

CASE STR 2023-50

1121 A Cahal Ave.

Brendan & Christine Callaghan

Permit Revoked – Not Primary Residence

Horizontal Property Regime (HPR) - BL2017-608 - 6.28.030.A.2.e

e. Ownership of two-family dwellings.

i The property ownership of the two-family units cannot be divided.

ii The two-family units shall be owned by the same person and one of the two units shall be the primary residence of the owner.

R6 Zone District - Medium density residential, requiring a minimum 6,000 square foot lot and intended for single and two-family dwellings at a density of 7.71 dwelling units per acre. (Only Owner-occupied STRP permits available)

Governed by BL2017-608 - In this case the decision for the Board is whether or not the Zoning Administrator erred in denying the permit based on the evidence that the property was advertised and operated as a STRP prior to obtaining a permit.

Aug. 30, 2022 – host Compliance Hotline Tip received – Owners do not live at the property.

Inspector Jon Felts opened a case file and began an investigation.

Inspector Felts found that Ms. Christine Callaghan is a realtor in Boca Raton FL. License # 3219749. And that the Callaghan’s own several properties in Florida and Nashville. He found that their property located at 514 Enfield Rd. Delray Beach FL

has a Homestead Exemption registered with the Palm Beach County Property Assessor and that they have had the Homestead Exemption on that property since 2018. The Homestead Exemption is defined as follows:

“In the state of Florida, a **\$25,000 exemption** is applied to the first \$50,000 of your property’s assessed value if your property is your permanent residence and you owned the property on **January 1 of the tax year.**”

Other properties, all of which have the Callaghan’s address as 514 Enfield Rd. Delray Beach FL on the property deeds and property taxes:

638 S W 4TH Ave., Boynton Beach FL

1341 W 31ST St., Riviera Beach FL

332 S E St., Lake worth Beach FL

817 3RD Ave N #406, Nashville TN

309 Urban Pl. Nashville TN

Mary Christine Callaghan has an active Voter Registration with the Florida Secretary of State for 514 Enfield Rd. Delray Beach FL.

Brendan & Christine Callaghan Own Emerald Holdings, LLC currently listed as In “Good Standing” with the Alaska Division of Corporations, Business and Professional Licensing, with the Mailing Address of Florida Secretary of State for 514 Enfield Rd. Delray Beach FL.

Oct. 3, 2022 – The Revocation Letter was sent. The Law requires us to give 15 days notice before the revocation goes into effect. Therefore, the revocation would go into effect on Oct. 18, 2022.

Oct. 17, 2022 – Inspector Felts posted a Stop Work Order at the property. He also printed a copy of the Airbnb website ad.

Dec. 12, 2022 – Short Term Rental Appeal filed. They were to appear on the Feb. 22, 2022 docket, but withdrew due to previous travel plans.

In order for the Callaghan's to be eligible for an owner-occupied permit, the STRP ordinance requires that they own both units of the HPR two-family dwelling. One side would have to be their principal or permanent residence, then they could obtain an owner-occupied permit for the other unit.

Inspector Felts investigation shows that the current status of 1121 A & B Cahal Ave, is that both units are currently being rented on a long term basis. As evidenced by Inspector Felts affidavit, he has spoken with a lady at unit B. He asked her if the Callaghan's lived there and she replied that they did not. He found that the tenant's name is Daniel D. Loggins. Mr. Loggins automobile and Tennessee Driver's License are registered at 1121 B Cahal Ave. Unit A is also being rented long term as evidenced by long term website advertisements on Hot Pads by Zillow and on Airbnb.

On Wednesday July 12, 2023 Ms. Callaghan sent an email with two attachments to be included in your packet. One is a Rental Customer Report for 514 Enfield Rd. Delray Beach FL. The second is an Airbnb website advertisement for 514 Enfield Rd. Delray Beach FL. However, one note to mention is that on page 3 of the Airbnb ad, Ms. Callaghan is listed as the co-host. The caption reads," works and resides in Delray".