

Agenda

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

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 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.

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May 28, 2024 - 9:00 am **Rental Program**

1. **Call to Order**
2. **Announcements**
3. **Approval of the April 23, 2024 Meeting Minutes**
4. **Lien Reviews**

LR-1

RTL 11-21-234 – 505 5th Ave - RE Equity Investment Group LLC & Juanny Paulino & 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 – 7/19/2021.

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 less \$3,000 received on May 20, 2024 from the Partial Release ordered in March for the sale of 304-306 Taylor = \$28,758.17.**

RTL 08-22-163 – 549 Mulberry St - 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 – 2/14/2022. **1st Order Imposing Fine/Lien of One Hundred (\$100.00) dollars per day to a maximum of Fifteen Thousand (\$15,000.00) dollars effective August 26, 2022 for uncorrected issues of the windows that do not provide adequate egress which presents a life/safety issue for the occupant. Amount due of \$15,000 plus \$1022.87 interest and \$24 recording fees = \$16,046.87. 2nd Order Imposing Fine/Lien of \$200 per day to a maximum of Fifteen Thousand (\$15,000.00) dollars effective February 28, 2023 for remaining violations. Amount due of \$15,000 plus \$593.64 plus \$24 recording fees = \$15,617.64. Property is not in Compliance. Total amount due = \$31,664.51 less \$3,000 received on May 20, 2024 from the Partial Release ordered in March for the sale of 304-306 Taylor = \$28,664.51.**

ACTION TO BE TAKEN: Respondent is requesting release of the property at 505 5th Ave from the encumbrance of the liens imposed on 801 S Ridgewood and 549 Mulberry St. Respondent is also requesting to waive the lien at 549 Mulberry St.

DISPOSITION _____

(LaWanda Tomengo)

LR-2

RTL 03-23-18 - 259 Jefferson St - Blue Clay Financial Services 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 – 12/18/2021. **Order Imposing Fine/Lien in the amount of One Hundred (\$100) per day to a maximum of Fifteen Thousand (\$15,000) imposed April 25, 2023. Compliance = April 29th, 2024. Amount due of \$15,000.00 plus \$578.44 interest plus \$24 recording fees = \$16,602.44.**

DISPOSITION _____
(LaWanda Tomengo)

LR-3

RTL 09-21-207 – (116 Sunrise Blvd & 2049 Blais - Parcel ID #5316-18-00-1320) Donald R & Annette M Emery 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 – 5/19/2021. **Order Imposing Fine/Lien in the amount of One Hundred (\$100) per day to a maximum of Fifteen Thousand (\$15,000) effective May 24, 2022. Compliance = April 12th, 2024. Amount due of \$15,000.00 plus \$715.86 interest plus \$24 recording fees = \$15,739.86.**

DISPOSITION _____
(LaWanda Tomengo)

LR-4

RTL 08-21-181 - Alexander Contreras is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **518 Cannon St.** Violation(s) – **Failure to obtain Rental License (RTL).** First Notified – 6/10/2021. **Order Imposing Fine/Lien in the amount of One Hundred (\$100) per day to a maximum of Fifteen Thousand (\$15,000) effective January 25, 2022. Compliance = May 16, 2024. Amount due of \$15,000.00 plus \$929.20 interest plus \$24 recording fees = \$15,953.20.**

DISPOSITION _____
(LaWanda Tomengo)

LR-5

RTL 04-23-26 - 2040 S Peninsula Dr - Timothy Hoffman (current owners are Michael & Cynthia King) 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 – 3/16/2023. **Order of Non-Compliance and Finding of Irreparable and Irreversible Violation and Imposition of Fine in the amount of Fifteen Thousand (\$15,000) effective May 23, 2023. Compliance = March 24, 2023. Amount due of \$15,000.00 plus \$860.03 interest plus \$24 recording fees = \$15,884.03.**

DISPOSITION _____
(Kevin Yates)

5. Hearing of Cases

NEW CASES:

CASE # 1 - RTL 05-24-39 - Sarwat Khan is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1508 Virginia Ave #206 (Parcel ID: 5340150A2060)**. Violation(s) – **Failure to obtain Rental License (RTL)**. First Notified – 2/14/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____
(Karl Wexelberg)

CASE # 2 - RTL 05-24-48 - Heidi Castillo is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **439 Auburn Dr #202**. Violation(s) – **Failure to obtain Rental License (RTL)**. First Notified – 4/3/2024.

ACTION TO BE TAKEN: Compliance or Non-Compliance

DISPOSITION _____
(Clifford W. Recanzone)

CONTINUED CASES:

CASE # 3 - RTL 02-24-27 - Ida Mae Pendleton EST is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **811 Kingston**.
Violation(s) – **Failure to obtain Rental License (RTL)**.
First Notified – 5/9/2023.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION _____
(Clifford W. Recanzone)

NEW CASES: IRREPARABLE/IRREVERSIBLE

CASE # 4 - RTL 05-24-40 - Tyra Lea Jochims-Mann & Joshua Brandon Jochims is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **516 Eastwood Ln**.
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 – 4/3/2024.

ACTION TO BE TAKEN: Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION _____
(Kevin Yates)

CASE # 5 - RTL 05-24-41 - J & M Secure Investments LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **301 N Hollywood 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 – 4/10/2024.

ACTION TO BE TAKEN: Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION _____
(Kevin Yates)

CASE # 6 - RTL 05-24-42 - Uelton Joatan Couto is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **530 Revilo 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 – 4/17/2024.

ACTION TO BE TAKEN: Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION _____
(Kevin Yates)

CASE # 7 - RTL 05-24-43 - Samuel W Oliver Jr and Countess Senetta Rittman is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **611 Madison 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 – 4/17/2024.

ACTION TO BE TAKEN: Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION _____
(Kevin Yates)

CASE # 8 - RTL 05-24-44 - Kenneth & Melissa Heiland is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **425 Ocean Dunes Rd.** 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 – 4/17/2024.

ACTION TO BE TAKEN: Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION _____
(Kevin Yates)

CASE # 9 - RTL 05-24-45 - Daniel Stuart and Indera Stuart is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **116 S Oleander 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 – 4/19/2024.

ACTION TO BE TAKEN: Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION _____
(Kevin Yates)

CASE # 10 - RTL 05-24-46 - William Cruvinel is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **224 Boylston 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 – 4/26/2024.

ACTION TO BE TAKEN: Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION _____
(Kevin Yates)

CASE # 11 - RTL 05-24-47 - David Clarke is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **37 S Peninsula Dr.**
Violation(s) – **Zoning violation - the property is zoned RDB-6. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district.**
First Notified – 4/25/2024.

ACTION TO BE TAKEN: Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION _____
(Kevin Yates)

CASE # 12 - RTL 05-24-51 - Jose E Ruiz Tarazona & Ana Cecilia Jaramillo is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **310 Pelican 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 – 5/2/2024.

ACTION TO BE TAKEN: Impose Fine. IRREPARABLE & IRREVERSIBLE

DISPOSITION _____
(Kevin Yates)

CASE # 13 - RTL 05-24-50 - 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 – 5/1/2024.

ACTION TO BE TAKEN: Impose Fine. IRREPARABLE & IRREVERSIBLE Repeat Violation

DISPOSITION _____
(Kevin Yates)

CONTINUED CASES: IRREPARABLE/IRREVERSIBLE

CASE # 14 - RTL 04-24-35 - James W McCotter is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1112 Waverly Dr.**
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 – 3/13/2024.

ACTION TO BE TAKEN: Con't. from the April 23, 2024 meeting for consideration of the imposition of a fine for Irreparable and Irreversible violations.

DISPOSITION _____
(Kevin Yates)

6. **Miscellaneous Business**

7. **Adjournment**