



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

CALL TO ORDER: The meeting was called to order by the Special Magistrate at 9:03 A.M. The Special Magistrate swore in all members giving testimony.

Administrative Members Present:

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

The Special Magistrate 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. CBPD-23-711

Respondent: BEACH STREET PLACE LLC
Address of Property: 366/368 N THIRD ST. COCOA BEACH, FL 32931
Parcel ID#: 25-37-10-81-113-8
Legal Description: COCOA BEACH, 7TH ADDN TO LOTS 8,9 BLK 113

Code Section/Violation(s):

Sec. 6-11. - Property maintenance code adopted. IPMC Section 302 Exterior Property Areas 302.1 Sanitation. Exterior property and premises shall be maintained in a clean, safe, and sanitary condition.

IPMC Section 302 Exterior Property Areas. 302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Section 304 Exterior Structure. 304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.

Sec. 10-22. - Enumerated conditions prohibited, declared nuisance; notice of violations, penalty. The existence of debris, rubbish, trash, tin cans, papers, garbage, unlicensed motor vehicles, deteriorated building materials exposed to weather; grass exceeding twelve (12) inches in height.

Section 3-32. - Fences and walls. N. Commercial trash dumpster enclosures. All commercial trash dumpsters and their holding areas shall be wholly enclosed within an opaque enclosure on three (3) sides, with an operable opaque gate on the access side.

Sec. 10-6. - Mandatory mechanical containers. (a) Any multifamily building or any owner, lessee, or licensee of a commercial establishment which produces in excess of fourteen (14) cubic yards of refuse per month shall store such refuse in a mechanical container, provided adequate space is available on the premises for the location of the container. (b) Any construction project on which a building permit with a construction value in excess of three thousand dollars (\$3,000.00) has been issued shall be serviced during construction by a mechanical dumpster or roll off container unless the refuse therefrom is removed daily.

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Code Enforcement Officer Javier Mazza provided an overview of the case history. Officer Mazza testified that the owner had come into partial compliance and that an oral agreement was made between the Respondent and the City to reach full compliance within twelve (12) weeks. Officer Mazza entered the evidence to the Special Magistrate.

The Special Magistrate reviewed and accepted the evidence. The Special Magistrate found the Respondent to be in violation of the codes herein and issued an order of compliance within 12 weeks of the hearing.

Compliance (Massey) Hearing:

1. Consolidated Case No. DSCE-24-21 AND DSCE-24-24

Respondent:	Sahf, Mark
Address of Property:	104 W Leon Ln AND 126 W Alachua Ln
Parcel ID#:	24-37-26-CI-31-16 AND 24-37-27-CI-30-13
Legal Description:	COCOA OCEAN BEACH SUBD LOT 16 BLK 31 AND COCOA OCEAN BEACH SUBD LOT 13 BLK 30

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.

Section 2-06. - RS-1 single-family residential district. A. Scope. The regulations contained herein shall apply to all RS-1 single-family residential districts which are consistent with the low density residential classification as designated on the future land use map of the Cocoa Beach Comprehensive Plan. B. Purpose. This district is intended for single-family residential structures which preserve and enhance the low-density neighborhood values and character. C. Permitted principal uses and structures. 1. Single-family dwellings. 2. Community residential homes, level I. 3. Minor public utility structures owned, operated or supervised by the city. 4. Family day care in accordance with F.S. § 402.302(8).

Sec. 6-4. - Administration. (c) Permits. (1) Permit and permit fee required. It shall be unlawful for any person, firm or corporation to construct, erect, alter, repair, enlarge, move, or demolish any building or structure; or to erect, install, enlarge, alter, repair, remove, correct, or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done within the City of Cocoa Beach without first making application and obtaining a permit therefore from the building department, and upon payment of fees as adopted herein.

Code Enforcement Officer Javier Mazza introduced the case to the Special Magistrate. The Respondent's attorney Mr. Nathan Meloon objected to the continuance of the hearing on the grounds that fundamental due process was not achieved. It was concluded by the Special Magistrate that the hearing would proceed as the Respondent and their attorney were present.

Officer Mazza introduced Exhibit A as the composite evidence to the Special Magistrate and to Mr. Meloon. Officer Mazza testified that the Respondents were still renting the property, that only partial inspections of the properties were completed, that no permits had been obtained for the home to be returned to a single family home, and that no fees had been paid.

Mr. Meloon objected to the photos being introduced into evidence as he stated they were hearsay however Mr. Groot

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denied the objection on the grounds that Special Magistrate Hearings do not operate by the formal rules of evidence. Mr. Meloon cross examined Officer Mazza as a witness.

Ms. Vose called City Planner II Cory Hall to the stand for examination and clarification. The Special Magistrate clarified that a statement by Mr. Hall would not be considered as the allegation of violation was not addressed in the order. Mr. Meloon then cross examined Mr. Hall.

Mr. Meloon then called Lisa Larue to be examined as a witness. Mr. Meloon then entered Exhibit A into evidence, notes taken by Ms. Larue during a phone call with Officer Crawford. Ms. Larue testified that no short term rentals have taken place since the Order was issued and stated that all visitors have been family and friends. Ms. Vose then cross examined Ms. Larue.

Mr. Meloon then called Mandy Thomas to be examined as a witness. Ms. Thomas testified that no short term rentals have taken place since the Order was issued and stated that all visitors have been family and friends. Ms. Thomas then testified that she was ready to pay the fees owed to the City for using the properties as short term rentals. Mr. Meloon then entered Exhibit B into evidence, emails sent from him to Ms. Vose asking for the totals owed to the City. Mr. Meloon then entered Exhibit C into evidence, the Deed to 126 W Alachua Lane. Ms. Thomas testified that the home was purchased in 2022 and not 2020 as stated by the City. Ms. Vose then cross examined Ms. Thomas.

Ms. Vose summarized that the City wanted the Respondent's to pay the fees owed to the City related to operating the vacation rentals within twenty days, to not operate the properties as vacation rentals in the future, and further violations would be a repeat violation. Mr. Meloon summarized that he had no issue with Ms. Vose's request.

The Special Magistrate stated that he would then ratify the previous order, find the Respondant's were compliant as they had stopped renting the properties within the required timeframe, that the inspections were overall complaint, and order that the fees for the Business Tax be paid within twenty days.

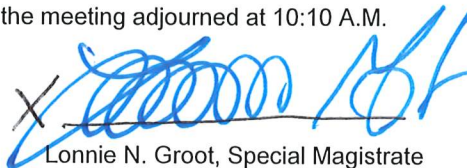
NEXT MEETING:

The next regular of the Code Enforcement Special Magistrate meeting will tentatively be held on August 14, 2024.

ADJOURNMENT:

There being no further business to come before the Special Magistrate, the meeting adjourned at 10:10 A.M.


Kacee Crawford, Clerk


Lonnie N. Groot, Special Magistrate