and irreversible and imposed a fine in the amount of \$125.00 dollars and the property is now in Compliance as of December 8, 2020.

CASE # 28 - 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 Accomodations" are not a permitted use in the zoning district. First Notified – 10/15/2020.

Mr. James McDede came forward and was sworn in. Ms. Jessica Gow, Esq. also came forward.

Mr. Recanzone stated the violation is in consideration of irreparable and irreversible and the property is zoned MFR-20. He stated he received a complaint on September 5 from someone walking up to his truck. He stated there were violations on September 5, October 7, December 3 and 28<sup>th</sup>. He stated there was nothing posted after December 28<sup>th</sup>. He stated the renter, who was down her for the truck event, showed him around the house. He stated the renter told him they were just staying for a short time during the event.

Mr. Jackson stated the listing shows a fee of \$165 per night. He asked the Respondent if he heard the argument regarding irreparable and irreversible and asked if they would like him to repeat it.

Ms. Gow stated no and pointed out that the pictures are from the 527 Vermont property.

Mr. Recanzone' s axon video was shown on the overhead screens. He stated the property at 527 was removed but the other remained listed for about six months or more.

Ms. Gow stated the property owner changed the length of stay to 6 months and one day which would be shown when the link was clicked on. She stated the property has been removed so there was no way to show this. She further explained how the site works.

Mr. Riggio asked what would prevent the Respondent from accepting someone who choose to stay for a shorter period of time.

Mr. Jackson stated they would have to trust the poster

Mr. Recanzone stated the Respondent does not have a long term Rental License.

**DISPOSITION:** Mr. Riggio found the Respondent was in Non-Compliance and that the violation is irreparable and irreversible and imposed a fine in the amount of \$4,000.00 dollars and the property is now in Compliance as of December 28, 2020.

CASE # 29 - 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.

Mr. Recanzone stated he received a complaint on September 5<sup>th</sup> and is asking for a fine in the amount of \$15,000. He stated he was unable to find the listing online after October 7.

Ms. Gow stated the property couldn't be used as a long-term rental.

**DISPOSITION:** Mr. Riggio found the Respondent was in Non-Compliance and the violation is irreparable and irreversible and imposed a fine in the amount of \$500.00 dollars and the property is now in Compliance as of October 7, 2020.

CASE # 30 - 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. David Russell, Esq. came forward.

Inspector Recanzone stated he found the listing online on October 29, December 2 & 28 and January 25<sup>th</sup>.

Mr. Jackson asked the Respondent if they would like him to repeat the argument relative to Irreparable and irreversible.

Mr. Russell stated they would stipulate to the nature of the violations. He stated the property is Mr. Betts primary residence and he was leasing a garage apartment. He stated his client made an agreement with EVOLVE and they set up the rentals. He presented the agreement to the Magistrate. He stated he learned at the advertisement is the violation.

Mr. Jackson stated he doesn't see in the agreement where the Respondent would check a box.

Mr. Russell stated his client is living on the property which is its primary use and not other accommodations. He stated the violation has not risen to the level of irreparable and irreversible harm since the Respondent is on the property at all times. He stated his client took immediate action

Mr. Jackson stated renting is an accessory use and the property is zoned single family and not multi-family and therefore in violation of the zoning code. He stated he is asking for a finding of non-compliance and irreparable and irreversible. He stated it ran for almost 3 months and is asking for a fine in the amount of \$15,000.

Mr. Jackson clarified that the violation is not irreparable and irreversible harm but irreparable and irreversible in nature.

Mr. Riggio stated there is evidence that originated with the postings his intent to do short term renting online through January..

**DISPOSITION:** Mr. Riggio found the Respondent was in Non-Compliance and the violation is irreparable and irreversible and imposed a fine in the amount of \$3,000.00 dollars and the property is now in Compliance as of January 25, 2021.

LR-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 Accomodations" 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.**

Mr. Jackson stated the lien review was denied at the last meeting since the Respondent was not present.

Mr. Recanzone stated the property was listed on AirBNB and was immediately taken down and the February and March bookings were cancelled. He stated the Respondent couldn't appear because of health conditions. He stated that once the AirBNB listings were taken down, the Respondent put the listing up on her own site which was shown on the overhead screens. He stated the website has been taken down.

Ms. Solon stated she was just playing around and had to fill in the information and did not know how to remove it. She stated she won't rent it.

Captain Lee stated staff is asking for no reduction.

**DISPOSITION:** Mr. Riggio denied reconsideration of the denial of reduction ordered at the January hearing.

LR-2 0 RTL 06-20-47 – 200 N Halifax - Lisa & William B McCarthy is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/28/2019. Order Imposing Fine-Lien of \$200 per day, effective January 26, 2021, to a maximum of \$15,000. Compliance – February 4, 2021. \$1,800 plus \$24 recording fees = **\$1,824.00**.

Ms. Lisa McCarthy came forward and was sworn in.

Inspector Jones stated the property had no Rental License and did not pass rental inspection. He stated it was before the Magistrate on four different occasions and the property came into compliance on February 4, 2021 when the window permit was finalized. He stated he is requesting no reduction.

Ms. McCarthy stated she came to every hearing and had a letter from Daytona Window showing the windows would not be in until January 4 and were backordered. She stated they were installed as soon as they came in.

**DISPOSITION:** Mr. Riggio reduced the amount of the lien to \$0.

There was no miscellaneous business and the meeting was adjourned at 1:40 p.m.