



# Islamorada, Village of Islands

## Code Compliance Hearing

January 14, 2025 - 2:00 PM  
Village Administrative Center & Public Safety Headquarters  
Third Floor Conference Room  
86800 Overseas Highway  
Islamorada, FL 33036

### MINUTES

#### I. CALL TO ORDER / ROLL CALL

In Attendance:

Michael Pawelczyk - Hearing Officer (via Zoom)

Jose Arango - Village Attorney's Office - Weiss Serota (via Zoom)

Paul Minning - Sr. Code Enforcement Officer

Christian Owens - Code Enforcement Officer

Jennifer DeBoisbriand - Planning Director

Kim Harrington - Planning Coordinator

Michael Anzalone - Former Property Manager at the Galleria Property (mm 80 Holdings LLC owns Galleria)

Trinity VanSteensburg - Owner of at least one business on property

Ashley Sybesma - Attorney for mm 80 Holdings (via Zoom)

Call to order: 2:00 pm

#### II. NEW HEARINGS

##### A. Case Number CEZONE20240000354

##### Islamorada Village of Islands v. MM 80 Holdings LLC

Michael Pawelczyk, Hearing Officer, read the rules of the proceedings for the MM 80 Holdings LLC case, and swore in all witnesses and potential witnesses.

Paul Minning, Sr. Code Enforcement Officer, presented the case summary:

##### Violations:

**Section 30-215 (b)** of the Village Code entitled "site plan review" which provides that site plan approval shall be obtained prior to any amendment to a previously approved site plan.

**Section 30-882** of the Village Code entitled "Definitions" (2) Public assembly means a gathering, whether indoor or outdoor, which is designed to be attended by members of the general public, with or without an admission charge.

Temporary use means those uses that are uniquely temporary or seasonal in nature, including but not limited to sidewalk sales, flea markets, arts and crafts

bazaars, art shows, and seminar/educational events.

**Section 30-883** of the Village Code entitled "Temporary uses permitted in all zoning districts" which states, if not already provided for as a permitted conditional use by this chapter, a temporary use shall be a permitted use in any zoning district of the Village provided it meets the criteria set forth in this division.

**Corrective Action:** Cease all market activities on the property. Apply for and obtain an approved site plan and or permits for these events.

On Wednesday, November 20, 2024, Code received information regarding an advertised farmers market to be held on Sunday November 24, 2024, in the parking lot of this property.

The weekly markets have been held in the past. The tenant was given notice that they were not allowed without an approved site plan and/or an event permit. I sent a warning via email to the tenant on November 21, 2024, that the market was not allowed.

On Sunday, November 24, 2024, I went to the property and documented that the event was being held.

On Monday, November 25, 2024, a Notice of Violation was sent via Certified Mail, Regular Mail and e-mail to cease any future market events. The Compliance date was December 2, 2024.

The markets were also held on Sunday December 1st, 8th, 15th and 22nd.

On Monday, December 23, 2024, I received an email from Mike Anzalone explaining that they would begin the site plan application process. The markets were not held on Sunday December 29, 2024, or Sunday January 5, 2025, or on this past Sunday, January 12th. As of today, no site plan application has been submitted.

On December 31, 2024, a Notice of Hearing was sent via regular and certified mail and via e-mail. A Notice of Posting and Notice of Hearing were posted on the property and at Village Hall the same day. An Affidavit of Posting was also completed on December 31, 2024.

On January 3, 2025, I received a copy of a Notice of Default regarding a Violation of Lease to cease the events from the property manager's attorney, Greg Oropeza.

The Hearing Officer, Michael Pawelczyk, asked who Michael Anzalone is. Paul Minning replied that at this point Mr. Anzalone is helping one of the tenants and that as far as he knows, Anzalone has no interest in the property currently, but formerly managed and at one point owned the subject property. Michael Pawelczyk then asked why Paul Minning, Sr. Code Enforcement Officer, cited the owners of the property and not the tenant. Paul Minning explained that he always cites the property owner and that he wanted to get an Order against the illegal

markets.

Hearing Officer, Michael Pawelczyk, asked for clarification on the types of permits available for such a use. Jennifer DeBoisbriand, Planning Director, said that they can apply for a Temporary Use Permit, or they can apply for a Site Plan Approval. Michael Pawelczyk asked if either of these applications have been submitted, to which Paul Minning replied that none have been submitted.

Michael Pawelczyk, Hearing Officer, then asked Ashley Sybesma, Attorney for MM 80 Holdings LLC, to comment. She said that as Property Owners, MM 80 Holdings LLC have not applied for a Site Plan and also have not been provided with a Site Plan, nor have they signed off on a Site Plan. Additionally, she said that Berkshire Hathway, their Management Company, has initiated eviction proceedings to remove the tenant who is associated with the person who is holding the markets. She added that the Attorney who is the handling the eviction, was hired by the Property Management Company, Berkshire Hathaway.

Michael Pawelczyk, Hearing Officer, stated that in order to bring the MM 80 Holdings LLC property into compliance, there cannot be any further markets held on site. He went on to say that ordinarily initial violations are \$250.00 (two hundred fifty dollars) per initial violation. He added that a repeat violation can be \$500.00 (five hundred dollars) per violation. He also said he needs to give a reasonable amount of time to the property owner to cure. He asked Attorney for MM 80 Holdings, Ashley Sybesma, how long the eviction will take. She stated Mr. Oropeza, Attorney for Berkshire Hathaway, the Management Company, said that he is handling the eviction today, January 14, 2025. She went on to say that a simple expedited basis eviction should be a five-day process, then potentially twenty days to answer the complaint if there are damages, but her understanding is that this is just a simple eviction of the tenant, and it is underway.

Hearing Officer, Michael Pawelczyk, asked if anyone in the audience represents the tenant on this property. Michael Anzalone said that he would like to give the history. Hearing Office, Michael Pawelczyk, swore Mr. Anzalone in. Michael Anzalone stated that he started the market out of necessity. He said that he is the Manager of the Property and holds a contract as Manager, with MM 80 Holdings, which is currently in receivership, but he stated that his position as Manager has not been rescinded. Michael Pawelczyk said that he wants to hear when the property will be in compliance. Michael Anzalone stated that there will be no more markets held at the Galleria Property, owned by MM 80 Holdings, LLC. He went on to say that the neighbors ran a market for six years unpermitted and that when he signed on as Manager of the Property at the Galleria, the tenants complained to him about parking lot problems caused by overflow parking from the market next door, so out of necessity they started their own market to off-set the issues with tenant complaints by bringing business to the Galleria tenants. He said that in the past, the Village of Islamorada would issue warnings and then back off and nothing was enforced until recently, but that no more markets would be held.

Hearing Officer, Michael Pawelczyk, asked Sr. Code Enforcement Officer, Paul

Minning, if the property is now in compliance and he stated that it is, but that it has been in compliance before and then the market eventually starts up again. Michael Pawelczyk, Hearing Officer, said that if another market is held, fines may be issued to any number of individuals, Property Managers, Property Owners, Tenants, etc.

Jose Arango, Village Attorney, said that it seems to be a reoccurring problem, but that since the property is in compliance now, he would ask the Village of Islamorada for input to perhaps issue an Order acknowledging the Violation existed and the citation was issued properly, this way we can treat it as a repeat violation if it happens again. He said that while it is unlikely we will see this issue with the market again, there is a possibility that the market will happen again. Hearing Officer, Michael Pawelczyk, asked Jose Arango, Village Attorney, if the Code allows with these recurring violations for him to find that this property is in violation. Jose Arango, Village Attorney, said that yes, there is a way, but we aren't at that point in this case in his opinion, and we just need something on the record for this case. Michael Pawelczyk, Hearing Officer, asked Attorney Ashley Sybesma, if she had a response, as the representative of the property owner and she replied that she had no response.

Hearing Officer, Michael Pawelczyk, then imposed the following Order for the Galleria Property, owned by MM 80 Holdings, LLC: The decision of the Code Officer is affirmed and defendant, MM 80 Oceanside Holdings, LLC has been determined to be in violation of Section 30-215b, Section 30-882, and Section 30-883 and those violations occurred on 11/24/24, 12/1/24, 12/8/24, 12/15/24, and 12/22/24. He added that the property is currently in compliance but that any future violations will be treated as repeat violation(s). He did not impose a cost of prosecution due to the fact that no violation was in existence at the time of the hearing.

**B. Case Number: CERENT20240000276  
Islamorada Village of Islands Vs Capital V Islamorada LLC**

This case was not heard today as Andres Garcia, the Code Enforcement Officer handling this case, had a medical emergency and could not attend this hearing. It will be re-scheduled.

**III. HEARINGS ON CASES FROM PREVIOUS AGENDA**

None

**IV. HEARINGS ON AFFIDAVITS OF NON-COMPLIANCE**

None

**V. HEARINGS ON AFFIDAVITS OF COMPLIANCE**

None

**VI. REQUESTS FOR FURTHER ACTION**

None

**VII. AFFIDAVITS OF DEFAULT**

None

**VIII. ADJOURNMENT**

Hearing Officer, Michael Pawelczyk, then asked if there was anything further to hear today and thanked everyone for attending and adjourned hearing at 2:31 pm January 14, 2025.