



Islamorada, Village of Islands

Code Compliance Hearing

September 10, 2024 - 2:00 PM

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

MINUTES

I. CALL TO ORDER

In Attendance:

Michael Pawelczyk - Hearing Officer (via Zoom)
Jose Arango - Village Attorney's Office - Weiss Serota (via Zoom)
Paul Minning - Senior Code Enforcement Officer
Andres Garcia - Code Enforcement Officer
Christian Owens - Code Enforcement Officer
Ricardo Tabet - Villa O, LLC (via Zoom)
Jose Martinez - Tenant at Ham Seafood (Victor Gircy property)
Jennifer DeBoisbriand - Planning Director
Anita Muxo - Planning and Zoning Technician
Kim Harrington - Planning Coordinator

Call to order: 2:03 pm.

Hearing Officer, Michael Pawelczyk reviewed the hearing procedures.

II. NEW HEARINGS

A. Code Compliance Hearing

NEW CASE

CASE NUMBER CEBDGC20220000250

Islamorada, Village of Islands V. Victor Gircy's

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

Violations:

Section 30-927 of the Village Code entitled Temporary Storage Units requires a permit. This pertained to a walk-in freezer and a storage shed.

On June 28, a Notice of Violation was sent by certified mail and regular mail. Corrective measures were to apply for and obtain ATF (after the fact permits) for the shed and walk-in freezer.

Permit # 202200112 for the shed was applied for and failed all reviews. The permit was abandoned on August 21, 2022.

Permit #202200111 for the walk in freezer was applied for and failed all reviews. The permit was abandoned on August 22, 2022.

On April 26, 2023, Mr. Martinez, owner of HAM seafood (tenant), submitted a site plan application for the property.

On March 24, 2024, a Notice of Public Hearing was posted on the property and notices were sent to all property owners within 300 feet of the subject property.

On June 13, 2024, a public hearing was held before the Village Council to discuss Mr. Martinez's site plan application. The Village Council voted 5-0 to deny the application (Resolution No. 24-06-60)

On June 21, 2024, the Village Planning Director sent a letter to Mr. Martinez (applicant/tenant) explaining the site plan denial and corrective actions. The letter explained that all unpermitted items must be removed from the property. Including, but not limited to coolers, refrigerated containers, sheds, an RV, and fishing traps. The compliance date was July 13, 2024. (Thirty days from the Village Council denial)

On July 14, 2024, I reinspected the property and all violations were outstanding.

On July 24, 2024, a Notice of Warning was sent via regular mail, certified mail and hand-delivered to the HAM Seafood retail store. Compliance date was August 7, 2024.

On August 8, 2024, I reinspected the property and all violations were outstanding.

On August 26, 2024, a Notice of Hearing was sent via regular and certified 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 August 26, 2024.

Exhibits:

1- Hearing File - 103 Sunshine, Ham Seafood

Michael Pawelczyk, Code Compliance Hearing Officer, asked Paul Minning, Senior Code Enforcement Officer, if he took the pictures that are in the file of the property. Paul Minning answered, yes.

Michael Pawelczyk asked if the storage shed is affixed or removable. Paul Minning answered that both the shed and freezer are removable.

Jose Martinez, owner of Ham Seafood, stated that he has been on the property for three years and that recently he has gotten in contact with Paul Minning to let him know the shed is being removed from the property and that the shed is being removed today. Mr. Martinez said that he went and got the truck and a big trailer to remove the shed, but wants to make it clear that he is possibly going to get a trailer eventually in the near future for the freezer so that it will be on wheels like the one at Theater of the Sea. He would like an extension for the removal of the freezer because it is all fresh/frozen seafood, and he's working on getting a place in Miami to relocate the seafood.

Corrective Action: Michael Pawelczyk, Hearing Officer, consulted with Planning Director, Jennifer DeBoisbriand, and then granted 35 days for the property to be brought into compliance. Michael Pawelczyk added that a fine of \$250.00 dollars per day will be imposed if the corrections are not made within the 35-day period and that \$125.00 would be charged to cover the costs of prosecution. This \$125.00 fee must be paid within the 35-day period. Michael Pawelczyk asked that the Village Staff include in the order not just the property owner, but the tenant, so that they get a copy of the order as well. Mr. Pawelczyk asked Mr. Martinez if he had questions and Mr. Martinez said no.

B. NEW CASE
Case: CEP20240000027
Islamorada Village of Islands Vs. VILLA O LLC
74900 Overseas Hwy, Islamorada, FL 33036
00393970-000000

Code Compliance Enforcement Officer, Andres Garcia, presented the case summary.

Violations:

Section 18-33 of the Village Code entitled prohibition of debris which provides that it is unlawful and prohibited for any person to suffer, cause or permit the existence of debris upon any improved or unimproved property within the Village.

Section 18-34 of the Village Code entitled prohibition of noxious, uncultivated or non-native weeds, which is determined by the Code Compliance Officer to exceed 12 inches in average height above the surface of the ground.

Corrective Measures:

Mow overgrown grass and weeds and remove all dead vegetation from the property.

On February 22, 2024, a courtesy letter was sent regular mail regarding the violations with a compliance date of March 3, 2024.

On March 4, 2024, a Notice of Violation was sent regular and certified mail with a compliance date of March 18, 2024.

On March 20, 2024, a Notice of Warning was sent regular and certified mail with a compliance date of April 3, 2024.

Andres made a minor correction here because he was originally scheduled to inspect the property on April 15, 2024, but was ill that day and the actual inspection occurred on April 16, 2024. He reinspected the property and violations were still outstanding.

On July, 26, 2024, a Notice of Hearing was sent by certified mail and regular mail. On the same day, a Notice of Posting was placed on the property and at Village Hall (2nd Floor). Affidavit of posting was completed that same day.

A prehearing inspection was completed August 6, 2024, and the violations were still outstanding.

On August 14, 2024, the hearing for this case was postponed to the next available hearing.

On August 27, 2024, a second notice of Hearing was sent by certified and regular mail. On the same day, a Notice of Posting was placed on the property and at

Village Hall (2nd Floor). Affidavit of posting was completed on August 30, 2024.

A second prehearing inspection was completed August 30, 2024, and the violations were still outstanding.

Exhibits:

1. Hearing File - 74900 Overseas Hwy

Michael Pawelczyk, Hearing Officer, asked Andres Garcia, Code Enforcement Officer, if he took the photos of the subject property himself and Andres answered that yes, he did.

Andres Garcia said that he initially had issues contacting Ricardo Tabet, the property owner, because the only record of address for the property owner, Mr. Tabet, was in Pinecrest, but finally heard from the property owner, Mr. Tabet, today, 9/10/24. The property owner, Ricardo Tabet, was notified by a nearby property owner who saw the sign and contacted him. The property owner, Ricardo Tabet, stated that he is the manager of the property, but that it is actually owned by his family trust. He stated that he has addressed similar and worse issues with the property in 2017 when the property became a dumping ground and the costs to clean it were in the range of tens of thousands of dollars. He added that his two neighbors from the north dumped rocks on his property without his permission or knowledge.

Corrective Action:

Hearing Officer Michael Pawelczyk consulted with Planning Director, Jennifer DeBoisbriand, and then granted Mr. Tabet 60 days to bring the property into compliance, but requested that he remove the debris in the right of way immediately due to safety concerns. The fine will be \$200.00 per day if the entire property cleanup is not completed within 60 days. Michael Pawelczyk also stated that pursuant to Village Code, Mr. Tabet must pay \$125.00 within the 60-day period to cover prosecution costs and that Mr. Tabet needs to let Code Enforcement Officer, Andres, know as the cleanup tasks are completed and to keep in touch with him during the process.

Hearing Officer, Michael Pawelczyk said that he doesn't want a lien placed on the property because if that happens Mr. Tabet won't be able to sell it

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

Planning Director, Jennifer DeBoisbriand, said that there may not be a Code Hearing in October, but that she will know in the next few weeks. She added that the hearing dates for November and December may change. Michael Pawelczyk, adjourned the meeting at 2:38 pm.