
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

June 24, 2025 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, City Attorney

Daytona Beach Police Officer

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 9:06 a.m.

Mr. Riggio announced the procedure for the meeting.

Mr. Riggio asked if any cases were being heard out of order.

Ms. Rankin stated the Lien Review will be moved to the end.

Mr. Riggio asked for announcements and Ms. Rankin explained the Lien Review move was the only announcement.

Mr. Riggio approved the minutes of the May 27, 2025 meeting.

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

Mr. Riggio called Case #1.

CASE # 1 - RTL 06-25-32 - Mike Williams and Jennifer Ellis is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **124 Loomis Ave.** Violation(s)–Zoning

violation - the property is zoned RDD6. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 5/28/2025.

Respondent was not present.

Inspector Kevin Yates stated the case was field generated and the property is zoned RDD6. Short-term rentals, known as "Other Accommodations" are not a permitted use in this zoning district. He stated he first observed the violation on May 28, 2025 and notified them the same day. He stated the advertising stopped on May 30, 2025. He stated the website shows a daily rate of \$116, 1 review and rules state check in is 11 am 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 \$1,000.

Mr. Anthony Jackson gave his 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 \$1,000, payable within 30 days, be imposed and that the property is in Compliance as of May 30, 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 06-25-33 - Tatyana Naomi Barreto Ramos is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **274 Reena Dr.** 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 – 6/3/2025.

Ms. Tatyana Barreto came forward and was sworn in.

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 June 3, 2025 and notified them the same day. He stated the advertising stopped on June 5, 2025. He stated the website shows a daily rate of \$168, 2 review and rules state check in 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.

Ms. Barreto waived repetition of Mr. Jackson'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 Mr. Jackson's argument, as stated in Case #1, RTL 06-25-32, will be incorporated into the record of this proceeding.

Ms. Barreto stated that she has a renter that signed a 10 month lease. There was no short term rental.

Inspector Yates asked Mrs. Barreto if her Air BnB posting was listed for less than 6 months.

Ms. Barreto stated that it was.

Inspector Yates stated that is advertising for a short-term rental. The 10 month lease that was signed ended before the advertisement date on Air BnB.

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 June 5, 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 06-25-34 - Eshaan Anil Patil is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **2102 Green Valley St.** 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 – 5/30/2025.

Eshaan Patil came forward and was sworn in.

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 May 30, 2025 and notified them the same day. He stated the advertising stopped on May 30, 2025. He stated the website shows a daily rate of \$82, 4 review and rules state check in is 2 pm and check out is 12 pm. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Mr. Patil waived repetition of Mr. Jackson'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 Mr. Jackson's argument, as stated in Case #1, RTL 06-25-32, will be incorporated into the record of this proceeding.

Mr. Patil stated once he was notified he took the posting down. He had read minutes from past meetings and saw that the City had lowered the fee for those in similar cases. He asked for the fine to be lowered to \$500.00.

Mr. Riggio stated that because there were 4 reviews on the property he is unable to lower the fee to \$500.00.

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 May 30, 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 06-25-35 - Justin Carloni is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **610 Roma St.** 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 – 5/21/2025.

Respondent was not present.

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 May 21, 2025 and notified them the same day. He stated the advertising stopped on May 21, 2025. He stated the website shows a daily rate of \$171, 4 review and rules state check in is 3 pm. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Mr. Jackson gave his 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 \$1,000.00, payable within 30 days, be imposed and that the property is in Compliance as of May 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 # 5 - RTL 06-25-36 - Wendy Dee Scorpio is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **4131 Calusa Pine 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 – 5/16/2025.

Ms. Wendy Dee Scorpio came forward and was sworn in.

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 May 16, 2025 and notified them the same day. He stated the advertising stopped on May 21, 2025. He stated the website shows a daily rate of \$627, 1 review and rules state check in is 2 pm and check out is 11am. He stated the violation is irreparable and irreversible in nature and is asking for a fine in the amount of \$1,000.

Ms. Scorpio waived repetition of Mr. Jackson’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 Mr. Jackson’s argument, as stated in Case #1, RTL 06-25-32, will be incorporated into the record of this proceeding.

Ms. Scorpio stated she was offsetting her income to help her daughter who is in college. She wasn’t aware of the zoning and would appreciate the fee to be reduced to \$0.

Mr. Riggio explained everyone should read the City Code before deciding to create a business.

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 May 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 # 6 - RTL 06-25-37 - Paul A Merk is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **346 Plaza Blvd.** Violation(s) – Zoning violation - the property is zoned MFR-40. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 6/5/2025.

Mr. Paul Merk appeared via zoom.

Inspector Yates stated Mr. Merk just received notice on Monday regarding the Meeting. The City asks that this case is amended to the next meeting.

DISPOSITION: *After hearing the arguments, the Special Magistrate continued the case to the next hearing July 22, 2025.*

Lien Review

RTL 01-25-03 - 145 Boysenberry LN - Tibor and Lidiko Benke is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 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 – 12/6/2024. Order Imposing Fine/Lien effective January 31, 2025. Compliance on December 12, 2024. \$1,000.00.

Mrs. Lidiko Benke came forward and was sworn in.

Inspector Yates stated the parties have come to an agreement.

Mr. Riggio stated he looked over the details of the case and finds the hardship to be relevant.

DISPOSITION: *The Special Magistrate reduced the remaining amount of the lien from \$960.00 to \$0.00.*

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

The meeting was adjourned at 11:10 am.