

Commission Chambers, City Hall  
301 South Ridgewood Avenue  
Daytona Beach, Florida

# Agenda

## SPECIAL MAGISTRATE PROCEEDING

CITY OF  
DAYTONA BEACH

**NOTICE** – Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record. Any discussion or contact outside the Special Magistrate hearing with the Special Magistrate concerning any quasi-judicial matter which is, or will come, before the Special Magistrate for a decision are to be disclosed and made part of the record prior to or at the hearing on the matter.

**Robert J. Riggio, Special Magistrate**

	<p>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8023</p>		<p>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</p>
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In accordance with the Americans with Disabilities Act (ADA), persons with a disability needing a special accommodation to participate in the Board meeting should contact the City Clerk’s Office, 301 S. Ridgewood Ave, Room 210, Daytona Beach, FL 32114, Ph: (386) 671-8023, Email: [clerk@codb.us](mailto:clerk@codb.us) not later than 72 hours prior to the proceedings. If you are hearing or voice impaired contact the relay operator at 1-800-955-9771.

In accordance with the Americans with Disabilities Act (ADA), persons with a disability needing a special accommodation to participate in the Board meeting should contact the City Clerk’s Office, 301 S Ridgewood Ave, Room 210, Daytona Beach, FL, 32114, Ph: (386) 671-8023, Email: [clerk@codb.us](mailto:clerk@codb.us)

### **March 26, 2024 - 9:00 am** **Rental Program**

1. **Call to Order**
2. **Announcements**
3. **Approval of the February 27, 2024 Meeting Minutes**
4. **Lien Reviews**

**LR-1**

**CEB 12-19-295 - 1808 N Halifax Ave - Luigi & Andrea Cerasuoli** 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 – 8/5/2019. **Order Imposing Fine/Lien of One Hundred (\$100.00) dollars per day to a maximum of Fifteen Thousand (\$15,000.00) dollars effective January 9, 2020. Compliance = March 13, 2024. Amount due of \$15,000.00 plus \$3,678.12 interest plus \$24 recording fees = \$18,702.12.**

DISPOSITION \_\_\_\_\_  
(Mark A. Jones)

**LR-2**

**RTL 04-19-80 - 344 Pierce Avenue - Leslie J. Tiffany** 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 – 1/25/2019. **Order Imposing Fine/Lien of One Hundred (\$100.00) dollars per day to a maximum of Fifteen Thousand (\$15,000.00) dollars imposed on August 2, 2019. Compliance = September 18, 2019. Amount due of \$4,700.00 plus \$24 recording fees = \$4,724.00.**

DISPOSITION \_\_\_\_\_  
(Mark A. Jones)

**LR-3**

**RTL 04-23-31 - 611 Winchester St - Kathleen Hannah** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at. Violation(s) – **Failure to obtain Rental License (RTL)**. First Notified – 10/11/2022. **Order Imposing Fine/Lien of One Hundred (\$150.00) dollars per day to a maximum of Fifteen Thousand (\$15,000.00) dollars effective May 23, 2023. Compliance = February 22, 2024. Amount due of \$15,000.00 plus \$1,350.00 plus \$24 recording fees = \$16,374.00.**

DISPOSITION \_\_\_\_\_  
(Clifford Recanzone)

**LR-4**

**RTL 02-24-21 - 476 Zelda Blvd - David Roberto Ruizcalderon and Stephanie Mary Ruizcalderon** 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 SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 1/25/2024. **Order of Non-Compliance and Finding of Irreparable & Irreversible violation and Imposition of a one-time fine in the amount of Fifteen Thousand (\$15,000.00) Dollars imposed on February 27, 2024. Compliance = February, 27, 2024. Amount due = \$15,000.00.**

DISPOSITION \_\_\_\_\_

(Kevin Yates)

### **LR-5**

**RTL 08-22-164 - 801 S Ridgewood Ave - Daytona 19 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 – 5/12/2022. **1st Order Imposing Fine/Lien of One Hundred (\$100.00) dollars per day to a maximum of Fifteen Thousand (\$15,000.00) dollars imposed on August 26, 2022 for life/safety issues of blocked and inoperable windows, and the door in the kitchen that is bolted prevents ingress and egress. Amount due of \$15,000 plus \$936.68 interest and \$24 recording fees = \$15,590.68. 2nd Order Imposing Fine/Lien of \$200 per day to a maximum of Fifteen Thousand (\$15,000.00) dollars imposed on September 12, 2022 for remaining violations. Amount due of \$15,000 plus \$773.49 plus \$24 recording fees = \$15,797.49. Property is not in Compliance. Total amount due = \$31,758.17.**

DISPOSITION \_\_\_\_\_

(LaWanda Tomengo)

## **5. Hearing of Cases**

### **NEW CASES:**

**CASE # 1 - RTL 03-24-33 - CC Post House LLC TR & Florida Land Trust S612 DTD 8/31/2015 TR** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **612 N Halifax Ave.**

Violation(s) – **Failure to obtain Rental License (RTL)**.  
First Notified – 2/13/2024.

*ACTION TO BE TAKEN:* Compliance or Non-Compliance

DISPOSITION \_\_\_\_\_

(Clifford Recanzone)

**CONTINUED CASES:**

**CASE # 2 - RTL 02-24-25 - TRSTE, LLC TR & 433 Marion St Land Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **433 Marion St.**  
Violation(s) – **Failure to obtain Rental License (RTL).**  
First Notified – 11/13/2023.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_  
**(LaWanda Tomengo)**

**CASE # 3 - RTL 01-24-12 - Bradford J Bowls** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **924 Vine St.**  
Violation(s) – **Failure to obtain Rental License (RTL).**  
First Notified – 10/24/2023.

*ACTION TO BE TAKEN:* Impose Fine.

DISPOSITION \_\_\_\_\_  
**(Karl Wexelberg)**

**IRREPARABLE/IRREVERSIBLE**

**CASE # 4 - RTL 03-24-28 - Esther G Adams & Russell John Carter** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1156 Sand Trap Ct.**  
Violation(s) – **Zoning violation - the property is zoned PD-G. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.**  
First Notified – 2/13/2024.

*ACTION TO BE TAKEN:* Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION \_\_\_\_\_  
**(Kevin Yates)**

**CASE # 5 - RTL 03-24-29 - Tsion Berhane Araya** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **106 Misty Glen Ln.**  
Violation(s) – **Zoning violation - the property is zoned PD-G. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.**  
First Notified – 2/24/2024.

*ACTION TO BE TAKEN:* Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION \_\_\_\_\_  
(Kevin Yates)

**CASE # 6 - RTL 03-24-30 - BH Daytona LLC** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **431 N Grandview Ave.**  
Violation(s) – **Zoning violation - the property is zoned RP. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.**  
First Notified – 2/23/2024.

*ACTION TO BE TAKEN:* Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION \_\_\_\_\_  
(Kevin Yates)

**CASE # 7 - RTL 03-24-31 - Jihan Rosado** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **531 Phoenix 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 – 2/28/2024.

*ACTION TO BE TAKEN:* Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION \_\_\_\_\_  
(Kevin Yates)

**CASE # 8 - RTL 03-24-32 - Opulent Home Health Care LLC** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1249 Suwanee.**  
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 – 2/29/2024.

*ACTION TO BE TAKEN:* Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION \_\_\_\_\_  
(Kevin Yates)

## **CONTINUED IRREPARABLE/IRREVERSIBLE CASES:**

**CASE # 9 - RTL 02-24-24 - Kenneth Metzler Jr** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **213 Jessamine Blvd.**

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 – 1/26/2024.

*ACTION TO BE TAKEN:* Continued from the February 27, 2024 meeting for consideration of the imposition of a fine. **IRREPARABLE & IRREVERSIBLE**

DISPOSITION \_\_\_\_\_

(Kevin Yates)

### **6. Miscellaneous Business**

#### **MB-1**

**RTL 07-22-140 - 516 Phoenix Ave - 516 Phoenix LLC** 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 SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 6/8/2022. **Order Of Non-Compliance & Finding of Irreparable and Irreversible Violation and Imposition of Fine in the amount of Ten Thousand (\$10,000) Dollars imposed on July 26<sup>th</sup>, 2022. Amount Due of \$10,000 plus \$24 recording fees plus \$630.17 interest = \$10,654.17.**

DISPOSITION \_\_\_\_\_

(Denzil Sykes)

### **7. Adjournment**