
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

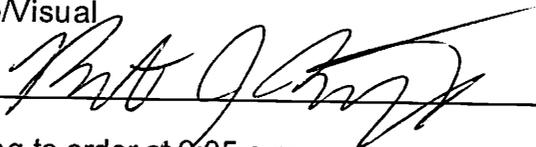
April 22, 2025 Minutes

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
Ms. June Barnes, Rental Program Coordinator
Ms. Lena Rankin, Board Secretary
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 stated he received a Motion for Continuance for Case # 3 RTL 04-25-21 from the Attorney who is in currently in court and will move it to the end of the agenda. If the attorney doesn't make it by the end, the case will be continued to the May 27, 2025 meeting.

Mr. Riggio asked for announcements and there were none.

Mr. Riggio approved the minutes of the March 25, 2025 meeting.

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

Mr. Riggio called Case #1.

CASE # 1 - RTL 04-25-19 - Marman Real Estate LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **607 Riverview Blvd #609**. 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 – 3/11/2025.

Ms. Claudia Mendoza, owner, 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 March 11, 2025 and notified them the same day. He stated the advertising stopped on March 12, 2025. He stated the website shows a daily rate of \$83 with 4 reviews. Check in time states 3 pm to 2 am and check out time is 10 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 gave her argument as to why the City is requesting to find the nature of these violations to be irreparable and irreversible.

Ms. Mendoza stated that she speaks very little English. She is sorry she didn't know she wasn't allowed to do short term rentals.

Inspector Yates stated per their previous discussion she was unaware of the rules, she was sorry and took the post down immediately.

Mr. Riggio stated how significant these cases are because of economic gain.

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 12, 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 04-25-20 - Timothy L Greeney is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **106 Claire Ter.** 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 – 3/12/2025.

Mr. Timothy L. Greeney appeared via zoom 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 12, 2025 and notified them the same day. He stated the advertising stopped on April 4, 2025. He stated the website shows a daily rate of \$75, 3 reviews and rules state no smoking and limit of 2 pets. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Mr. Greeney 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 asked Inspector Yates why it may have taken so long for Mr. Greeney to stop advertising. He asked if they were properly notified.

Inspector Yates stated the property was properly notified but saw no activity during his investigation.

Mr. Greeney stated that he is bedridden and unable to get to the property. His daughter normally takes care of it. His daughter posted the property because they thought they saw something

about it being allowed. They will be sure to stay in compliance going forward. They have already talked with the Rental Technician about getting the property registered for long term rental.

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 \$900.00, payable within 30 days, be imposed and that the property is in Compliance as of April 9, 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 # 4 - RTL 04-25-22 - Richard Reed Gilbert is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **414 Butler Blvd # & 416**. 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 – 3/28/2025.

Mr. Richard Reed Gilbert stepped forward 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 28, 2025 and notified them the same day. He stated the advertising stopped on April 2, 2025. He stated the website shows a daily rate of \$200, 32 reviews and rules state the check in time is 3 pm and check out is 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. Gilbert 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 the Respondent has heard Ms. Diaz' argument, as stated in Case #1, RTL 04-25-19, and will incorporate it into the record of this proceeding.

Mr. Gilbert states he does not understand why it is illegal for him to do short term rentals. There are houses a block from him that are allowed to do short term rentals.

Inspector Yates showed the map and explained that his property is zoned for RP.

Mr. Gilbert argued that it should be a redevelopment area and asked for the fee to be reduced to half.

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 April 2, 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 04-25-23 - Zaydul Hoque & Farhana Akhter is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **207 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 – 3/27/2025.

Mr. Zaydul Hogue appeared via zoom and was sworn in.

Inspector 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 March 27, 2025 and notified them the same day. He stated the advertising stopped on March 28, 2025. He stated the website shows a daily rate of \$219, 1 review and rules state check in is 3 pm and check out is 10 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$5,000. On April 11, 2025 he made contact with a renter who stated that they used a short-term website to book the property. She then reached out again concerned about her car getting towed due to renting the property when they shouldn't have.

Mr. Hogue 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 04-25-19, will be incorporated into the record of this proceeding.

Mr. Hogue stated that the property has three units they have been renting long term for a while. They were having a hard time renting so the property manager suggested short term rentals. He asked for a reduction since they are in compliance now.

Inspector Yates stated there was a correction to be made. There were no reviews for this property.

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 \$1,220.00, payable within 30 days, be imposed and that the property is in Compliance as of April 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 # 6 - RTL 04-25-24 - Rivera Investors LLC is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **1116 Madrid 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 – 3/7/2025.

Mrs. Waleska 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 7, 2025 and notified them the same day. He stated the advertising stopped on April 11, 2025. He stated the website shows a daily rate of \$275, 1 review and rules state check in time is 4 pm and check out time is 11 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Mrs. Waleska 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 asked why there was a delay in taking down the posting.

Inspector Yates stated the property was properly notified and that the owners don't live here in Daytona Beach.

Mrs. Waleska prepared the property to sell. They were having a hard time getting it sold so someone mentioned to put it up for a short-term rental. They only had the property up for one month. They were not aware that short-term rentals were not permitted.

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 April 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 # 7 - RTL 04-25-25 - 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 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 – 3/26/2025.

Respondent was not present.

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 March 26, 2025 and notified them the same day. He stated the property is still being advertised. He stated the website shows a daily rate of \$256, 16 reviews and rules state check in time is 4 pm and check out is 11 am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$15,000. This is the 5th violation. The previous violations are as followed; RTL 03-24-32 on March 26, 2024; RTL 06-24-60 June 26, 2024; RTL 07-24-70 July 25, 2024; RTL 10-24-96 October 24, 2024.

Mr. Riggio asked if the property was properly notified.

Inspector Yates stated that the postings have been done.

Ms. Diaz stated that she only had the posting and not a delivery receipt.

Ms. Lena Rankin stated that the City has both the posting and the delivery receipt.

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

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 \$15,000.00, payable within 30 days, be imposed and that the property is still actively advertising, 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 04-25-21 - Deana Nicosia & Silvana Nicosia is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **509 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 – 3/19/2025.

DISPOSITION: *The Special Magistrate continued the case to the May 27th, 2025 meeting.*

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

The meeting was adjourned at 10:12 am.