
City of Daytona Beach Special Magistrate

City Commission Chambers, 301 S Ridgewood Ave, Daytona Beach, FL 32114

Robert J. Riggio, Special Magistrate

February 25, 2025 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Deputy City Attorney

Ms. Melissa Diaz, Assistant City Attorney

Sgt. Shawna Conley Daytona Beach Police

Mr. Denzil Sykes, Code Compliance Manager

Mr. Kevin Yates, Rental Inspector

Ms. June Barnes, Board Secretary

Ms. Lena Rankin, Rental Technician

Mr. Joe Graves, Audio/Visual

Mr. Xavier Campbell, Audio/Visual

Approval of Minutes by:  _____ Special Magistrate

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

Mr. Riggio announced the procedure for the meeting.

Mr. Riggio asked for announcements and there were none.

Mr. Riggio approved the minutes of the January 28, 2025 meeting.

The Board Secretary swore in members of staff who will be testifying.

Mr. Riggio called Case #4.

CASE # 4 - RTL 02-25-13 - Garly R Saint Croix & Estavelie Meristil is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1116 St Augustine 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 – 1/31/2025.

Dr. Garly R Saint Croix came forward and was sworn in.

Inspector Kevin Yates stated the case was field generated and the property is zoned SFR-5. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning

district. He stated he first observed the violation on January 31, 2025 and notified them the same day. He stated the advertising stopped on February 4, 2025. He stated the website shows a daily rate of \$150, 2 reviews, and rules state check in and out at 3 pm and 11 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Melissa Diaz, Esq. gave her argument as to why the City is requesting to find the nature of these violations to be irreparable and irreversible.

Dr. Saint Croix stated that he and his wife bought the house to use after their home was flooded during the hurricane. He asked his realtor about being able to rent the house out. The realtor stated that they were allowed and to go ahead. They would just get a warning if they weren't allowed to. He was not aware that he would get fined right away. Now he has a renter in the house that has a year lease.

Inspector Yates stated that the City is asking for a fine in the amount of \$1,000.00 due to the irreparable and irreversible nature of the violation.

DISPOSITION: *After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of February 4, 2025, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.*

CASE # 1 - RTL 02-25-10 - Frederick O Johnson is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 148 W Sandalwood 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 – 1/24/2025.

Ms. Sheree Hammond, representative for the owner, came forward and was sworn in. She presented a letter from Frederick Johnson stating that he wished to have her speak on his behalf.

Mr. Riggio asked to see the letter. He read the letter out loud for the record and asked that it be entered as Exhibit A.

Inspector Yates stated the case was field generated and the property is zoned PD-G. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on January 24, 2025 and notified them the same day. He stated the advertising stopped on January 24, 2025. He stated the website shows a daily rate of \$94, 4 reviews, and rules state check in at 3 pm – 12 am and check out at 11 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Hammond waived repetition of Ms. Diaz's argument as to why the City is requesting a finding that the nature of these violations are irreparable and irreversible.

Mr. Riggio stated that Ms. Diaz's argument will be incorporated into the record of this proceeding and Ms. Hammond is welcome to comment on anything that was said.

Ms. Hammond stated that they looked at two properties. They planned to turn one into an Airbnb. She and Mr. Johnson spoke with their realtor and HOA, and they stated they were allowed to do an Air BnB. They had spent \$5,000 to get the rental ready. Ms. Hammond also called and talked to June Barnes about the process of renting her property. She never gave specifics of the property for June to explain zoning.

Ms. Hammond stated that she has two cases that she was there for. She then spoke on Case # 2 – RTL 02-25-11.

Mr. Riggio asked the City if they would allow hearing the two cases together. The City agreed.

DISPOSITION: *After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$750.00, payable within 30 days, be imposed and that the property is in Compliance as of January 24, 2025, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.*

CASE # 2 - RTL 02-25-11 - Frederick Johnson is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 100 Rose Bank Rd. 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 – 1/17/2025.

Inspector Yates stated the case was field generated and the property is zoned PD-G. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on January 17, 2025 and notified them the same day. He stated the advertising stopped on January 21, 2025. He stated the website shows 45 reviews from 2 years ago. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Hammond stated that she used this property to educate herself on how to navigate the website. They never rented the property and had no intention of renting out this property since they both reside there. HOA would not allow them to rent the property. She stated the HOA was adamant it is forbidden to rent at all.

Ms. Diaz stated that HOA rules don't trump City regulations.

Mr. Riggio stated he was leaning toward reducing the fine for these circumstances.

Inspector Yates stated the rate was \$58 and check in at 3pm and out at 11 am and that the City will revise the suggested fine to \$750.00 for each case (RTL 02-25-10 and RTL 02-25-11)

DISPOSITION: *After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$250.00, payable within 30 days, be imposed and that the property is in Compliance as of January 21, 2025, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.*

CASE # 3 - RTL 02-25-12 - William A Brown is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 619 Glenview Blvd. Violation(s) – Zoning violation - the property is zoned BR1. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 1/31/2025.

Mr. William A Brown came forward and was sworn in.

Inspector Yates stated the case was field generated and the property is zoned BR1. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on January 31, 2025 and notified them the same day. He stated the advertising stopped on February 4, 2025. He stated the website shows a daily rate of \$91, 206 reviews and rules state check in and out at 4 pm and 11 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Mr. Brown waived repetition of Ms. Diaz's argument as to why the City is requesting a finding that the nature of these violations are irreparable and irreversible.

Mr. Riggio stated the City's argument made in case #4 will be incorporated into this matter.

Mr. Brown stated that he believes the zoning is incorrect for his property, and wanted to know where it says other accommodations are short-term rentals.

Mr. Jackson explained other accommodations and stated it was not allowed in this zone.

DISPOSITION: *After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of February 4, 2025, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.*

CASE # 5 - RTL 02-25-14 - Paul & Elisabetta Nittoli is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 416 N Peninsula Dr. 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 – 2/6/2025.

Paul and Elisabetta Nittoli appeared via Zoom and were sworn in.

Inspector Yates stated the case was field generated and the property is zoned RP. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on February 6, 2025 and notified them the same day. He stated the advertising stopped on February 11, 2025. He stated the website shows a daily rate of \$362, and 1 review. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Mr. and Mrs. Nittoli waived repetition of Ms. Diaz's argument as to why the City is requesting a finding that the nature of these violations are irreparable and irreversible.

Mr. Riggio stated the City's argument made in case #4 will be incorporated into this matter.

Mrs. Nittoli stated that they purchased the house in November expecting to be relocated to Florida. She stated something happened with her husband's job, so they spoke to their Realtor. The Realtor put the property up for long term rental. When that didn't work the Realtor suggested short-term rental. They only had 1 rental, and the site only stayed up 3 days. They are now selling the property.

Mr. Yates revised the requested fine to \$750.00.

DISPOSITION: After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$750.00, payable within 30 days, be imposed and that the property is in Compliance as of February 11, 2025, and that any future repeat violations may be returned to the Magistrate for consideration of a fine of up to \$15,000 per occurrence.

CASE # 6 - RTL 01-25-06 - MP Lake Forest LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 500 Jimmy Ann Dr #111. Violation(s) – Zoning violation - the property is zoned MFR-20. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 12/5/2024.

Marisa Jenkins, Property Manager, came forward and was sworn in.

Mrs. Jenkins waived repetition of Ms. Diaz's argument as to why the City is requesting a finding that the nature of these violations are irreparable and irreversible.

Inspector Yates stated that the post was removed right after the last hearing on January 28, 2025.

Mrs. Jenkins explained that her resident was the one that posted the Air BnB and violated her lease. She will be charging the resident with whatever the Magistrate decides.

DISPOSITION: After hearing the arguments, the Special Magistrate found that the property was previously in Non-Compliance for violation of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2 and that the violation was irreparable and irreversible in nature. He ordered that a one-time fine in the amount of \$1,000.00, payable within 30 days, be imposed and that the property is in Compliance as of January 28, 2025, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.

The meeting was adjourned at 10:34 am.