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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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## April 27, 2021 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Mr. Gary Glassman, Assistant City Attorney

Mr. Mark A. Jones, Field Supervisor

Mr. Cliff Recanzone, Rental Inspector

Ms. LaWanda Tomengo, Rental Inspector

Mr. Kevin Yates, Rental Inspector

Mr. Steven Cole, Rental Inspector

Ms. June Barnes, Board Secretary

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 9:04 a.m.

Ms. Barnes announced the following cases in compliance.

CASE # 11 - 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.

*Compliance 4/23/2021*

CASE # 14 - RTL 03-21-58 - Rosita Karlsson is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 439 Auburn Dr 203. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/1/2020.

*Compliance 4/26/2021*

CASE # 19 - RTL 03-21-75 – Allen Community Development Inc. is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297, City Code Ch. 26 Sec. 26-294, at 310 Kingston Ave Violation(s) – Failure to obtain Business Tax Receipt (BTR), Failure to obtain Rental License (RTL). First Notified – 12/21/2020.

*Compliance 4/21/2021*

Mr. Riggio approved the March 23, 2021 meeting minutes.

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

Mr. Riggio announced the procedure of the meeting and called the first case.

**CASE # 1 - RTL 04-21-93 - GEA Seaside Investments, Inc.** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **216 Morningside Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/21/2021.

Respondent was not present.

Mr. Anthony Jackson, Assistant City Attorney, stated he was contacted by the attorney for GEA Seaside Investments and she had a previous court appearance and requested to continue the case.

**DISPOSITION:** Mr. Riggio continued the case to the May 25, 2021 meeting for a finding of Compliance or Non-Compliance.

**CASE # 2 - RTL 04-21-92 - Thomas Boivin & Michael A Biovin** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-29, at **1242 Essex Road.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/16/2020.

Mr. Michael Boivin came forward and was sworn in.

Inspector Kevin Yates stated the case began as a citizen complaint that the property had no Rental License (RTL). He stated the property is occupied and he is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Boivin stated he sold the property to the lady that lives there. He stated she failed to record the sale and submitted an agreement for deed which he had recorded.

Mr. Jackson stated since the Respondent has a contract, he would ask to continue the case to the next meeting.

Mr. Riggio instructed the Board Secretary to correct the spelling of Mr. Boivin's name.

**DISPOSITION:** Mr. Riggio continued the case to the May 25, 2021 meeting for a finding of Compliance or Non-Compliance. It is further ordered that the new owner, Franceisha Thomas be added to the case.

**CASE # 3 - RTL 04-21-97 - Richard Henrichon** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **217 Arlington Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/29/2020.

Respondent was not present.

Inspector Cliff Recanzone stated the property is in Non-Compliance and he is asking for 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 May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 4 - RTL 04-21-95 - Muhammed Moeed Chaudhry** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **841 Valencia Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/7/2020.

Respondent was not present.

Inspector LaWanda Tomengo stated the case began as a complaint from the renter and told the Magistrate some of the violations on the property. She stated she had contact with the owner who told her it was vacant. She stated she is requesting a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Riggio stated if it can be confirmed that it is vacant the property, it would be in Compliance and does not need a Rental License (RTL).

Ms. Tomengo stated rather than take the owners word for it, she would like to conduct an inspection of the property.

**DISPOSITION:** Mr. Riggio found the property in Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 5 - RTL 03-21-64 - Central Florida Community Development Corp Inc** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **601 Van Ness St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/20/2020.

Respondent was not present.

Inspector Yates stated the inspection has been scheduled and he asking for a finding of Non-Compliance and next cutoff to come into Compliance.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 6 - RTL 11-20-118 - Joseph Leonard Risse Jr** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1158 Hampton Rd.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/9/2020.

Mr. Joseph Risse came forward and was sworn in.

Inspector Yates stated the Respondent is making progress and he is asking for the June cutoff to come into Compliance.

Mr. Risse agreed.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 16, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 7 - RTL 03-21-70 - Juan Manuel Tlaxcuapan & Diana Esther Rodriguez** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **313 Fulton St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 10/31/2020.

Respondent was not present.

Inspector LaWanda Tomengo stated the inspection is scheduled for April 29 and 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 May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 8 - RTL 03-21-80 - Kelechi Linardon** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1600 Big Tree Rd #B3.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/10/2020.

Respondent was not present.

Inspector Tomengo stated an inspection is scheduled for April 29 and is asking to amend until the next cutoff for Compliance.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 9 - RTL 03-21-69 - Thara L Hudson** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **215 Haynes St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/21/2019.

Respondent was not present.

Inspector Tomengo stated she conducted an inspection when the tenant moved out and the owner is making repairs. 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 May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 10 - RTL 03-21-71 - Viraphanh Ratanavong & Anthony Ratanavong** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **634 Eldorado St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/15/2020.

Respondent appeared via Zoom and was not sworn in.

Inspector Tomengo stated she has been in communication with the owner and that the windows are on backorder and should be installed on April 30<sup>th</sup>. She stated she is asking to amend to the next cutoff for Compliance.

Mr. Ratanavong agreed.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 12 - 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 Tomengo stated she spoke to the owner and they are making progress. She stated she 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 bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 13 - 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 Tomengo stated she conducted an inspection and spoke to the owner who is getting the repairs completed. She stated they have a permitting issue on the driveway and is asking to amend to the next cutoff for Compliance.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 15 - RTL 03-21-52 - Stemmler Properties LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **902 Lewis Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/28/2020.

Respondent was not present.

Inspector Steven Cole stated the owner is making progress and he is asking to amend to the next cutoff for Compliance.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 16 - RTL 03-21-65 - Charles H Jr & Susanna D Swisher** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **504 Heineman St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/5/2020.

Respondent was not present.

Inspector Cole stated he had contact with the owner and an inspection has been done. He stated he is asking for the next cutoff to complete repairs.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 17 - RTL 03-21-66 - John L Dunbar** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **732 Edwards St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/15/2020.

Mr. Johnathan Dunbar and Ms. Marilyn Dunbar came forward and were sworn in.

Inspector Cole stated the Respondent needs a use determination to come into Compliance and is asking for the next cutoff.

Mr. Dunbar stated he lives in one unit and his son lives in the other.

Captain Scott Lee stated this is a zoning review.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 18 - RTL 03-21-59 - Suzanne Heisley Murphy** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **739 Colfax Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/31/2020.

Ms. Suzanne Murphy came forward and was sworn in.

Inspector Cole stated there has been significant progress and the Respondent needs one permit. He stated he is asking to amend to the next cutoff.

Ms. Murphy stated she would probably have the work done before the next cutoff.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**CASE # 20 - RTL 03-21-76 - Liza Renee Stonecipher** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297, City Code Ch. 26 Sec. 26-294, at **216 Mullally St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), Failure to obtain Rental License (RTL). First Notified – 12/29/2020.

Ms. Liza Renee Stonecipher and Mr. Mark Hall, Director of Operations, came forward and were sworn in.

Inspector Clifford Recanzone stated he has had contact with the property owner and building manager. He stated he is asking for next cutoff for Compliance.

Mr. Hall stated he was told by the building permit office that he did not need a Rental License as a sober living facility. He stated he needs a Business License for “reasonable accommodation” use. He stated he applied for the license in May of 2020.

Captain Lee stated the application has not been approved.

Mr. Hall stated he does not believe he can be in Compliance by May 25<sup>th</sup>.

Mr. Jackson stated he did not need to be in Compliance but working on it.

Captain Lee stated he would like to see the Respondent back next month to see where they are in the process.

Mr. Riggio stated the request is a justifiable reason to continue the case. He stated the Respondent can update the Inspector who can give the information at the next meeting and he would not need to show.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

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

Mr. Alik Afghani, owner, came forward and was sworn in.

Inspector Recanzone stated he had contact with the new owner and they have applied for the Rental License (RTL). He stated an inspection is scheduled for next week and expects Compliance by the May cutoff.

Mr. Afghani stated he would like his name taken off.

Mr. Riggio explained that he was still on the hook and that the new owner was added to the case last month. He stated the Inspector reports he is working on bringing the property into Compliance.

**DISPOSITION:** Mr. Riggio amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by May 19, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day.

**LR-1 - RTL 08-20-93 - 1030 Alice Dr.** - Select International Advisors LLC 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 – 1/15/2020. Order Imposing Fine-Lien of \$100 per day to a maximum of \$15,000 effective November 24, 2020. Compliance = March 26, 2021. \$12,200.00 plus \$24.00 recording fees = **\$12,224.00.**

Mr. Andres Guerra, partner, came forward and was sworn in. He stated he lost his brother to COVID and went out of the country to help his father. He stated he could not go into the property for inspections. He stated he would like the lien reduced to \$1,500.00

Inspector Kevin Yates stated the City is recommending no reduction. He stated the case was opened in 2019 and was occupied the whole time. He listed the violations on the property and stated he gave the Respondent adequate time to rectify them.

**DISPOSITION:** Mr. Riggio denied reduction of the lien.

**LR-2 - RTL 06-20-48 – 1019 Alice Dr. - LLA Real Estate Investment LP** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/21/2019. Order Imposing Fine-Lien of \$100 per day to a maximum of \$15,000 effective July 28, 2020. Compliance = April 2, 2021. \$15,000 plus \$24 recording fees = **\$15,024.00.**

Mr. Riggio asked the Respondent if he had anything to say.

Mr. Guerra stated no.

Inspector Yates stated the City is requesting no reduction. He stated the case began in 2019 as a citizen complaint and came into compliance on March 29, 2021. He stated there was no movement in between that time and the fine started.

Mr. Riggio stated the Respondent has requested the lien be reduced to \$1,500.

**DISPOSITION:** Mr. Riggio denied reduction of the lien.

**LR-3 - RTL 08-20-92 - 628 Colfax Drive - Liu Iris Tr** 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 – 12/20/2019. Order Imposing Fine-Lien of \$100 per day to a maximum of \$15,000 effective September 22, 2020. Compliance = April 8, 2021. \$15,000 plus \$24 recording fees = \$15,024.00.

Ms. Juying Krug, daughter is the owner, came forward and was sworn in. She stated she purchased the property with tenants and after one year she told them they had to move out. She said they stopped paying. She stated she did not know about the inspections.

Field Supervisor, Mark Jones, stated the Respondent owns other rental properties and this case was opened in 2019. He stated the property was posted. He stated she applied for the license in January 2020 and it failed inspection on February 6, 2020. He stated the property was occupied throughout and re-inspection failed again in October. He stated the property finally passed inspection on April 21, 2021. He stated staff is requesting no reduction.

**DISPOSITION:** Mr. Riggio denied reduction of the lien.

**LR-4 RTL 01-21-33 – 155 Michigan Ave. - 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. 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. **Order of Non-Compliance and Finding of Irreparable and Irreversible Violation and Imposition of Fine of \$12,000.00, effective February 23, 2021. Amount due: \$12,000.00.**

Ms. Dao and Ms. Colleen Miles came forward and were sworn in.

Ms. Miles stated the notice was originally taped to the fence and was sent to Ms. Dao by a neighbor. She stated they have had no renters since December 10 and the Respondent would provide an affidavit to that effect. She stated the Respondents had a hard time getting the listing off and that Inspector Recanzone helped her take it down.

Mr. Riggio stated that he denied the case without prejudice at the last meeting. He stated the Respondent is requesting to reduce the lien to \$1,200.

There was discussion regarding the family living in Texas and that this is a vacation home for them.

Mr. Recanzone stated it took him 5 minutes to take the site down.

Mr. Riggio stated the Respondent is seeking reconsideration outside of the jurisdictional time period. He stated he is considering what Ms. Miles is saying but the advertising remained for an extended period of time. He called a ten minute recess in order to allow the Respondent and City to work out an agreeable amount.

The meeting was recessed at 10:37 a.m.

The meeting resumed at 10:55 p.m.

Mr. Jackson stated that \$5,000 was discussed but they would leave the final judgment to the Magistrate.

Mr. Riggio stated that is low for the circumstance.

Mr. Jackson agreed.

**DISPOSITION:** Mr. Riggio denied reduction of the lien.

**CASE # 32 - RTL 03-21-60 - Jan Voda** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1901 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 – 2/18/2021.

Mr. Jackson stated the attorney for this case called this morning and is not feeling well. He requested to continue this case and the request to reopen the case in the Miscellaneous Business section of the agenda.

**DISPOSITION:** Mr. Riggio continued the case to the May 25, 2021 meeting for consideration of the imposition of a fine.

**RTL 11-20-127 - 1901 N Halifax Av - Jan Voda** is cited for failure to correct violations of Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at. 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 – 07/27/2020. Order of Non-Compliance and Finding of Irreparable and Irreversible Violation and Imposition of Fine ordered on November 24, 2020 in the amount of \$15,000. Amount due \$15,000 plus \$24 recording costs = \$15,024.00.

**DISPOSITION:** Mr. Riggio continued the case to the May 25, 2021 meeting for consideration of the imposition of a fine.

**CASE # 22 - RTL 04-21-91 - HA Financial Inc** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **514 Braddock 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 – 3/6/2021.

Mr. Mendy Friedman, Property Manager, came forward and was sworn in. Mr. Rafael Abitbol, owner, appeared via Zoom and was sworn in.

Inspector Recanzone stated he found the properties online in March on 2 websites. He stated the listing was still up on April 20<sup>th</sup> and 26<sup>th</sup>. He stated this morning they were no longer advertising and he is asking for a one-time fine of \$15,000 and a finding of irreparable and irreversible violation.

Mr. Riggio asked the inspector to confirm the dates which he did.

Inspector Recanzone stated there are 2 units on the property and both had been listed for rent with a nightly rate.

Mr. Friedman stated that they had rented the property long term and had no idea that the tenant, Ari Cassman, was renting out the property as a short-term rental. He stated they told the tenant to remove it. He stated they gave the tenant back the \$1,000 rent for April and he left. He stated they now have 2 new long-term renters starting on May 1. He stated he had visited the property at night on occasion because of issues and is aware there are other short-term rentals on the street.

Mr. Jackson asked the Respondent if he had the long-term leases. The Respondent did not.

Captain Lee stated he gets constant complaints on Braddock for problems with short-term tenants.

Inspector Recanzone stated the case was opened on March 5 for Airbnb and the notice appeared again on April 26<sup>th</sup> which is after the date the tenant was asked to leave.

Mr. Friedman stated he did not know how it was posted on April 26<sup>th</sup> but that it was not rented on that date.

There was discussion whether the lease allowed the tenant to sublease.

Mr. Jackson stated short-term rentals are prohibited by code in this zoning area. He stated the property was advertised worldwide as a premiere destination and once advertised can be copied, printed, forwarded and posted to places like Facebook where it can reach upwards of 1.6 billion people. He stated these places can be booked for a whole year from one ad. He stated that landlords avoid taxation and there are limited means of enforcement. He stated the City is requesting a fine in the amount of \$15,000 and the violation is egregious and affects the tourist base of the City.

Mr. Abitbol stated they kicked out the tenant and now have new tenants.

Mr. Riggio stated this case is an anomaly and the property had 32 reviews.

Mr. Jackson stated the property had 63 reviews.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$6,000 for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation is irreparable and irreversible in nature and that the property is now in Compliance as of April 26, 2021.

Mr. Riggio called for a recess at 12:22 p.m.

The meeting resumed at 12:40 p.m.

**CASE # 23 - RTL 04-21-88 - Marjorie Helen Eli** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **514 White St.** 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 – 3/12/2021.

Ms. Marjorie Helen Eli and Mr. Ray Eli appeared via Zoom and were sworn in.

Inspector Recanzone stated he found the property listed on March 12, 2021 and the activity ceased shortly after.

Mr. Jackson asked Ms. Eli if she heard the explanation as to why the violation is considered irreparable and irreversible by the City and its effect on residential neighborhoods.

Ms. Eli stated that she did hear it and did not need him to repeat it. She stated she inherited the property from her sister. She stated they live in Houston and did extensive renovations and that

it was a family home. She stated her son suggested they rent the property short term to cover taxes and insurance, which is \$2,900 annually. She stated they only intended to rent it during events and had rented it 3 times.

Inspector Recanzone stated he notified the Respondents on March 15<sup>th</sup> and they immediately took the listing down.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$1,000 for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation is irreparable and irreversible in nature and that the property is now in Compliance shortly after March 12, 2021.

**CASE # 24 - RTL 04-21-82 - Geoffrey & LaRonda Smith** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **505 S Grandview 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 – 3/5/2021.

Ms. LaRonda Smith appeared via Zoom and was sworn in.

Inspector Recanzone stated the Respondents are in violation of the zoning ordinance and that the violation is irreparable and irreversible. He stated he opened the case in February and viewed the listing on March 5, 2021. He stated all advertising ceased after that date. He stated he is asking for a fine in the amount of \$15,000.

Ms. Smith stated she received the notice at her home in Ohio and she was in Florida. She stated they purchased the home in 2018. She stated her father became ill and she moved back to take care of him. She stated she removed the listing as soon as she received the violation and that she plans to sell the house.

Mr. Jackson asked Ms. Smith if she had heard his argument regarding irreparable and irreversible effect to the community.

Ms. Smith stated she did and that he did not need to repeat it.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$1,000 for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation is irreparable and irreversible in nature and that the property is now in Compliance shortly after March 5, 2021.

**CASE # 25 - RTL 04-21-83 - Catherine Meier Good** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **19 Goodall 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 – 3/5/2021.

Ms. Catherine Meier Good came forward and was sworn in.

Inspector Recanzone stated the case is a violation of the zoning ordinance and that the property is zoned for single family homes. He stated he viewed the advertisement on March 5<sup>th</sup> and the

advertising ceased shortly after. He stated he posted the property and is requesting a one-time fine in the amount of \$15,000.

Captain Lee stated Police issued a search warrant for the property and found narcotics. He stated the condition was not the same as the pictures listed on the vacation rental site.

Ms. Good stated she is unable to comment on the police case, per her attorney, and that they are unfounded charges. She stated the police turned the place upside down and took the pictures.

Mr. Riggio asked if the posting was on Airbnb.

Ms. Good stated that her son lives there and the neighbor told her they don't care about owner occupied. She stated the listing was cancelled the day of the raid. She stated she did not know that renting one bedroom was considered a vacation rental.

Mr. Jackson stated the City is asking for a finding of irreparable and irreversible violation and that the violation cannot be repaired. He stated the advertising draws people from all over the world and it cannot be unadvertised. He stated the advertisement can be forwarded and re-tweeted and is accessible on Facebook where over 1 billion people are reached per day for short-term rental advertising. He stated it puts visitors at risk for poor health and safety conditions and in one day can book for a full year. He stated proper zoning is needed to hold inspections and pay the proper taxes by law. He stated there is a limited means of enforcement and sometimes carry inadequate insurance and are unlawful competition against existing businesses. He discussed the transient nature of the neighborhoods, the effect of people coming and going and the additional noise from people and traffic. He stated rentals of this type avoid regulatory controls and is asking for a finding of irreparable and irreversible. He stated the violation was observed during bike week and due to the lack of effort to comply in many situations, the City is requesting a fine in the amount of \$15,000.

Ms. Good stated she is not charged in the pending case and has not committed any crimes. She stated the violation was corrected immediately.

Captain Lee stated the listing showed a dot in a different location on the map than the actual property and that there were no exterior photos.

Ms. Good stated the location is only released to renters once a reservation is confirmed and paid.

Captain Lee stated that's what makes enforcement difficult.

Inspector Recanzone stated the Airbnb rules direct users to contact the City regarding Zoning.

Mr. Riggio stated the case was opened, the Respondent notified and was shortly taken down thereafter.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$1,000 for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that

the violation is irreparable and irreversible in nature and that the property is now in Compliance shortly after March 9, 2021.

**CASE # 26 - RTL 04-21-84 - Sharon R Nouchi Life Estate** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **335 Perfect Dr.** Violation(s) – Zoning violation - the property is zoned PD-G. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 3/5/2021.

Ms. Sharon Nouchi came forward and was sworn in.

Inspector Recanzone stated the case is here for a zoning violation and the violation is irreparable and irreversible in nature. He stated he found the advertising online on March 2, April 2 and April 24 & 25<sup>th</sup>. He stated the property is actively advertising today.

Mr. Jackson stated the short-term rentals in this zoning district is prohibited by law. He stated it is zoned as PD-G and short-term rentals are not allowed in a PD zone.

Ms. Nouchi stated she did research to find out what was allowed and learned that she could do rentals of 6 months or less. She stated she changed the listing on Airbnb to only take 6 month stays and obtained a Rental and Business Tax License. She stated she had an inspection and thought she was in Compliance. She stated she lives in her home and has a medical condition that will not allow her to work and that she was trying to make money to live on.

Inspector Recanzone stated the property was listed on 2 websites and when you open it, it says it is available for 180 days or longer at \$56 per night which is \$1,680 per month. He stated the property is zoned for long term rentals.

There was discussion whether the Respondent paid fees and taxes on the rental and that the websites do background checks.

Mr. Riggio stated that the LPGA Homeowner's Association may also have rules against short-term rentals.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$1,000 for violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation is irreparable and irreversible in nature and that the property is now in Compliance as of May 1, 2021.

**CASE # 27 - RTL 04-21-85 - Martha M Rosenbaum Revocable Trust** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1616 N Grandview 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 – 3/5/2021.

Respondent was not present.

Inspector Recanzone stated the violations occurred on February 25 and March 5 and is asking for a finding of Irreparable and irreversible and a one-time fine in the amount of \$15,000.

Mr. Riggio stated the Magistrate takes note of the Irreparable and Irreversible harm mentioned by Mr. Jackson in previous cases.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$1,000 for violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation is irreparable and irreversible in nature and that the property is now in Compliance after March 7, 2021.

**CASE # 28 - RTL 04-21-86 - William D Brown** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **514-512 University Blvd.** Violation(s) – Zoning violation - the property is zoned MFR-12. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 3/8/2021.

Mr. William Brown came forward and was sworn in.

Inspector Recanzone stated the case is here for a zoning violation that it is irreparable and irreversible in nature. He stated he viewed the listing on March 8<sup>th</sup> and the advertising ceased after March 15<sup>th</sup>. He stated he is asking for a one-time fine in the amount of \$15,000.

Mr. Brown stated he took the listing down and got a business license. He stated he did not get an inspection and he went downstairs to find out why.

Mr. Jackson asked the Respondent if he heard the argument regarding the harm of the violations and the irreparable and irreversible nature.

Mr. Brown stated he heard it many times.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$1,000 for violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation is irreparable and irreversible in nature and that the property is now in Compliance as of March 15, 2021.

**CASE # 29 - RTL 04-21-87 - Bieu Minh Le** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **603 Ora St.** 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 – 3/9/2021.

Mr. David Glasser, Attorney for the Respondent came forward. Ms. Bieu Minh Le also came forward and was sworn in.

Inspector Recanzone stated the case is here for irreparable and irreversible zoning violations and he is asking for a one-time fine in the amount of \$15,000.

Mr. Glasser stated the listing was up and they took it down right away. He stated his client was contacted by a marketing person for a company called Evolve. He stated they gave him signs and agreed to take care of all permitting and taxes. He stated he signed a document and they called him and confirmed his address. He stated his client's English is broken and he has complied.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$1,000 for violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation is irreparable and irreversible in nature and that the property is now in Compliance on or about March 7, 2021.

**CASE # 30 - RTL 04-21-89 - Laura A Cone** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **711 S Palmetto Ave.** Violation(s) – Zoning violation - the property is zoned MFR-40. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. First Notified – 3/12/2021.

Ms. Laura Cone came forward and was sworn in.

Inspector Recanzone stated the property is zoned MFR-40 and he viewed the listing on March 12<sup>th</sup> and advertising ceased after that date. He stated he is asking for a fine in the amount of \$15,000.

Ms. Cone stated that she heard Mr. Jackson's irreparable and irreversible argument. She stated she took the listing down and searched and removed it from Trip Advisor as well. She stated she is selling the house in a couple of months.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$1,000 for violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation is irreparable and irreversible in nature and that the property is now in Compliance on or about March 12<sup>th</sup>, 2021.

**CASE # 31 - RTL 04-21-90 - Michael R Jennings** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **413-411 Hillside 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 – 3/12/2021.

Mr. Michael Jennings came forward and was sworn in.

Inspector Recanzone stated he found the listing on March 12 and the advertising ceased after. He stated he is requesting a finding of Irreparable and irreversible and a one-time fine in the amount of \$15,000.

Mr. Jennings stated he is hearing impaired and took the advertisement down immediately after notification. He stated he understood Mr. Jackson's argument regarding irreparable and irreversible harm.

**DISPOSITION:** Mr. Riggio found the property was previously in Non-Compliance and imposed a fine in the amount of \$1,000 for violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation is irreparable and irreversible in nature and that the property is now in Compliance on or about March 12<sup>th</sup>, 2021.

The meeting was adjourned at 2:52 p.m.