



**CODE COMPLIANCE
SPECIAL MAGISTRATE HEARING**

Marathon Council Chambers
9805 Overseas Highway, Marathon
Thursday, January 21, 2021 at 2:00 P.M.

Minutes

A. CALL TO ORDER

The Code Compliance Special Magistrate Hearing of January 21, 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. ADDITIONS/DELETIONS/CORRECTIONS/ANNOUNCEMENTS

DELETIONS: The following case was continued: 2. C2020-0242

C. APPROVAL OF MINUTES

- Special Magistrate Bridges approved the minutes of December 17, 2020, hearing.

D. SWEARING IN OF WITNESSES TO TESTIFY

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

E. NOTICES

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

F. CASES FOR PUBLIC HEARING:

Code Officer, Erin Dafoe

3. C2020-0154 (New Case)

290 Woodworth Realty Corp, c/o Esteve Edlund
76 Coco Plum Dr, Coco Plum Key (RE#00363360-000000)

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, for exterior renovations (residing) and repairs without the benefit of a permit, including the small office trailer structure on the property.

An initial inspection conducted on July 2, 2020 of the subject property, revealed work being done (new siding) and repairs to a small office trailer structure without the benefit of a permit. On the same date a Stop Work Order was posted for said violation.

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

The Respondent 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. The Respondent admitted to the violation and is willing to work with the City to bring the property into compliance.

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) shall apply for and obtain after-the-fact building permit, including the small office trailer structure on the property within thirty (30) days starting from the date of January 22, 2021. The 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 January 22, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, February 21, 2021, Respondent(s) shall pay a fine in the amount of Two Hundred Dollars (\$250.00) 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

3. C2020-0271 (New Case)

Gary D Brown

124 Pirates Cove Dr, Marathon, FL (RE# 00333641-003200)

Based on the evidence presented at the hearing, the Respondent(s) has violated §6-52 (a) (1) b. and §6-91 (a), (c) 10, 11 of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s), by having an illegal downstairs enclosure without permits, that is being use for habitation and deemed unsafe for its intended use.

An investigation conducted on December 17, 2020 by the Sheriff's Office, provided photos of the downstairs enclosure, and revealed several separate bedrooms being rented out.

A review of records on December 21, 2020 of the subject property, confirmed that a permit was applied for and obtained to enclose the downstairs; however, it failed inspections and the permits expired. The entire downstairs was renovated and converted into multiple individual living quarters without permits which is below the design flood zone elevation.

Exhibits A through D 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.

Deputy Tyler Blanton of the Sheriff's Office testified concerning a downstairs enclosure that he came across while investigating a reported incident that occurred at the subject property, unrelated to the code violations.

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 the Respondent to apply for, obtain and complete all inspections relevant thereto; a demo permit for the downstairs enclosure within forty-five (45) days starting from the date of January 22, 2021. The Respondent(s) shall cease and desist all habitation on the property until such time as a demo permit has been applied for and all inspections passed by Planning, Building and Code. These violations are hereby

declared a serious threat to public health, safety, and welfare; thereby, authorizing the Building Official to make necessary corrections to bring the property into compliance. The 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 January 22, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, March 8, 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

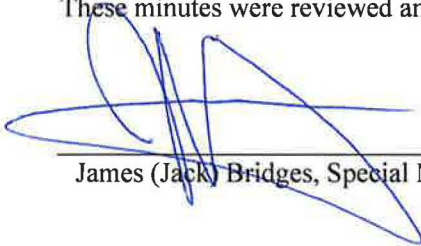
I. NEW BUSINESS - None

J. DISCUSSION ITEMS - None

K. ADJOURNMENT - With no further business to come before the Special Magistrate, the meeting was adjourned at 2:30P.M.

The above represents a summary of the Code Compliance Hearing held January 21, 2020. 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

034/15/21

Date
(second copy)