



Islamorada, Village of Islands

Code Compliance Hearing

May 14, 2024 - 2:00 PM

Village Administrative Center & Public Safety Headquarters
Third Floor Conference Room
86800 Overseas Highway
Islamorada, FL 33036

AGENDA

I. NEW HEARINGS

- A. Islamorada Village Of Islands v. CGDOGWOODLLC CASE NO. CEBDGC20240000004

II. HEARINGS ON CASES FROM PREVIOUS AGENDA

- A. Islamorada, Village of Islands V. Mary L. Barley Family Trust 1/10/1996
- CEBDGC20230000134

III. HEARINGS ON AFFIDAVITS OF NON-COMPLIANCE

IV. HEARINGS ON AFFIDAVITS OF COMPLIANCE

V. REQUESTS FOR FURTHER ACTION

VI. AFFIDAVITS OF DEFAULT



CODE COMPLIANCE HEARING

Hearing Date: May 14, 2024

Case Number: Islamorada Village Of Islands v. CGDOGWOODLLC CASE NO. CEBDGC20240000004

Property Information:

NEW CASE

Property Owner: CGDOGWOOD LLC

Parcel ID 00412710-000000

88509 Overseas Hwy Islamorada, FL 33036

Case Background:

Violation:

Section 6-61 (a) of the Village Code entitled "Work requiring a building permit"

Corrective Action: the unpermitted addition to the rear of the building must be removed.

On January, 10 2024, Code Officer Gerardo Gonzalez placed a stop work order at the property for an addition built on the rear of the building without a permit.

On January 29, 2024, Officer Gonzalez conducted a reinspection of the property and the violation had not been corrected. A Notice of Violation was sent by certified mail the same day.

On March 11, 2024, the store manager, Daniel Michael, met at Village Hall with me, the Chief Building Official and the Planning Director. At the meeting it was explained that the unpermitted structure had to be removed within 14 days.

On April 15, 2024, I conducted a reinspection, and the property was still in violation.

Notice of Hearing and Posting Notice was hand-delivered to store manager Daniel Michael on April 25, 2024, and the Affidavit of Posting was completed the same day.

Pre-Hearing inspection was completed on May 6, 2024, and the property was still in violation.

Exhibits:

1. Dixie Aluminum Hearing File



Islamorada, Village of Islands Special Magistrate Hearing

New Case

Tuesday, May 14, 2024

- Case No. **CEBDGC20240000004**
- Property Owner: CGDOGWOOD LLC
- Parcel ID 00412710-000000, 88509 Overseas Hwy Islamorada, FL 33036
- **Violations:**
Section 6-61(a) of the Village Code entitled "Work requiring building permit".

Corrective Action: unpermitted addition to the rear of the building must be removed.

On January 10, 2024, Code Officer Gerardo Gonzalez placed a stop work order at the property for an addition built on the rear of the building without a permit.

On January 29, 2024, Officer Gonzalez conducted a reinspection of the property and the violation had not been corrected. A Notice of Violation was sent certified mail the same day.

On March 11, 2024, the store manager Daniel Michael met at Village Hall with me, the Chief Building Official and the Director of Planning. At the meeting it was explained that the unpermitted addition had to be removed within 14 days.

On April 15, 2024, I conducted a reinspection, and the property was still in violation.

Notice of Hearing and Posting Notice was hand delivered to store manager Daniel Michael on April 25, 2024, and Affidavit of Posting was completed the same day.

Pre-Hearing inspection was completed on May 6, 2024, violation was still outstanding.



ISLAMORADA, VILLAGE OF ISLANDS CODE COMPLIANCE

ISLAMORADA, VILLAGE OF ISLANDS
Petitioner,
v.
CGDOGWOOD LLC
Respondent.

CASE NO.: CEBDGC20240000004

NOTICE OF HEARING

To: CGDOGWOOD LLC

Re: Violations of the Village Code at

Property Location:	88509 OVERSEAS HWY, ISLAMORADA, FLORIDA 33036
Subdivision:	
Legal Description:	BK 1 LTS 5-6-7 PLANTATION BEACH PB2-76 G74-564 OR554-679 OR1105-1735 OR1127-1106 OR1664-2365D/C OR1670-1761/63M/T OR2864-2417/19 OR2864-2420/22 OR2865-2355/56 OR2874-1805/07 OR2916-1888/89

Date and Factual Description of Violation(s):

On Wednesday, January 10, 2024 an unpermitted addition was documented on property.

Section 6-61(a) of the Village Code entitled "Work requiring building permit" which provides that permits are required as provided in the Florida Building Code, and for the following work: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The rear addition to the building is not permitted and was to be removed as stipulated by the Director of Planning and the Chief Building Official. As of April 25, 2024 it had not been removed.

You are hereby ordered to appear before the Village Code Compliance Hearing Officer ("Hearing Officer") for a public hearing to address the above violation(s) of the Village Code. This public hearing will be held **On Tuesday, May 14 at 2:00 PM at Islamorada, Village of Islands Village Hall, 86800 Overseas Highway, 3rd Floor Conference Room, Islamorada, Florida 33036**

In the event the Hearing Officer finds you in violation, the Hearing Officer may levy fines of up to \$250.00 per day for a first violation, up to \$500.00 per day for a repeat violation, or up to \$500.00 per violation for a Citation, against you and your Property for every day that any violation continues beyond the compliance date set in the Notice of Violation or Citation issued by the Code Compliance Officer. If the Hearing Officer finds that the violation is irreparable or irreversible in nature, the Hearing Officer may impose a fine of up to \$5,000.00. If the violation is corrected and then reoccurs, or if the violation is not corrected by the time specified for correction by the Code Compliance Officer, the case may be presented to the Hearing Officer even if the violation has been corrected prior to the hearing. You may also be liable for the costs of repairs and the reasonable administrative hearing costs in an amount no less than \$125.00, if found in violation of the Village Code. A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the Property and upon any other non-exempt real or personal property you own. The lien may result in a foreclosure of your property and a money judgment against you. **It is your responsibility to request a re-inspection of the Property and Village records, as applicable, to determine whether you complied with this notice of violation, by calling the Code Compliance Officer at (305) 664-6428.**

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you at this hearing. You will also have the opportunity to present witnesses as well as question the witnesses against you before the Hearing Officer makes a determination. If you wish to present exhibits at the hearing, please bring four (4) copies of each exhibit. Failure to attend the hearing or a finding of a violation may result in a civil penalty and administrative hearing costs assessed against you.

Requests for continuances will not be considered if not received by the Hearing Officer at least ten (10) calendar days before the date set for the hearing.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Hearing Officer, with respect to any matter considered at such hearing or meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the ADA Coordinator at ADA@islamorada.fl.us or by phone at (305) 664-6448 at least five (5) days prior to the hearing.

PLEASE GOVERN YOURSELF ACCORDINGLY.



Paul Minning
Code Compliance Officer
86800 Overseas Highway
Islamorada, FL 33036
Telephone: (305) 664-6428
E-mail: paul.minning@islamorada.fl.us

Certificate of Service

I, Paul Minning, do hereby certify that a true and correct copy of the foregoing was hand delivered to Daniel Michal, Store Manager at CGDOGWOOD LLC, 88509 OVERSEAS HWY TAVERNIER, FL 33070, on April 25, 2024.



Paul Minning
Code Compliance Officer
86800 Overseas Highway
Islamorada, FL 33036
Telephone: (305) 664-6428
E-mail: paul.minning@islamorada.fl.us



ISLAMORADA, VILLAGE OF ISLANDS CODE COMPLIANCE

ISLAMORADA, VILLAGE OF ISLANDS
Petitioner,

CASE NO. CEBDGC20240000004

v.

CGDOGWOOD LLC
Respondent.

NOTICE OF VIOLATION

Date: January 29, 2024

To: CGDOGWOOD LLC

Re: Violations of the Village Code at

Property Location:	88509 OVERSEAS HWY, ISLAMORADA, FLORIDA 33036
Subdivision:	
Legal Description:	Legal Description Not Available

A review of the Monroe County tax roll indicates that you are the owner(s) of the above-referenced property (the "Property"). Pursuant to Article III, Chapter 2 of the Village Code, the purpose of this notice is to advise you that you are in violation of the Village Code(s).

Our investigation on January 10, 2024, found violations(s) of the following:

Section 6-61(a) of the Village Code entitled "Work requiring building permit" which provides that permits are required as provided in the Florida Building Code, and for the following work: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Corrective Measures Needed To Be In Compliance with Villages Code: Apply for and obtain an ATF permit for the addition done on property, pass inspection to close out case.

In order to avoid fines and/or a hearing these violations must be resolved by **February 12, 2024**

Failure to complete the corrective action listed above by the deadline for compliance may result in this matter being referred to the Village's Code Compliance Hearing Officer ("Hearing Officer") for a hearing. If a hearing has not already been scheduled for you, you may request such a hearing by filing a written request with the Village. If the violation is corrected and then recurs, or if the violation is not corrected by the time specified, the case may be presented to the Hearing Officer even if the violation has been corrected prior to the hearing. If the Hearing Officer determines the Property is in violation of the Village Code, a monetary fine of up to \$250.00 per day for a first violation and \$500.00 per day for a repeat violation may be assessed against you and the Property. If the Hearing Officer finds that the violation is irreparable or irreversible in nature, the Hearing Officer may impose a fine of up to \$5,000.00. You may also be liable for the cost of repairs. A certified copy of an order imposing a fine may be recorded in the public records and therefore shall constitute a lien against the Property and upon any other real or personal property owned by you. No hearing shall be necessary for the imposition of the lien. You may also be liable for the reasonable administrative hearing costs of \$125.00 if found in violation of the Village Code. **It is your responsibility to schedule a re-inspection of your property if you comply with this notice of violation. Please contact the Code Compliance Officer whose name appears below to request an inspection.**

If you have any questions concerning this matter, please call the Village at (305) 664-6434.

PLEASE GOVERN YOURSELF ACCORDINGLY.



Gerardo Gonzalez
Code Compliance Officer
86800 Overseas Highway
Islamorada, FL 33036
Telephone: (305) 664-6434
E-mail: gerardo.gonzalez@islamorada.fl.us

Certificate of Service

I, Gerardo Gonzalez, do hereby certify that a true and correct copy of the foregoing has been furnished via Certified Mail/US First Class Mail to: CGDOGWOOD LLC, 88509 OVERSEAS HWY TAVERNIER, FL 33070 and to LUPINO, JAMES S, ESQ. 90130 OLD HIGHWAY TAVERNIER, FL 33070 (return receipt number: 70222410000293764830 and 70222410000293764847), on January 29, 2024.



Gerardo Gonzalez
Code Compliance Officer
86800 Overseas Highway
Islamorada, FL 33036
Telephone: (305) 664-6434
E-mail: gerardo.gonzalez@islamorada.fl.us

Field Notes

Case Number: CEBDGC20240000004

Complete	Activity	Inspector	Field Notes
01/10/2024	Initial Inspection/Record Violations	Gerardo Gonzalez	
01/10/2024	Attach Images	Gerardo Gonzalez	
01/10/2024	Prepare Stop Work Order	Gerardo Gonzalez	
01/29/2024	Reinspection	Gerardo Gonzalez	
01/29/2024	Attach Images - Reinspection	Gerardo Gonzalez	
01/29/2024	Record Fine Offense Level - NOV	Gerardo Gonzalez	
01/29/2024	Record Compliance Date or Extension for NOV	Gerardo Gonzalez	
01/29/2024	Generate Notice of Violation/Record Delivery	Gerardo Gonzalez	
02/16/2024	Info Update	Paul Minning	A planning application is in the process. Jamie Terry told me that they are waiting on some signatures from the owner to move forward. I will move up my reinspection date. Paul Minning 2/16/24 8:00am.
03/11/2024	Info Update	Paul Minning	Met with property owner today. Planning Director and CBO. The unpermitted structure is in violation and needs to be removed within 14 days. Property owner is also required to submit a plan for any future use within 14 days. I will move up my reinspection date. Paul Minning 3/7/24.
04/15/2024	Reinspection	Paul Minning	Violations outstanding
04/15/2024	Attach Images - Reinspection	Paul Minning	Not required
04/15/2024	Prepare Information for Legal	Paul Minning	Completed
04/25/2024	Assign to Hearing/Record Hearing Date	Paul Minning	Completed

04/25/2024	Generate Notice of Hearing/Property Posting/Record Delivery	Paul Minning	Completed, Notice of Hearing and Posting notice hand delivered.
05/06/2024	Pre-Hearing Inspection	Paul Minning	Violations Outstanding



ISLAMORADA, VILLAGE OF ISLANDS CODE COMPLIANCE

ISLAMORADA, VILLAGE OF ISLANDS
Petitioner,

CASE NO. CEBDGC20240000004

v.

CGDOGWOOD LLC
Respondent.

AFFIDAVIT OF POSTING

I, Paul Minning, Code Compliance Officer for Islamorada, Village of Islands, Florida who, after being duly sworn, hereby deposes and says:

1. I am a Code Compliance Officer employed by Islamorada, Village of Islands, Florida.
2. On Thursday, April 25, 2024, I mailed a copy of the attached Notice of Hearing ("Notice") via regular mail. to CGDOGWOOD LLC 88509 OVERSEAS HWY TAVERNIER, FL 33070. A copy of the Notice is attached as Exhibit A.
3. On Thursday, April 25, 2024 I hand delivered a copy of the attached Notice and a Posting Notice to Daniel Michael (Store Manager) at 88509 OVERSEAS HWY, Plantation Key, Florida and a copy of said Notice and a Posting Notice (copy attached) at Village Hall located at 86800 Overseas Highway, Islamorada, Florida 33036.

FURTHER AFFIANT SAYETH NOT:
DATED THIS 26th day of April, 2024


Code Compliance Officer

STATE OF FLORIDA)
)SS
COUNTY OF MONROE

Sworn to (or affirmed) and subscribed before me this 26th day of April, 2024, by Paul Minning

Evelyn Marie Fraley
Notary Public - State of Florida



EVELYN MARIE FRALEY
Commission # HH 380282
Expires April 8, 2027

Evelyn Marie Fraley
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ☒ OR
Produced Identification _____
Type of Identification Produced _____



POSTING NOTICE

CODE COMPLIANCE

CEBDGC20240000004
CASE NUMBER

Thursday, April 25, 2024
DATE OF POSTING

THE PROPERTY IS IN VIOLATION OF THE CODE OF ISLAMORADA, VILLAGE OF ISLANDS. ATTEMPTS TO SERVE THE ATTACHED NOTICE BY CERTIFIED MAIL AND/OR HAND DELIVERY WERE MADE PRIOR TO OR CONCURRENTLY WITH THE POSTING OF THIS NOTICE. ACCORDINGLY (check one):

☐ THE DEADLINE FOR COMPLIANCE WITH THE ATTACHED WARNING OR CIVIL VIOLATION NOTICE IS:

February 12, 2024

☐ THIS CASE IS NOW SET FOR HEARING BEFORE THE CODE COMPLIANCE HEARING OFFICER, IN ACCORDANCE WITH THE ATTACHED NOTICE, ON:

May 14, 2024 at 2:00PM

DIXIE ALUM.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CG DOG wood LLC
88509 Overseas Hwy
Tavernier, FL 33070

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Leah Staver*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Leah Staver

C. Date of Delivery

2-1-24

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ NO

3. Service Type

☒ Certified Mail®

☐ Priority Mail Express™

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

7022 2410 0002 9376 4830

PS Form 3811, July 2013

Domestic Return Receipt

7022 2410 0002 9376 4830

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
\$ _____
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$ _____
☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postage
\$ _____
Total Postage and Fees
\$ _____



Sent To
C6DOG wood Llc
Street, Apt. No. or PO Box No.
88509 Overseas Hwy
City, State, ZIP+4®
Aventura, FL 33070
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Monroe County, FL

Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID 00412710-000000
 Account# 1506931
 Property ID 1506931
 Millage Group 50VI
 Location 88509 OVERSEAS Hwy, PLANTATION KEY
 Address
 Legal BK 1 LTS 5-6-7 PLANTATION BEACH PB2-76 G74-564 OR554-679 OR1105-1735
 Description OR1127-1106 OR1664-2365D/C OR1670-1761/63M/T OR2864-2417/19 OR2864-2420/22 OR2865-2355/56 OR2874-1805/07 OR2916-1888/89
 (Note: Not to be used on legal documents.)
 Neighborhood 10020
 Property RETAIL-BIG BOX-SMALL-<10K SF (1105)
 Class
 Subdivision PLANTATION BEACH
 Sec/Twp/Rng 07/63/38
 Affordable No
 Housing



Owner

CGDOGWOOD LLC
 88509 Overseas Hwy
 Tavernier FL 33070

Valuation

	2023 Certified Values	2022 Certified Values	2021 Certified Values	2020 Certified Values
+ Market Improvement Value	\$215,667	\$215,667	\$275,099	\$275,099
+ Market Misc Value	\$11,727	\$11,727	\$11,727	\$11,727
+ Market Land Value	\$862,785	\$470,610	\$470,610	\$470,610
= Just Market Value	\$1,090,179	\$698,004	\$757,436	\$757,436
= Total Assessed Value	\$767,804	\$698,004	\$738,151	\$671,047
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,090,179	\$698,004	\$757,436	\$757,436

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2022	\$470,610	\$215,667	\$11,727	\$698,004	\$698,004	\$0	\$698,004	\$0
2021	\$470,610	\$275,099	\$11,727	\$757,436	\$738,151	\$0	\$757,436	\$0
2020	\$470,610	\$275,099	\$11,727	\$757,436	\$671,047	\$0	\$757,436	\$0
2019	\$359,100	\$239,216	\$11,727	\$610,043	\$610,043	\$0	\$610,043	\$0
2018	\$409,500	\$215,641	\$9,207	\$634,348	\$634,348	\$0	\$634,348	\$0

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
(1100)	18,000.00	Square Foot	150	120



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company

CGDOGWOOD LLC

Filing Information

Document Number L18000126927

FEI/EIN Number N/A

Date Filed 05/21/2018

State FL

Status ACTIVE

Principal Address

88509 OVERSEAS HIGHWAY

TAVERNIER, FL 33070

Mailing Address

88539 o/s HIGHWAY

TAVERNIER, FL 33070

Registered Agent Name & Address

LUPINO, JAMES S, ESQ.

90130 OLD HIGHWAY

TAVERNIER, FL 33070

Authorized Person(s) Detail

Name & Address

Title AMBR

GRAY, CYNTHIA S

131 N. ROLLING HILL RD

TAVERNIER, FL 33070

Annual Reports

Report Year	Filed Date
2022	01/24/2022
2023	01/20/2023
2024	01/15/2024

Document Images

[01/15/2024 -- ANNUAL REPORT](#)

[View image in PDF format](#)

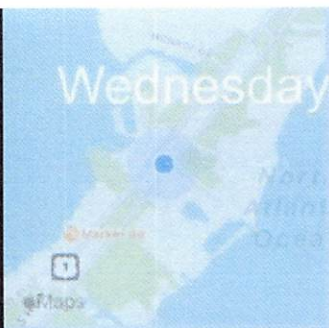
Wednesday, January 10, 2024 at 9:06 AM
88509 Overseas Hwy
Islamorada FL 33070
United States





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Islamorada FL 33070
United States

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Islamorada FL 33070
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88509 Overseas Hwy
Islamorada FL 33070
United States





CODE COMPLIANCE HEARING

Hearing Date: May 14, 2024

Case Number: Islamorada, Village of Islands V. Mary L. Barley Family Trust 1/10/1996 - CEBDGC20230000134

Property Information:

HEARING FROM PREVIOUS AGENDA

Property owner: Mary L. Barley Family Trust 1996

Parcel ID 00402260-000000

11 De Leon St, Islamorada FL 33036

Case Background:

Violations:

- 1- Section 6-61(a) of the Village Code entitled "Work requiring a building permit"
- 2- Section 50-24(a) of the Village Code entitled "permit required" which provides that a Village ROW permit shall be required for all landscaping, construction, or maintenance activity within the Village Right-Of-Way.

Corrective Action:

Obtain an after the fact right of way building permit for landscaping, pavers and propane tank located in the Village Right-of-way. Have all fees paid, inspections completed and close the permits to close the code case. Or, apply for a demolition permit to remove all unpermitted work and the propane tank in the Village right of way.

On November 14, 2023, the Hearing Officer for the Village held a public hearing and issued an order Imposing Civil Penalties Upon Default. The order was signed December 4, 2023. The order was recorded at Monroe County Clerk of the Court office on December 11, 2023.

Pursuant to the order, the violator was to comply by applying and obtaining after the fact permits or a demolition permit, request and pass inspections on or before 120 days from the date of the signed order. The ordered date of compliance was April 2, 2024.

No permit applications were submitted during the 120 days. On April 4, 2024, the respondent requested a Motion to extend the compliance date an additional 120 days from the compliance date of April 2, 2024, via e-mail on April 4, 2024.

Notice of Hearing sent April 26, 2024- Posting Notice and Affidavit of Posting completed the same day.

Daily fines of \$150.00 per day are accruing and the \$125.00 administrative fee has not been paid. As of May 14, 2024, the accrued fine is \$6,300.00.

Permit PRBLD202400363 for the pavers was applied for on April 11, 2024, and was issued on April 26, 2024. Permit PRFUE202400406 for the propane tank was applied for on April 22, 2024, and is in plan check.

Exhibits:

1. Barley Hearing File



ISLAMORADA, VILLAGE OF ISLANDS CODE COMPLIANCE

ISLAMORADA, VILLAGE OF ISLANDS
Petitioner,
v.
BARLEY MARY L FAMILY TRUST
1/10/1996
Respondent.

CASE NO.: CEBDGC20230000134

NOTICE OF HEARING

To: BARLEY MARY L FAMILY TRUST 1/10/1996

Re: Violations of the Village Code at

Property Location:	11 DE LEON ST, ISLAMORADA, FLORIDA 33036
Subdivision:	
Legal Description:	ISLAMORADA PB1-48 UPPER MATECUMBE PT LOT 14 & ADJ BAY BOTTOM OR356-516(II DEED 24086) OR593-529 OR844-2445/46 OR1252-589/90 OR1559-688/89EST OR1728-2257/85M/T OR2042-319/22 OR2172-109/11

Date and Factual Description of Violation(s):

On Thursday, March 16, 2023, an unpermitted propane tank, pavers and landscaping constructed and installed on Village ROW was documented at this location.

Section 50-24(a) of the Village Code entitled "Permit required" which provides that a Village rights-of-way permit shall be required for all landscaping, construction, or maintenance activity within the Village rights-of-way unless the person performing the work is exempt from obtaining Village rights-of-way permit by state statute or this article. This includes, but is not limited to, any activity involving trenching, repair, or installation of overhead wires, constructing, installing, or maintaining of any structure, driveway connections, culvert, or pavement, or placement of any sign or object; any tree or brush trimming activity; or the installation of landscaping features in the Village rights-of-way. The holder of a permit required by this section shall not open or cut any roadway in the Village, unless it can be demonstrated to the Village that directional bore installation is not available. The Village may require the applicant to indemnify the Village for any activity or placement of facilities in the Village rights-of-way, provide for off-street dirt storage, prohibit street cuts during certain times, determine the size and length of any pavement cut, and prohibit cuts on new pavement. A permit from the State Department of Transportation may be required for the construction of accessways to, or construction within, the rights-of-way of any part of the state highway system as defined in F.S. § 334.03.

Section 6-61(a) of the Village Code entitled "Work requiring building permit" which provides that permits are required as provided in the Florida Building Code, and for the following work: pursuant to Florida Building Code Section 105 which provides that any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit

You are hereby ordered to appear before the Village Code Compliance Hearing Officer ("Hearing Officer") for a public hearing to address the requested Motion To Extend Compliance Date of the original order.

This public hearing will be held Tuesday, May 14th, 2024, at 2:00 PM at Islamorada, Village of Islands Village Hall, 86800 Overseas Highway, 3rd Floor Conference Room, Islamorada, Florida 33036

In the event the Hearing Officer finds you in violation, the Hearing Officer may levy fines of up to \$250.00 per day for a first violation, up to \$500.00 per day for a repeat violation, or up to \$500.00 per violation for a Citation, against you and your Property for every day that any violation continues beyond the compliance date set in the Notice of Violation or Citation issued by the Code Compliance Officer. If the Hearing Officer finds that the violation is irreparable or irreversible in nature, the Hearing Officer may impose a fine of up to \$5,000.00. If the violation is corrected and then reoccurs, or if the violation is not corrected by the time specified for correction by the Code Compliance Officer, the case may be presented to the Hearing Officer even if the violation has been corrected prior to the hearing. You may also be liable for the costs of repairs and the reasonable administrative hearing costs in an amount no less than \$125.00, if found in violation of the Village Code. A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the Property and upon any other non-exempt real or personal property you own. The lien may result in a foreclosure of your property and a money judgment against you. **It is your responsibility to request a re-inspection of the Property and Village records, as applicable, to determine whether you complied with this notice of violation, by calling the Code Compliance Officer at (305) 664-6428.**

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you at this hearing. You will also have the opportunity to present witnesses as well as question the witnesses against you before the Hearing Officer makes a determination. If you wish to present exhibits at the hearing, please bring four (4) copies of each exhibit. Failure to attend the hearing or a finding of a violation may result in a civil penalty and administrative hearing costs assessed against you.

Requests for continuances will not be considered if not received by the Hearing Officer at least ten (10) calendar days before the date set for the hearing.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Hearing Officer, with respect to any matter considered at such hearing or meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

Certificate of Service

I, Paul Minning, do hereby certify that a true and correct copy of the foregoing has been furnished via to: BARLEY MARY L FAMILY TRUST 1/10/1996, PO BOX 1915 ISLAMORADA, FL 33036 (return receipt number: 95890710527013273727), on April 22, 2024.

A handwritten signature in black ink, appearing to read 'Paul Minning', with a stylized flourish at the end.

Paul Minning
Senior Code Compliance Officer
86800 Overseas Highway
Islamorada, FL 33036
Telephone: (305) 664-6428
E-mail: paul.minning@islamorada.fl.us

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the ADA Coordinator at ADA@islamorada.fl.us or by phone at (305) 664-6448 at least five (5) days prior to the hearing.

PLEASE GOVERN YOURSELF ACCORDINGLY.

A handwritten signature in black ink, appearing to read 'Paul Minning', with a stylized flourish at the end.

Paul Minning
Senior Code Compliance Officer
86800 Overseas Highway
Islamorada, FL 33036
Telephone: (305) 664-6428
E-mail: paul.minning@islamorada.fl.us



ISLAMORADA, VILLAGE OF ISLANDS CODE COMPLIANCE

ISLAMORADA, VILLAGE OF ISLANDS
Petitioner,

CASE NO. CEBDGC20230000134

v.

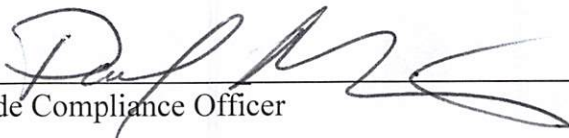
BARLEY MARY L FAMILY TRUST 1/10/1996
Respondent.

AFFIDAVIT OF POSTING

I, Paul Minning, Code Compliance Officer for Islamorada, Village of Islands, Florida who, after being duly sworn, hereby deposes and says:

1. I am a Code Compliance Officer employed by Islamorada, Village of Islands, Florida.
2. On Monday April 22, 2024, I mailed a copy of the attached Notice of Hearing ("Notice") via certified mail, return receipt requested (958907105270132737257) to BARLEY MARY L FAMILY TRUST 1/10/1996 PO BOX 1915 ISLAMORADA, FL 33036. A copy of the Notice is attached as Exhibit A.
3. On Friday, April 26, 2024, I posted a copy of the attached Notice and a Posting Notice on the following described property located at 11 DE LEON ST, Upper Matecumbe Key, Florida and a copy of said Notice and a Posting Notice (copy attached) at Village Hall located at 86800 Overseas Highway, Islamorada, Florida 33036. These two Notices and photographs of them are attached as Exhibit B.

FURTHER AFFIANT SAYETH NOT:
DATED THIS 26th day of April, 2024



Code Compliance Officer

STATE OF FLORIDA)
)SS
COUNTY OF MONROE

Sworn to (or affirmed) and subscribed before me this 26th day of April 2024, by Paul Manning

Evelyn Marie Fraley

Notary Public - State of Florida

Evelyn Marie Fraley

(Print, Type, or Stamp Commissioned Name of Notary Public)



EVELYN MARIE FRALEY
Commission # HH 380282
Expires April 8, 2027

Personally Known ☒ OR
Produced Identification _____
Type of Identification Produced _____



POSTING NOTICE

CODE COMPLIANCE

CEBDGC20230000134
CASE NUMBER

Friday, April 26, 2024
DATE OF POSTING

THE PROPERTY IS IN VIOLATION OF THE CODE OF ISLAMORADA, VILLAGE OF ISLANDS. ATTEMPTS TO SERVE THE ATTACHED NOTICE BY CERTIFIED MAIL AND/OR HAND DELIVERY WERE MADE PRIOR TO OR CONCURRENTLY WITH THE POSTING OF THIS NOTICE. ACCORDINGLY (check one):

☐ THE DEADLINE FOR COMPLIANCE WITH THE ATTACHED WARNING OR CIVIL VIOLATION NOTICE IS:

☒ THIS CASE IS NOW SET FOR HEARING BEFORE THE CODE COMPLIANCE HEARING OFFICER, IN ACCORDANCE WITH THE ATTACHED NOTICE, ON:

May 14, 2024 | at 2:00PM

YOU MAY CALL THE CODE COMPLIANCE DEPARTMENT AT (305) 664-6428



Avacado st

POSTING NOTICE

Apr 26, 2024 8:14:24 AM
11 De Leon Avenue
Islamorada, Monroe County 33036
United States

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARY BARLEY
P.O. BOX 1915
ISLAMORADA, FL 33036

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

M. Barley

C. Date of Delivery

4-29-24

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail®

☐ Priority Mail Express™

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

9589 0710 5270 1327 3727 85

PS Form 3811, July 2013

Domestic Return Receipt

9589 0710 5270 1327 3727 85

U.S. Postal Service™ CERTIFIED MAIL RECEIPT Domestic Mail Only 868000	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee \$ _____	
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$ _____	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
Total Postage and Fees \$ _____	
Sent To MARY BARLEY Street and Apt. No., or PO Box No. P.O. Box 1915 City, State, ZIP+4® ISLAMORADA, FL 33036	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

This instrument prepared by and after recording return to:
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, Florida 33036
Attn: Code Compliance Officer

Doc # 2443305 Blk# 3254 Pg# 47
Recorded 12/11/2023 3:26 PM Page 1 of 2

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

**ISLAMORADA VILLAGE OF ISLANDS, FLORIDA
CODE COMPLIANCE HEARING OFFICER**

ISLAMORADA, VILLAGE OF ISLANDS

Case No. CEBDGC20230000134

Petitioner,

v.

MARY L BARLEY FAMILY TRUST 1/10/1996

Respondent.

ORDER IMPOSING CIVIL PENALTIES UPON DEFAULT

This matter came before the Islamorada, Village of Islands ("Village") Code Compliance Hearing Officer ("Hearing Officer") on November 14, 2023. Having heard testimony and based on the evidence presented, the Hearing Officer enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The subject property is located at 11 De Leon St, Islamorada, FL 33036 ("Property") having Monroe County Property Appraiser's Real Estate Parcel ID number 00402260-000000 and Alternate Key Number 1494615 and legally described as:

ISLAMORADA PB1-48 UPPER MATECUMBE PT LOT 14
& ADJ BAY BOTTOM OR356-516(II DEED 24086) OR593-529
OR844-2445/46 OR1252-589/90 OR1559-688/89EST OR1728-
2257/85M/T OR2042-319/22 OR2172-109/11 (the "Property").

2. MARY L BARLEY FAMILY TRUST 1/10/1996 ("Violator") is the owner of the Property, as defined herein, and is responsible for the violations on the Property that is the subject of this code compliance action.
3. The Hearing Officer affirms the decision of the Code Compliance Officer and finds the Violator to be in violation of Section 6-61(a) of the Village Code entitled "Work requiring building permit" and Section 50-24(a) of the Village Code entitled "Permit required" of the Village Code.

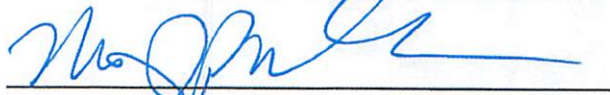
ORDER

It is hereby ORDERED, that:

4. The Violator shall comply with code Section 6-61(a) and Section 50-24(a) as referred to in paragraph 3 of this order by applying for and obtaining an after-the-fact building permit or a demolition permit, requesting and passing inspections, on or before one hundred twenty (120) days from the date of this signed Order.
5. The Violator shall pay an administrative fee of \$125.00 within one hundred twenty (120) days from the date of this signed Order.
6. If the Violator fail to timely correct the violations by the dates specified in this Order, the Violator shall pay a fine of \$150.00 per day until the Violator corrects the violations.
7. **It is the responsibility of the Violator to arrange for a re-inspection of the Property and Village records, as applicable, to determine compliance with this Order.**
8. A certified copy of this order may be recorded in the Public Records of Monroe County, Florida, and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the Violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. If the Violator does not bring the violations into compliance with this Order within the time specified, the Hearing Officer may enter an Order Imposing Fine. A certified copy of an Order Imposing Fine may be recorded in the Public Records of Monroe County, Florida, and once recorded shall constitute a lien against the property upon which the violation exists and upon any other real or personal property owned by the Violator.

DONE AND ORDERED at Islamorada, Village of Islands, Monroe County, Florida, on this 14th day of November 2023.

CODE COMPLIANCE HEARING OFFICER
FOR ISLAMORADA, VILLAGE OF ISLANDS



Michael Pawelczyk

Order Signed: Dec. 4, 2023

PURSUANT TO SECTION 2-121 OF THE VILLAGE CODE, AN APPEAL OF THIS ORDER MAY BE FILED IN THE CIRCUIT COURT IN MONROE COUNTY, FLORIDA, WITHIN THIRTY DAYS OF THE FILING OF THIS ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of this order was filed with the Monroe County Clerk of Court on this 11th day of DECEMBER, 2023 and that, on the same date, a true and correct copy of the foregoing order was sent via ☒ mailed () faxed and mailed () hand delivered, ☒ emailed to the person listed below:

Other party or his/her attorney:

RUSSELL A. YAGEL, ESQ
HERSHOFF, LUPINO, & YAGEL, LLC.
88539 OVERSEAS HIGHWAY
TAVERNIER, FL 33070

Fax Number: _____

Email: RYAGEL@HLYLAW.COM

Certified Mail Return Receipt: 9589 0710 5270 1327 3746 80

Confirmation Number (if applicable): _____

MARY L BARLEY FAMILY TRUST 1/10/1996

PO BOX 1915

ISLAMORADA, FL 33036

Fax Number: _____

Email: _____

Certified Mail Return Receipt: 9589 0710 5270 1327 3746 97

Confirmation Number (if applicable): _____


Signature of Code Compliance Officer
86800 Overseas Highway, 2nd Floor
Islamorada, Florida 33036
Telephone Number: 305-664-6435

ISLAMORADA, VILLAGE OF ISLANDS
CODE COMPLIANCE

ISLAMORADA, VILLAGE OF ISLANDS,

Petitioner,

CASE NO.: CEBDGC20230000134

vs.

MARY L. BARLEY FAMILY TRUST 1/10/1996,

Respondent.

MOTION TO EXTEND COMPLIANCE DATE

COMES NOW Respondent, The MARY L. BARLEY FAMILY TRUST 1/10/1996, by and through undersigned counsel, and moves the Code Compliance Hearing Officer (“Hearing Officer”) for an order extending the date by which the Respondent has to comply with the final Order Imposing Civil Penalty Upon Default entered on December 4, 2023, in the above-styled matter (“Final Order”) and in support thereof would show and state:

1. The alleged violations asserted in the instant case occurred over 15 years ago and as revealed in the hearing, one of the alleged violations, to wit: the installation of pavers, was actually permitted but allegedly never received a final inspection¹.
2. Respondent has taken an appeal of the Final Order, but, nonetheless, is working to obtain after the fact permits as required by paragraph 4 of the Final Order.

¹ Respondent has challenged the legal authority of the Village to take enforcement action in a matter pending in the Circuit Court in and for Monroe County, Florida, Case # 23- CA-34-P and is filing an Amended Complaint asserting, *inter alia*, the Respondent is the victim of selective enforcement.

3. The submission of the applications for after the fact permits have been delayed, in part, due to current requirements related to obtaining building permits. Respondent cannot locate the actual contractor that initially performed the installation of the pavers and thus has been working to find an alternative contractor.

4. Additionally, the Respondent will be applying for a permit to relocate the alleged offending LP gas tank, and, through miscommunication with the company that is being hired to perform the work (Amerigas), that application has been delayed. Such delay was caused in part by the Respondent's absence from the County for some 3 weeks.

5. As noted above, the alleged violations have existed for many years, and thus the Village will suffer no harm by extending the compliance date; furthermore, the Respondent, notwithstanding of her challenges to the enforcement action, is working in good faith to resolve the alleged violations.

WHEREFORE, Respondent requests the Hearing Officer enter an order extending the time Respondent has to comply with the Final Order, and/or the provisions of the code alleged to have been violated, by an additional 120 days from the current compliance date or April 2, 2024.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of foregoing was served via Email Transmission this **4th** day **April, 2024** to: Paul Minning, Senior Code Compliance Officer Islamorada, Village of Islands [paul.minning@islamorada.fl.us]; Jennifer DeBoisbriand, Islamorada, Village of Islands Planning Director [jennifer.deboisbriand@islamorada.fl.us]; John Quick, Esq. [JQuick@wsh-law.com] Counsel for Islamorada, Village of Islands and Jose L. Arango [JLArango@wsh-law.com] Counsel for Islamorada, Village of Islands.

HERSHOFF, LUPINO & YAGEL, LLP

Attorney for Respondent

88539 Overseas Highway

Tavernier, FL 33070

(305) 852-8440 - Telephone

(305) 852-8848 – Facsimile

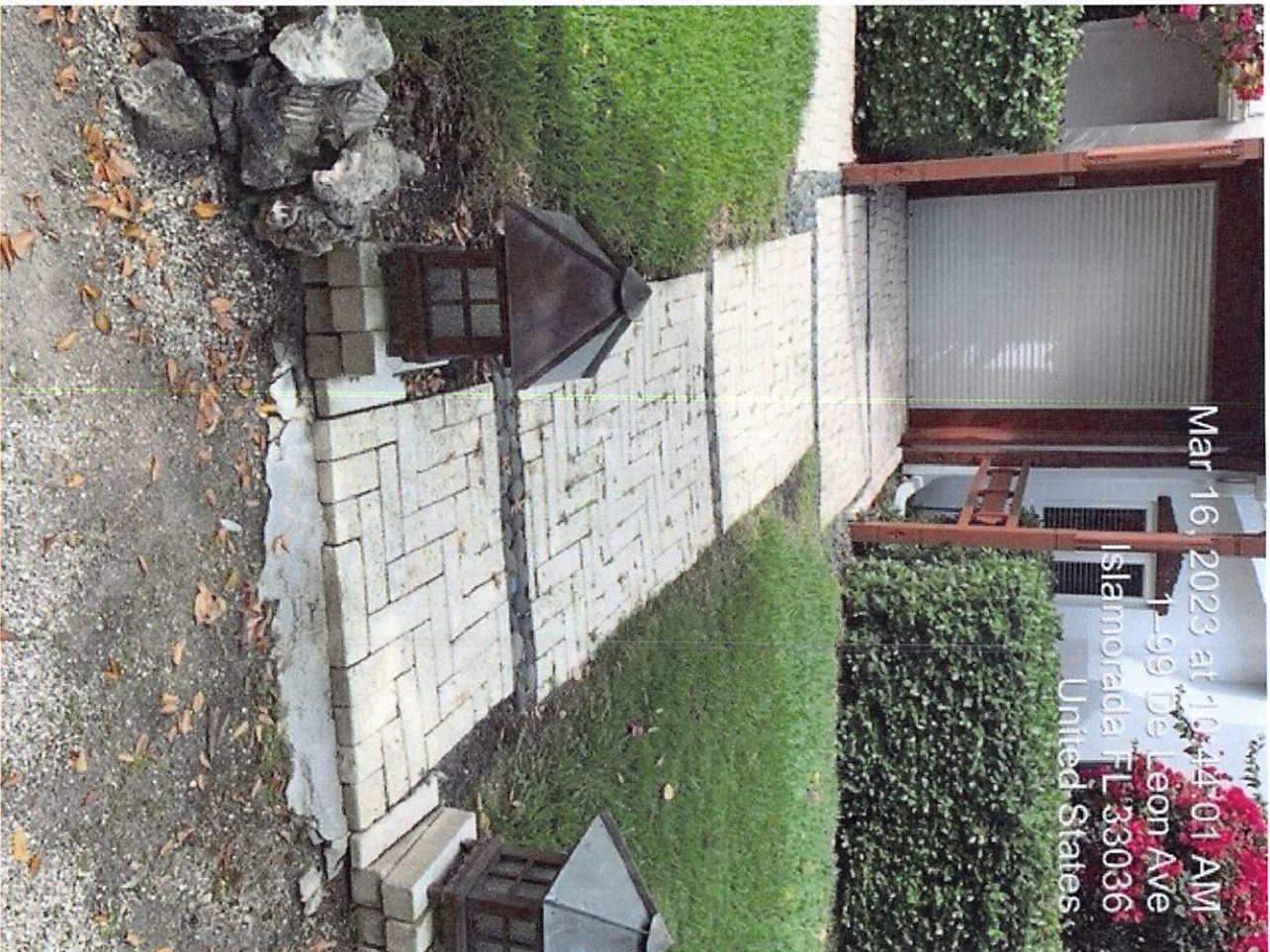
RYagel@HLYlaw.com – Primary

TDavis@HLYlaw.com - Secondary

By: /s/ **Russell A. Yagel**

RUSSELL A. YAGEL, ESQ.

Florida Bar No.: #727090



Mar 16, 2023 at 10:44:24 AM
1-99 De Leon Ave
Islamorada FL 33036
United States

