
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

October 28, 2025 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Ms. Melissa Diaz, Assistant City Attorney
Officer Fertz Gaspard 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 9:02 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 August 26, 2025 meeting.

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

Mr. Riggio called Case #1.

CASE # 1 - RTL 10-25-45 - Kristopher W Phillips is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **8 Robben 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 – 10/8/2025.

Mr. Kristopher W Phillips appeared in person 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 October 8, 2025 and notified them the same day. He stated the advertising stopped on October 9, 2025. He stated the website shows a daily rate of \$211, and there were no reviews. The 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 \$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.

Mr. Phillips stated he lives in Tennessee and contacted a Reletor to sell the home. The reletor then stated that the selling market isn't good right now and suggested he reach out to Great Oceans Condos and Homes to rent the propert. He thought since they have been in buisness for so long they would know about the zoning. Once he was notified about the notice he called Great Oceans Condos and Homes to take the advertisement down. They did so right away and the home was never rented.

Mr. Yates stated that there was no evidence of the home being rented out.

Mr. Riggio asked if the City had anything further.

Mr. Yates stated there was nothing further.

Mr. Riggio stated that Mr. Phillips is altimitley responsible for the property and asked if the City would like to take into consideration that Mr. Phillips went through a Reletor.

Mr. Yates stated the City has no objection if Mr. Riggio would like to lower the fine but the City stands by its original recomendation.

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 October 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 # 2 - RTL 10-25-46 - HCS Holdings Inc is cited for failure to correct violations of LDC Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **707 Harvey 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 – 9/18/2025.

Mr. Antonio Alencar, Partner, came 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 September 18, 2025 and notified them the same day. He stated the advertising stopped on September 19, 2025. He stated the website shows a daily rate of \$197, 1 review and rules state check in was 3 pm and check out at 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. Alencar 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 10-25-45, will be incorporated into the record of this proceeding.

Mr. Alencar stated that they had bought the property back in June or July and it was already being used as a short-term rental. They have not actively used it as a short-term rental. They have two tenants that have signed a year lease at the beginning of October. Back in September he contacted Evolve.com, whom has the property listed as short-term rental. He asked that the advertisement be taken down and they stated that the listing stays up, however there is no availability and Mr. Alencar's name is not listed on it. They list the property on many websites and have no control over taking them down.

Mr. Yates stated that Mr. Alencar needs to contact VRBO directly to get the listing down.

Mr. Alencar stated the property is listed on 12 different websites and we cannot spend time contacting all of them to get the postings down when he wasn't the one who did business with them.

There was further discussion on why taking down VRBO would be beneficial.

Mr. Alencar stated when he emailed VRBO and Evolve they requested legal documentation and if the City had anything he could be provided he would be happy to send it to them.

Ms. Diaz asked more questions about Evolve.

There was further discussion on how Mr. Alencar could resolve the posting issues.

DISPOSITION: *After hearing the arguments, the Special Magistrate Continued the case to the January 27, 2026 meeting for consideration of a fine.*

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

The meeting was adjourned at 9:30 am.