

**Special Magistrate Hearing
Minutes
October 12, 2023**

Special Magistrate Michael Durham, Esq.

City Manager Mike DaRoza

The City Commission will conduct a
Special Magistrate Hearing
At 10:00 AM
to address the item(s) below.

Meeting Date: October 12, 2023

Meeting Location: James A. Lewis Commission Chambers

Special Magistrate Hearing

Notice given pursuant to Section 286.0105, Florida Statutes. In order to appeal any decision made at this meeting, you will need a verbatim record of the proceedings. It will be your responsibility to ensure such a record is made.

SPECIAL MAGISTRATE HEARING MEETING MINUTES

CALL TO ORDER

Led by Special Magistrate Michael Durham.

PLEDGE TO THE FLAG

Led by Special Magistrate Durham.
Deputy City Clerk LeAnne Williams swore in those who planned to speak during the meeting.

APPROVAL OF THE AGENDA

Special Magistrate Durham asked for changes to the agenda from the floor.

There were no changes from the floor.

Special Magistrate Durham approved the agenda.

I. OLD BUSINESS

- A. Case # 22-0205- Alexander & Lemieux, Parcel # 03418-000-000, Affidavit of Compliance
Code Enforcement Officer Stewart stated the property is now compliant and no fines were assessed.

Special Magistrate Durham accepted the Affidavit of Compliance.
- B. Case # 22-0203- Ivan & Galina Kolomyiko, Parcel # 03129-001-000, Affidavit of Non-Compliance
Code Enforcement Officer Stewart stated the property is now partially compliant and no fines were assessed.

Special Magistrate Durham extended the time to comply by 30 days.
- C. Case # 22-0167- Polk & Polk, Parcel # 03735-000-000, Affidavit of Compliance
Code Enforcement Officer Stewart stated the property is now compliant and no fines were assessed.

Special Magistrate Durham accepted the Affidavit of Compliance.
- D. Case # 22-0104- Virginia Daugherty, Parcel # 05928-009-001, Affidavit of Compliance
Code Enforcement Officer Stewart stated the property is now compliant and no fines were assessed.

Special Magistrate Durham accepted the Affidavit of Compliance.
- E. Case # 22-0101- Florida Brown Heirs, Parcel # 03315-000-000, Affidavit of Compliance
Code Enforcement Officer Stewart stated the property is now compliant and no fines were assessed.

Special Magistrate Durham accepted the Affidavit of Compliance.

II. NEW BUSINESS

- F. Approval of January 26, 2023 minutes
Minutes approved by Special Magistrate Durham.
- G. Case # 23-0129- Argueta & Giraldo, Parcel # 03442-002-001, Violation of two sections of the Code
Code Enforcement Officer Linnelle Stewart introduced the case.

Special Magistrate Durham called for the representative of the property.

Luis Giraldo came forward.

Code Enforcement Officer Stewart presented the case.

Building Official Tim Hunt presented additional information.

Mr. Giraldo stated he was unaware of the need for permits, he has stopped working, has hired a General Contractor and architect, who is working now on the project. He stated he has been in contact with them, but they have not pulled permits yet.

Special Magistrate Durham asked if the photos represent the property.

Mr. Giraldo stated they do.

Special Magistrate Durham entered the photos into evidence.

Special Magistrate Durham asked Mr. Giraldo if he has told Building Official Hunt or Code Enforcement Officer Stewart that you have hired a General Contractor and an architect who are working on your project.

Mr. Giraldo stated he has not and they are too busy.

Building Official Hunt stated with proof of hire, the City could provide an additional 30 days to comply with the code.

Special Magistrate Durham found a violation of the Code based on the evidence submitted, with a compliance date of 30 days, December 11. He stated proof of hire of the General Contractor and the architect must be submitted. He stated a fine of \$100 per day will start to accrue until the property is found compliant.

H. Case # 23-0082- Michael & Caroline Douglas, Parcel # 03968-030-000, Violation of one section of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Special Magistrate Durham called for the representative of the property.

Mr. Douglas came forward to introduce himself.

Code Enforcement Officer Stewart continued to present the case.

Principal Planner Justin Tabor presented information pertaining to the denial of the building permit.

Special Magistrate Durham asked for any suggestions or if there were any variances or adjustments that could be made.

Principal Planner Justin Tabor stated there are no variances or adjustments that could be made. He stated the only options are to remove part of the building or add sq footage to the house.

Special Magistrate Durham called for Mr. Douglas.

Discussion ensued regarding compliance options.

Special Magistrate Durham found a violation of the Code as articulated in the notice of violation, with a compliance date of December 11, 2023. He stated a \$100.00 fine per day may be assessed against the property should the property remain non compliant. Review hearing of January 11, 2024.

I. Case # 23-0084- Marcelo Valerio Mota, Parcel # 03737-000-000, Violation of four sections of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham. Special Magistrate Durham called for the representative of the property.

Mr. Mota came forward to introduce himself.

Code Enforcement Officer Stewart continued to present the case.

Special Magistrate Durham asked if there were any other staff representations for this case.

Building Inspector Tim Hunt presented evidence to support the violation.

Special Magistrate Durham called for Mr. Douglas.

Special Magistrate Durham asked if the photographs were an accurate description of the property.

Mr. Mota stated it was.

Special Magistrate Durham moved to place the photos in evidence.

Discussion ensued regarding demolition of the structure or how to come in compliance.

Building Inspector Tim Hunt clarified that the owner could not demolish the structure himself if it's not his primary residence, which it is not.

Discussion ensued regarding the condition/status of the house.

Special Magistrate Durham asked for suggestions from Building Inspector Hunt on how the property owner could come into compliance.

Building Inspector Tim Hunt presented information.

Special Magistrate Durham found a violation of the Code as articulated in the notice of violation, with a compliance date of December 11, 2023. He stated a \$100.00 fine per day may be assessed against the property should the property remain noncompliant. Review hearing of January 11, 2024.

- J. Case # 22-0084- Willie James Washington Heirs, Parcel # 03240-007-000, Violation of two sections of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Special Magistrate Durham called for the representative of the property.

No one came forward.

Special Magistrate Durham asked Code Enforcement Officer Stewart if she had any other witnesses.

Special Magistrate Durham asked Code Enforcement Officer Stewart for specific actions the City was asking for to bring the property into compliance.

Code Enforcement Officer Stewart responded.

Special Magistrate Durham moved to place the photos in evidence.

Special Magistrate Durham found a violation of the Code as cited in the notice of violation, with a compliance date of December 11, 2023. He stated a \$100.00 fine per day may be assessed against the property should the property remain noncompliant. Review hearing of January 11, 2024.

- K. Case # 23-0116- Moore & Tweed, Parcel # 03195-005-022, Violation of one section of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Special Magistrate Durham called for the representative of the property.

No one came forward.

Special Magistrate Durham asked if there had been any communication with the property owner or representative of this property.

Code Enforcement Officer Stewart stated she had no communication with the property owner or representative.

Special Magistrate Durham asked how the owner was notified.

Code Enforcement Officer Stewart stated by regular mail and by certified mail and no green cards or regular mail has come back.

Special Magistrate Durham moved to place the photos in evidence.

Special Magistrate Durham found a violation of the Code as cited in the notice of violation, with a compliance date of December 11, 2023. He stated a \$100.00 fine per day may be assessed against the property should the property remain noncompliant.

Special Magistrate Durham requested Code Enforcement Officer Stewart to leave a copy of the final finding from today's hearing at the door of the residence in addition to the mailings; then add that action to her Notice of Compliance/Non Compliance.

Code Enforcement Officer Stewart agreed.

L. Case # 23-0053- Ariel Shaur, Parcel # 03095-002-000, Violation of one section of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Special Magistrate Durham called for the representative of the property.

Mr. Shaur came forward to introduce himself and receive additional materials that were submitted.

Code Enforcement Officer Stewart continued to present the case.

Special Magistrate Durham asked if there were any other staff representations for this case.

Building Inspector Tim Hunt presented evidence to support the violation. Discussion ensued regarding how to come in compliance.

Special Magistrate Durham asked for information from Building Inspector Hunt on specifics that would bring the property owner into compliance.

Special Magistrate Durham asked if the photographs were an accurate description of the property.

Mr. Shaur debated that the photos were not inclusive of all evidence that this was not done prior to him purchasing the home.

Discussion ensued regarding whether or not these photos dictated when the remodel was conducted.

Special Magistrate Durham did not find evidence that it wasn't done by the manufacturer.

Mr. Shaur had additional photos of the property that were accepted in evidence, but he was instructed to email them to the City.

Special Magistrate Durham found there was insufficient evidence that the house was in violation but the skirting was in violation of the Code as cited in the notice of violation, with


a compliance date of December 11, 2023. He stated a \$100.00 fine per day may be assessed against the property should the property remain noncompliant.

ADJOURN


Special Magistrate Durham adjourned the meeting.

ATTEST:

SPECIAL MAGISTRATE HEARING OF THE
CITY OF ALACHUA, FLORIDA



Special Magistrate



Code Enforcement Officer