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# City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

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## March 25, 2025 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Ms. Melissa Diaz, Assistant City Attorney

Sgt. Shawna Conley Daytona Beach Police

Mr. Denzil Sykes, Code Compliance Manager

Mr. Kevin Yates, Rental Inspector

Mr. Roosevelt Butler, Code Compliance 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 9:05 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 February 25, 2025 meeting.

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

Mr. Riggio called LR-1.

**CEB 04-24-64 - 1409 3rd St - Jairo Ezau Morales Santos & Dilcia Maribel Fuentes** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, Violation(s) – No permit. First Notified – 1/31/2024 **Order Imposing Fine/Lien effective June 13, 2024. Compliance on September 25, 2024. \$10,000.00 plus \$24.00 recording costs plus \$10.21 interest = \$10,034.21.**

Ms. Minerva Samayoa, Spanish interpreter, came forward and was sworn in.

Mr. Jairo Ezau Morales Santos and Ms. Dilcia Maribel Fuentes came forward and were sworn in.

Inspector Roosevelt Butler stated the parties have come to an agreement. He stated the contractor they had hired left without finishing and left them with a big mess. He stated the City has agreed to reduce the lien to \$2,500.

Ms. Fuentes stated the \$2,500.00 is agreeable.

***DISPOSITION:*** *The Special Magistrate reduced the amount of the lien to \$2500, payable within 30 days, or the fine reverts back to the original amount.*

**CASE # 1 - RTL 03-25-16 - Margaret Warfel Johnson** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **145 N Halifax Ave #205**. 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 – 2/21/2025.

Ms. Margaret Warfel Johnson appeared via Zoom and was sworn in.

Inspector Kevin Yates stated the case was field generated and the property is zoned MFR-20. 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 21, 2025 and notified them the same day. He stated the advertising stopped on February 25, 2025. He stated the website shows a daily rate of \$99, and rules state no smoking and no events. 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.

Ms Johnson stated that she lived here 6 years. She stated her job abruptly ended the contract. She worked as a Data Entry person for Spruce Creek.

There was discussion about Ms Johnson's hardships.

Inspector Yates stated the City would be willing to reduce the fine to \$500.

***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 \$500, payable within 30 days, be imposed and that the property is in Compliance as of February 25, 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 03-25-18 - Central Florida Gota LLC** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **2326 S Peninsula 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 – 3/5/2025.

Mr. Larry Gomez, Manager, came forward and was sworn in.

Inspector 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 March 5, 2025 and notified them the same day. He stated the advertising stopped on March 11, 2025. He stated the website shows a daily rate of \$216, and rules state check in was 4 pm 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.

Mr. Gomez 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 argument, as stated in Case #1, RTL 03-25-16, will be incorporated into the record of this proceeding.

Mr. Gomez asked for a reduction.

***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 March 11, 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 03-25-17 - Marcetta Richardson and Gary Richardson** is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **175 Yorktowne Dr Ut 11**. 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 – 3/5/2025.

Mrs Marcetta Richardson appeared via Zoom and was 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 March 5, 2025 and notified them the same day. He stated the advertising stopped on March 7, 2025. He stated the website shows a daily rate of \$90, 37 reviews and rules state check in was 4 pm 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. Diaz gave the City's argument as to why they are requesting to find the nature of these violations to be irreparable and irreversible.

Mrs. Richardson explained she wasn't aware that she wasn't allowed to do short-term rentals and didn't start renting out the property until everything went up. She asked for a reduction.

***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 March 7, 2025, and that any future repeat violations may be returned to the Magistrate for consideration of a fine up to \$15,000 per occurrence.*

Mr. Riggio asked for any Miscellaneous Business, and there were none.

The meeting was adjourned at 9:58 am.