



**CODE COMPLIANCE
SPECIAL MAGISTRATE HEARING**

Marathon Council Chambers
9805 Overseas Highway, Marathon
Thursday, February 18, 2021 at 2:00 P.M.

Minutes

A. CALL TO ORDER

The Code Compliance Special Magistrate Hearing of February 18, 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 Vacation Rental Officer Jessica Young

Members of the public present.

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

C. ADDITIONS/DELETIONS/CORRECTIONS/ANNOUNCEMENTS

- The following cases were continued:
 1. C2020-0242
 2. C2018-0471

D. APPROVAL OF MINUTES

- Special Magistrate Bridges approved the minutes of January 21, 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

5. C2020-0245 (New Case)

Keys Dragon Marathon LLC, Deng, Long c/o Bishop, Rosasco & Co.
2113 Overseas Hwy., Marathon, FL 33050 (RE#00102440-000000)

Based on the evidence presented at the hearing, the Respondent(s) has violated §103.14, §22-24 and §22-20 of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent, by having multiple Recreational Vehicles (RV's), high grass/weeds and accumulation of rubbish/debris/trailers/construction materials.

An initial inspection of the property on October 9, 2020 was performed by Code Compliance Officer Erin Dafoe and revealed multiple Recreational Vehicles (RV's) and trailers in yard. A reinspection on October 13, 2020 from the front entrance gate to property revealed garbage dumped, including old furniture and trucks/vehicles, and overgrown with high grass.

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.

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 remove and properly dispose of all accumulated yard waste, debris, and noxious materials; to mow/trim the property and maintain as required; discontinue the use of the Recreational Vehicles (RV's) for habitation and remove from property within thirty (30) days starting from the date of February 19, 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 February 19, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, March 21, 2021 Respondent(s) shall pay a fine in the amount of Twenty-Five Dollars (\$25.00) per day, for each of the three violations, which shall accrue for each day the violations continue 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. **C2020-0187 (New Case)**
Bohuslava Persl
58744 Overseas Hwy, Marathon FL 33050 (RE# 00100090-000100)

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), by installing a new roof without the benefit of a permit.

An initial inspection by Code Officer Erin Dafoe on July 23, 2020, could not be performed due to a "No Trespassing" sign on the property; therefore, the repairs done to the roof could not be investigated; however, on July 23, 2020 the Planning Department provided aerial photos from September 14, 2017 that showed a damaged/multi-colored roof, which was compared to the Property Appraiser's 2020 Google Earth aerials showing the installation of a new metal roof.

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.

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, and obtain an after-the-fact building permit for the installation of a new roof within thirty (30) days starting from the date of February 19, 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 February 19, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, March 21, 2021, Respondent(s) shall pay a fine in the amount of Fifty Dollars (\$50.00) 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

4. C2020-0188 (New Case)

Bohuslava Persl

58744 Overseas Hwy., Grassy Key, FL 33050 (RE# 00100090-000000)

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), by installing a new roof without the benefit of a permit.

An initial inspection by Code Officer Erin Dafoe on July 23, 2020, could not be performed due to a "No Trespassing" sign on the property; therefore, the repairs done to the roof could not be investigated; however, on July 23, 2020 the Planning Department provided aerial photos from September 14, 2017 that showed a damaged/multi-colored roof, which was compared to the Property Appraiser's 2020 Google Earth aerials showing the installation of a new metal roof.

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.

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 and obtain an after-the-fact building permit for the installation of a new roof within thirty (30) days starting from the date of February 19, 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 February 19, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, March 21, 2021, Respondent(s) shall pay a fine in the amount of Fifty Dollars (\$50.00) 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

6. C2020-0202 (New Case)

Elias Legra Jr

939 15th St, Marathon FL 33050 (RE#00326920-000200)

Based on the evidence presented at the hearing, the Respondent(s) has violated §103.22 of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s), by having a Recreational Vehicle (RV) being used for habitation.

Initial inspection of the property August 19, 2020 found an RV being used for habitation and hooked up to utilities including sewer.

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.

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 shall discontinue use of the Recreational Vehicle (RV) for habitation, disconnect from utilities and relocate the Recreational Vehicle (RV) to a licensed Recreational Vehicle (RV) Park or to an approved area for storage, within thirty (30) days starting from the date of February 19, 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 February 19, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, March 21, 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 VACATION RENTAL OFFICER JESSICA YOUNG

7. C2020-0130 (New Case)

Elias Legra Jr
939 15th St, Marathon FL 33050 (RE#00326920-000200)

Based on the evidence presented at the hearing, the Respondent(s) has violated §8-12 (a) (1) and §8-14 (16) of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s), by having a Recreational Vehicle (RV) being used for habitation.

Online research conducted by Vacation Rental Code Officer Jessica Young on June 12, 2020, revealed the property being advertised on Airbnb without a Vacation Rental License, and as result of such action Citation No. 3418 was issued for said violation; however, payment of \$400 was received on July 30, 2020.

Online research on October 20, 2020 showed the property still being advertised on Airbnb with no active Vacation Rental License. Respondent(s) submitted an incomplete Vacation Rental application and made no effort to resolve the problem; therefore, a second Citation No. 3076 was issued for the repeat violation, which remains unpaid.

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.

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 shall cease and desist all advertisement and rental of the Property as a Vacation Rental immediately, until a Vacation Rental license has been issued; Respondent(s) shall pay Citation No. 3076 fee in the amount of Five Hundred Dollars (\$500.00) within fourteen (14) days starting from the date of February 19, 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 February 19, 2021; 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

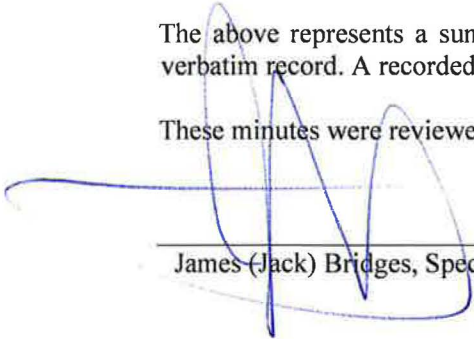
I. NEW BUSINESS - None

J. DISCUSSION ITEMS - None

K. ADJOURNMENT - With no further business to come before the Special Magistrate, the meeting was adjourned at 2:43P.M.

The above represents a summary of the Code Compliance Hearing held February 18, 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



Date