



**CITY OF MARATHON
SPECIAL MAGISTRATE HEARING
AGENDA**

Marathon Council Chambers
9805 Overseas Highway, Marathon
Thursday, October 19, 2023 at 2:00 P.M.

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ADDITIONS/DELETIONS/CORRECTIONS**

NOTICES: THIS MEETING IS OPEN TO THE PUBLIC. PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE OR CODE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, THAT PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, SUCH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PURSUANT TO FLORIDA STATUTE SECTION 162.07, IF THE CITY PREVAILS IN PROSECUTING A CASE BEFORE THE SPECIAL MAGISTRATE OR CODE BOARD, THE CITY SHALL BE ENTITLED TO RECOVER ALL COSTS INCURRED IN PROSECUTING THE CASE BEFORE THE SPECIAL MAGISTRATE OR CODE BOARD AND SUCH COSTS MAY BE INCLUDED IN THE LIEN AUTHORIZED UNDER SECTION 162.09(3), FLORIDA STATUTE.

- D. SWEARING IN OF WITNESSES TO TESTIFY**
- E. CASES FOR PUBLIC HEARING:**

CODE OFFICER DARLENE POINTER:

- 1. Case No: **C-23-220 (CONTINUED FROM LAST HEARING: 9/21/23)**
 - Respondent(s): Michael and Maria Henry
 - Location: 57967 Morton Street, Grassy Key (Parcel ID: 00374840-000000)
 - Violation(s): Advertising and renting over occupancy and for less than (7) nights.
 - Code Section(s): Section 8-12 (a) (1) "License Required"
Section 8-14 (10) (a) "General Provisions"

CODE OFFICER DARLENE POINTER:

2. Case No: **C-23-232 (CONTINUED FROM LAST HEARING: 9/21/23)**
Respondent(s): Scott and Christine Miller (**OWNERS**)
Aqua Artisans LLC c/o David Jungclaus (**CONTRACTOR**)
Location: 15 Ocean East, Marathon (Parcel ID: 00104670-001500)
Violation(s): Multiple
Code Section(s): Section 6-59 "Revocation of Building Permit"
Section 6-52 "Building or Site Preparation Permits Required; Exceptions"
Section 34-134 "Stormwater Discharges from Industrial, Commercial and Construction Activities"
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CODE OFFICER DARLENE POINTER:

3. Case No: **C-23-236 (CONTINUED FROM LAST HEARING: 9/21/23)**
Respondent(s): Breezy Resort LLC c/o Law Offices of Svetlana Z. Nemeroff
Location: 270 83rd Street, Ocean, Marathon (Parcel ID: 00347560-000000)
Violation(s): Advertising and renting without a valid Vacation Rental License for less than (7) nights.
Code Section(s): Section 8-12 (a) (1) "License Required"
Section 8-14 (16) "General Provisions"
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CODE OFFICER DARLENE POINTER:

4. Case No: **C-23-328 (CONTINUED FROM LAST HEARING: 9/21/23)**
(Previous Case C-20-127 / C2020-0130)
Respondent(s): Elias Legra Jr
Location: 939 15th Street, Marathon (Parcel ID: 00104180-001080)
Violation(s): Advertising and renting without a valid Vacation Rental License for less than (7) nights.
Code Section(s): Section 8-12 (a) (1) "License Required"
Section 8-14 (16) "General Provisions"
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CODE OFFICER DARLENE POINTER:

5. Case No: **C-23-357**
Respondent(s): New Wonderful Paradise Properties Corp c/o Eliux Velazquez
Location: 513 Avenida Primiceria, Marathon (Parcel ID: 00353220-000000)
Violation(s): Advertising and renting over occupancy without a valid Vacation Rental License for less than (7) nights.
Code Section(s): Section 8-12 (a) (1) "License Required"
Section 8-14 (10) (a); (16) "General Provisions"

CODE OFFICER DARLENE POINTER:

6. Case No: **C-23-366**
Respondent(s): Peter and Lindsay Castro
Location: 133 Coco Plum Dr 2, Marathon (Parcel ID: 00366290-000200)
Violation(s): Advertising and renting without a valid Vacation Rental License for less than (7) nights.
Code Section(s): Section 8-12 (a) (1) "License Required"
Section 8-14 (16) "General Provisions"
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CODE OFFICER DARLENE POINTER:

7. Case No: **C-23-370 (CITATION 5158)**
Respondent(s): Jorge Luis Diaz and Jessica Fernandez Diaz
Location: 243 Sombrero Beach Rd 1, Marathon (Parcel ID: 00327000-002200)
Violation(s): Advertising and renting with a valid Vacation Rental License for less than (7) nights and having yard trash on the City's right-of-way earlier than trash pick-up day.
Code Section(s): Section 8-12 (a) (1) "License Required"
Section 8-14 (16) "General Provisions"
Section 8-17 (5) "Sign and Notification Requirements"
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CODE OFFICER MATT SALATA:

8. Case No: **C-23-164 (CONTINUED FROM LAST HEARING: 9/21/23)**
Respondent(s): R2TP Inc. Susan Corbin, Registered Agent
Location: 10875 Overseas Hwy, Marathon FL 33050 (Parcel ID: 00326380-000000)
Violation(s): A business known as **THE GREEN HOUSE** distributed a bulk mailer advertising "*Recreational Cannabis in Marathon.*"
Code Section(s): Section 18-125 (a) "Offenses Under State Law; Prohibited"
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CODE OFFICER MATT SALATA:

9. Case No: **C-23-270 (CONTINUED FROM LAST HEARING: 9/21/23)**
Respondent(s): Cocoplum Estates LLC c/o Wilgrens Torres Sr., Registered Agent
Location: 251 Pescayo Ave, Marathon FL (Parcel ID: 00363451-001600)
Violation(s): Dock work performed without a building permit. A Stop Work Order was posted on 8/7/23. Also, Mangrove removal without a permit.
Code Section(s): Section 6-52 (a) (1) b. "Building or Site Preparation Permits Required; Exceptions"
Section 36-88 "Mangrove Maintenance"
Section 106.08 "Permitting"
Section 106.09 "Relocation, Replacement and Mitigation Required"
Section 106.11 "Unauthorized Removal"
Section 36-88 "Mangrove Maintenance"

CODE OFFICER MATT SALATA:

10. Case No: C-23-297
Respondent(s): SHM Marathon LLC c/o Corporation Service Company, Registered Agent
Location: 1021 11th St Ocean, Marathon FL (Parcel ID: 00320130-000000)
Violation(s): Advertising and renting without a valid Vacation Rental License for less than (7) nights, which is prohibited. The property currently lists four (4) separate units for rent and had three (3) previous vacation licenses (VACA-21-47, VACA-21-48, VACA-20-1118) that expired January 31, 2022.
Code Section(s): Section 8-12 (a) (1) "License Required"
Section 8-14 (16) "General Provisions"

CODE OFFICER MATT SALATA:

11. Case No: C-23-371
Respondent(s): Yenisle Pazos, Anisley Pazos and Janier Garcia
Location: 11405 3rd Ave Ocean, Marathon FL (Parcel ID: 00345450-000000)
Violation(s): Advertising and renting without a valid Vacation Rental License for less than (7) nights.
Code Section(s): Section 8-12(a) (1) "Vacation License Required"
Section 8-14 (16) "Advertising without a Vacation License"

CODE OFFICER MATT SALATA:

12. Case No: C-23-353
Respondent(s): Destiny Complexity LLC c/o Daniela Proenza, Registered Agent
Location: 850 E 105th St Ocean, Marathon FL (Parcel ID: 0033030-000000)
Violation(s): Advertising and renting with a valid Vacation Rental License (VACA-23-144) for less than (7) nights.
Code Section(s): Section 8-12 (a) (1) "License Required"

CODE OFFICER MATT SALATA:

13. Case No: C-23- 354
Respondent(s): Michael Welch, Nancy Welch, Jay Baron and Allison Baron
Location: 231 Sombrero Beach Rd 2, Marathon FL (Parcel ID: 0032700-001601)
Violation(s): Advertising and renting under Vacation Rental License (VACA-20-791) for less than (7) nights.
Code Section(s): Section 8-12 (a) (1) "License Required"

CODE OFFICER MATT SALATA:

14. Case No: C-23-379
Respondent(s): Marisol Gonzalez
Location: 185-B 25th St, Marathon FL (Parcel ID: 0032117-000000)
Violation(s): Advertising and renting under Vacation Rental License (VACA-23-202) for less than (7) nights.
Code Section(s): Section 8-12 (a) (1) "License Required"

CODE OFFICER JOSE SOLER:

15. Case No: C-23-349
Respondent(s): Steven M Frahlich
Location: 2095 Dolphin Dr, Marathon, Fl (Parcel ID: 00330600-000000)
Violation(s): Advertising and renting with a valid Vacation Rental License for less than (7) nights.
Code Section(s): Section 8-12 (a) (1) "License Required"

CODE OFFICER JOSE SOLER:

16. Case No: C-23-363
Respondent(s): Cynthia D Raffio Revocable Living Trust c/o Cynthia D Raffio Trustee
Location: 58437 Morton St., Grassy Key (Parcel ID: 00375160-000000)
Violation(s): Advertising and renting over occupancy without a valid Vacation Rental License.
Code Section(s): Section 8-12 (a) (1) "License Required"
Section 8-14(10) - General Provisions
Section 8-14(16) - General Provisions

CODE OFFICER MATT SALATA:

17. Case No: C-23-325 WITHDRAWN BY COMPLIANCE
Respondent(s): Kevin Donato
Location: 737 24th St., Ocean, Marathon FL (Parcel ID: 00102170-000000)
Violation(s): Advertising and renting without a valid Vacation Rental License with a license (VACA-20-318) that expired in October 31, 2021.
Code Section(s): Section 8-12 (a) (1) "License Required"
Section 8-14 (16) "General Provisions"

CODE OFFICER MATT SALATA:

18. Case No: C-23-351 CONTINUED TO NEXT HEARING
Respondent(s): Benjamin J and Michelle A Ratzlaff
Location: 14 Man-O-War Dr, Marathon FL (Parcel ID: 00354790-000000)

Violation(s): Advertising and renting under Vacation Rental License (VACA-23-140) for less than (7) nights.

Code Section(s): Section 8-12 (a) (1) "License Required"

F. OTHER BUSINESS: The next hearing is scheduled for November 16, 2023 at 2:00PM.

G. ADJOURNMENT:

In accordance with the Americans with Disabilities Act (ADA) and Section 286.26, Florida Statutes, persons with disabilities requiring special accommodations or assistance in order to participate in this proceeding, shall notify the City ADA Coordinator at (305) 289-5022 of such need at least 72 hours in advance.