



**CODE COMPLIANCE
SPECIAL MAGISTRATE HEARING**

Marathon Council Chambers
9805 Overseas Highway, Marathon
Thursday, April 15, 2021 at 2:00 P.M.

Minutes

A. CALL TO ORDER

The Code Compliance Special Magistrate Hearing of April 15, 2021 was called to Order by Special Magistrate, James (Jack) Bridges at 2:00 P.M., at the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida.

Staff Present:

City Attorney Steven Williams
Code Compliance Officer Erin Dafoe
Code Administrative Asst. Maria Thorley

Members of the public present.

B. PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was recited.

C. ADDITIONS/DELETIONS/CORRECTIONS/ANNOUNCEMENTS

- The following case was withdrawn: 4. C-21-1 (C2021-0001)

D. APPROVAL OF MINUTES

- Special Magistrate Bridges approved the minutes of March 18, 2021, hearing.

E. SWEARING IN OF WITNESSES TO TESTIFY

- Special Magistrate Bridges called for witnesses to be sworn in and administered the Oath.

F. NOTICES

- Notices were read into the record.
- There were no Ex-Parte Communications.

G. CASES FOR PUBLIC HEARING:

CODE OFFICER, ERIN DAFOE

3. C-20-175 (C2020-0178) (New Case)

Cesar Sandoval
237 24th Street, Marathon FL 33050 (RE#00320980-000000)

Based on the evidence presented at the hearing, the Respondent(s) has violated §6-52 (a) (1) b. of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s).

An initial inspection by Code Officer Erin Dafoe on July 8, 2020, of the subject property confirmed an outside structure built without a permit, including electrical and sewer tampering installation.

Exhibits A through D were entered and accepted into evidence by Special Magistrate Bridges.

The Respondent(s) was present at the hearing, was sworn in, was properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak. He admitted to the said violation.

RECOMMENDATION(S): The Special Magistrate heard the testimony, and a Findings of Fact, Conclusion of Law and Order was entered finding the property in violation of the stated code and Ordered Respondent(s) to apply for and obtain an after-the-fact building permit for the construction of an outside structure with Florida licensed engineer inspections to make the structure safe for its intended use, including any mechanical, electrical and plumbing and permits closed out, within ninety (90) days starting from the date of April 16, 2021; Respondent(s) shall pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days starting from the date of April 16, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, July 15, 2021, Respondent(s) shall pay a fine in the amount of One Hundred Dollars (\$100.00) per day, which shall accrue for each day the violation(s) continues to exist past the compliance date set forth herein. This fine is calculated by taking into consideration: the gravity of the violation; the steps taken by the Respondent to correct the violation; and any previous violations, pursuant to Chapter 162.09 (2) (b) (1) - (3), F.S.

CODE OFFICER, ERIN DAFOE

2. C20-1992 (C2019-0093) (New Case)

Eduardo Rodriguez, Omelio Rodriguez, Astrid Rodriguez, Catherine Rodriguez
107 Patricia Ln, Marathon, FL (RE#00331061-005500)

Based on the evidence presented at the hearing, the Respondent(s) has violated §6-52 (a) (1) b. and Section 107.07 C of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s).

Initial inspection of the property on April 30, 2019 by Building Department inspector, revealed a single-family residence converted to a duplex without permits or building allocation.

Exhibits A through D were entered and accepted into evidence by Special Magistrate Bridges.

Special Magistrate questioned why the Building Inspector was not at the hearing to testify regarding the alleged violation.

The Respondent(s) was present at the hearing, was sworn in, was properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak. Mr. Rodriguez denied the alleged violation and stated the property was not converted into a duplex.

Mr. Rodriguez explained that when the building inspector came to inspect the property for the replacement of doors and windows, he noticed the back-to-back kitchen with two stoves. He asked the inspector, to show him what needed to be done to correct the issue. Mr. Rodriguez then received a visit from the Planning Department, who explained that he cannot have two stoves in a single-family home and needed to be removed, which he did. Mr. Rodriguez stated, he wants to work with the City to show that the property was not converted into a duplex.

A hearing break was taken, to try and reach an agreement between the City and the Respondent regarding the alleged violation.

RECOMMENDATION(S): The City voluntarily moved to continue this case matter for one month; to have Code Compliance Officer Erin Dafoe, inspect the premises and ascertain that the stove has been removed, and upon no evidence of a downstairs living, the City will proceed to dismiss the case action against the Respondent.

CODE OFFICER, ERIN DAFOE

1. C-19-10 (C2019-0009) (New Case)

Lyle and Kiya Tabb
11176 4th Ave, Marathon, FL (RE# 00344270-000000)

Based on the evidence presented at the hearing, the Respondent(s) has violated §6-52 (a) (1) b. of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s).

Research of City records of the subject property on January 5, 2019, confirmed the property was posted unsafe by Building Inspectors after Hurricane Irma, and the only permits obtained were for the roof. An investigation of online advertising revealed interior/exterior remodeling without the benefit of permits.

Exhibits A through E were entered and accepted into evidence by Special Magistrate Bridges.

The Respondent(s) was not present at the hearing but was properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak.

RECOMMENDATION(S): Respondent(s) shall apply for and obtain an after-the-fact building permit for interior/exterior remodeling, including any mechanical, electrical, structural and plumbing within sixty (60) days starting from the date of April 16, 2021; Respondent(s) shall pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days starting from the date of April 16, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, June 15, 2021, Respondent(s) shall pay a fine in the amount of One Hundred Dollars (\$100.00) per day, which shall accrue for each day the violation(s) continues to exist past the compliance date set forth herein. This fine is calculated by taking into consideration: the gravity of the violation; the steps taken by the Respondent to correct the violation; and any previous violations, pursuant to Chapter 162.09 (2) (b) (1) - (3), F.S.

H. OLD BUSINESS - None

I. NEW BUSINESS - None

J. DISCUSSION ITEMS - None

K. ADJOURNMENT - With no further business to come before the Special Magistrate, the meeting was adjourned at 2:38P.M.

The above represents a summary of the Code Compliance Hearing held April 15, 2021. This is not a verbatim record. A recorded disc is available upon request.

These minutes were reviewed and approved by James (Jack) Bridges, Special Magistrate.



James (Jack) Bridges, Special Magistrate

05/20/2021
Date