



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF COCOA BEACH, FLORIDA
COCOA BEACH COUNTRY CLUB
5000 TOM WARRINER BOULEVARD
April 10, 2024
9:00 A.M.

CALL TO ORDER: The meeting was called to order by the Special Magistrate at 9:00 A.M. The Special Magistrate swore in all members giving testimony.

Administrative Members Present:

Lonnie N. Groot, Special Magistrate
Javier Mazza, Code Enforcement Officer
Gretchen R. Vose, City Attorney
Kacee Crawford, Clerk

The Special Magistrate approved the minutes of the previous meeting and explained the statutory requirements which establish the Code Enforcement Special Magistrate Hearing. He informed the Respondents as to the manner in which the hearings should be conducted and elaborated on the procedures for appeals.

NEW CASES:

1. Case No. DSCE-24-3

Respondent: Murphy, Jennifer
Address of Property: 333 W Osceola Ln
Parcel ID#: 24-37-27-50-*-165
Legal Description: VENETIAN WAY SEC 2 LOT 165

Code Section/Violation(s): **Sec. 26.5-21. - Registration required.** Every vacation rental shall register with the City of Cocoa Beach. The operation of a vacation rental without registration shall be a violation of this ordinance. Every day of such operation without registration shall constitute a separate violation, of the City of Cocoa Beach Code of Ordinances.

Sec. 13-2. - License/permit required. Any nonexempt person who maintains a business location within the city for the privilege of engaging in or managing any business shall first procure a license from the occupational license administrator by paying the amount of license fee provided therefore, of the City of Cocoa Beach Code of Ordinances.

Code Enforcement Officer Javier Mazza provided an overview of the Case history and presented exhibits for review. Officer Mazza testified that the Respondent was operating a vacation rental property within the RS-1 single-family district without being registered with the City as a vacation rental and without obtaining a business tax receipt. The Respondent had come into compliance the day before the Special Magistrate Hearing as she had paid the fees and penalties associated with operating the unregistered vacation rental.

The Respondent appeared via Microsoft Teams and was therefore unable to provide sworn testimony. Respondent was able to provide commentary in which she agreed that she was renting the vacation rental without being properly registered but had since come into compliance. Respondent stated she had no further interest in hosting the vacation rental.

Code Enforcement Special Magistrate found the Respondent to previously be in violation of the two codes herein and entered a no-fine standing order so that future reoccurrences of the violations within the next five years may be treated as repeat violations, resulting in daily fines, and applied to any subsequent owners.

2. Citation No. 24004 and 24005

Respondent: Szafran, Matt

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Address of Property: 316 Felice Pl
Parcel ID#: 25-37-14-27-2-3
Legal Description: BLOCK 2 OF ENCLAVE AT THREE HUNDRED, A REPLAT LOT 3 BLK 2

Code Section/Violation(s): **Sec. 22-3.5 - Maintenance of abutting public rights-of-way.** It shall be unlawful for any owner, lessee, custodian or occupant of any lot, tract or parcel of land in the city abutting any public street, right-of-way or land area dedicated for use as a public street within the city to allow to exist a public nuisance as defined by law between the paved or graded surface of any public street intended or designed for vehicle travel and the property line of the abutting real property.

Code Enforcement Officer Javier Mazza requested the case be postponed per the request of the City due to clerical error. Code Enforcement Special Magistrate Ordered the case be postponed until the next Special Magistrate hearing.

COMPLIANCE (MASSEY) HEARING:

3. Case No. CBPD-23-476

Respondent: Greene, Joseph
Address of Property: 337 Jack Drive
Parcel ID#: 24-37-27-01-*09
Legal Description: Bayview Park Section 2 Lot 9

Code Section/Violation(s): **Section 3-32. - Fences and walls. L. (5).** Portions of fences constructed within fifteen (15) feet of a waterway may be constructed to a maximum height of four (4) feet, of the City of Cocoa Beach Code of Ordinances.

Code Enforcement Officer Javier Mazza provided an overview of the case history and presented the exhibits for review. Officer Mazza testified that the Respondent had failed to come into compliance.

The Respondent was unable to appear however was represented by his attorney, Caitlin A. Lewis. Ms. Lewis and City Attorney Gretchen R. Vose facilitated an agreement to extend the compliance date for an additional ten (10) business days.

The Special Magistrate affirmed the Respondent remained in violation and entered an order extending compliance date with no fine. The Respondent was ordered to comply with the code herein by the new compliance date and that violations found thereafter would result in a fine of twenty-five dollars (\$25) a day until compliance is achieved.

OLD OR UNFINISHED BUSINESS:

1. Case No. CBPD-23-397

Respondent: KLT East Coast LLC
Address of Property: 637 S Orlando Ave
Parcel ID#: 25-37-14-51-26.A-4
Legal Description: Parsons Add to Cocoa Beach Lots 4,5,6 Blk 26 A, Plat Book 0011, Page 0067

Code Section/Violation(s): **Section 10-22. - Sec. 10-22. - Enumerated conditions prohibited, declared nuisance; notice of violations, penalty.** The existence of debris; holes or depressions in which water from time to time collects or which tend to create a breeding area or harboring area for pests; grass exceeding twelve (12) inches in height, of the City of Cocoa Beach Code of Ordinances.

IPMC Section 302. Exterior Property Areas. IPMC Section 302.7. Accessory structures. All accessory structures including fences and walls, shall be maintained structurally sound and in good repair, of the International Property Maintenance Code (IPMC) as adopted by Cocoa Beach Code of Ordinances.

IPMC Section 304. Exterior Structure. Section 304.1. General. The exterior of a structure shall be maintained in good repair and structurally sound, of the International Property Maintenance Code (IPMC) as adopted by Cocoa Beach

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Code of Ordinances.

IPMC Section 304 Exterior Structure. Section 304.9. Overhang extensions. All overhang extensions shall be maintained in good repair and properly anchored. All exposed surfaces of metal and wood shall be protected from the elements and against decay or rust, of the International Property Maintenance Code (IPMC) as adopted by Cocoa Beach Code of Ordinances.

IPMC Section 304 Exterior Structure. 304.10. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads, of the International Property Maintenance Code (IPMC) as adopted by Cocoa Beach Code of Ordinances.

IPMC Section 605. Electrical Equipment. Section 605.1. Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner, of the International Property Maintenance Code (IPMC) as adopted by Cocoa Beach Code of Ordinances.

Code Enforcement Officer Javier Mazza provided an overview of the case history and presented the exhibits for review. Officer Mazza testified that the Respondent had been previously found to be in violation of the ordinances herein and a fine of two-hundred fifty dollars (\$250) a day was imposed. Officer Mazza testified that the previous code enforcement officer, Robin Reiland, had improvidently assured the Respondent that the fines were stopped on September 17, 2023. However, no compliance affidavit was ever submitted to the Special Magistrate; therefore, the daily fine had accrued to sixty-eight thousand dollars (\$68,000) by the time the Respondent attempted to sell the property. Upon investigation, notes reflecting Officer Reiland's intentions to stop the fine were discovered. The City agreed to honor Officer Reiland's intentions to legally stop the fine and forged an agreement with the Respondent. The agreement reflected the compliance date of September 17, 2023, which stopped the fine at sixteen-thousand five-hundred dollars (\$16,500). The monies were then placed in an escrow account to help facilitate the sale of the property.

The Respondent appeared via Microsoft Teams and was therefore unable to provide sworn testimony. Respondent was able to provide commentary in which he expressed that the fine should be further reduced. After discussion with the Special Magistrate, Respondent stated he would follow up with an official request to plead his case to the City Council to further reduce his fines.

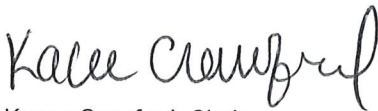
The Special Magistrate accepted the agreement and entered an order modifying fine and lien to reflect the compliance date and fine total.

NEXT MEETING:

The next regular of the Code Enforcement Special Magistrate meeting will tentatively be held on May 8, 2024.

ADJOURNMENT:

There being no further business to come before the Special Magistrate, the meeting adjourned at 9:39 A.M.



Kacee Crawford, Clerk



Lonnie N. Groot, Special Magistrate