

Agenda item 5 e b



WE MAKE A DIFFERENCE

November 17, 2020

VIA ELECTRONIC MAIL: cory.hayden@mymanatee.org

Cory Hayden
Code Enforcement Officer
Manatee County Building and Development Services
Code Enforcement Division
1112 Manatee Avenue West 4th Floor
Bradenton, Florida 34205

Re: Clayton E and Diane F Sutton
2123 46th Street Ct E
Bradenton, FL 34208
Case No.:

Dear Mr. Hayden:

This office represents Mr. and Mrs. Sutton (the "Suttons") regarding the citations received by the County for vehicle sales and vehicle repairs without a permit. It is our understanding that the hearing(s) on this matter are scheduled for November 18, 2020 even though the November special magistrate hearing date on the County's Code Enforcement website indicates that the November hearing will be held on November 25, 2020. Initially, please accept our apology as to the delayed response to the citations – the Suttons have been out of town and were only able to provide us today, in person, with the below referenced documentation.

It is our clients' position that they are grandfathered in with regards to the operation of vehicle sales and vehicle repairs at the Property based upon the following:

- The building located at 2123 46th Street Ct E (the "Property") was built in 1980 per the Building Permit, attached hereto and incorporated herein as Exhibit "A;"
- The Suttons have operated a vehicle repair and vehicle sales business, amongst other businesses operations, at the Property since the building was constructed;
 - Please see pictures of 1957 Chevrolet being restored at the Property in 1986, attached hereto and incorporated herein as Exhibit "B;"

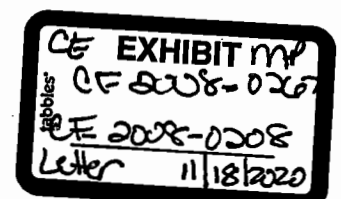
BRADENTON
802 11th Street West
Bradenton, FL 34205

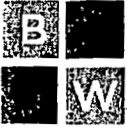
SARASOTA
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- o Please see pictures of 1957 Pontiac being restored at the Property in 1987, attached hereto and incorporated herein as Exhibit "C;"
- Mr. Sutton is willing and able to testify as to the continued vehicle repair and vehicle sales operations at the Property since 1980 and is also willing and able to execute an affidavit to that effect.

It is our understanding that the Suttons received all necessary permitting the County required in 1980. However, this permitting was minimal. We included as Exhibit "A" a copy of the 1980 building permit that Mr. Sutton removed from the wall of the structure, which we believe is the limit of the permitting required in 1980. It is our understanding that the County has been unable to locate a copy of the building permit file for the Property. However, we are aware that the County destroyed a number of permit files around the same time the building was constructed at the Property, and, therefore, the Suttons have reason to believe that their permitting file was among those files destroyed.

We believe that if we had an opportunity to sit down and discuss this information with you that the County would agree with our position that the Suttons are grandfathered in with regards to the operation of vehicle sales and vehicle repairs at the Property. Therefore, we request that code enforcement hearing scheduled for November 18, 2020 or, possibly, November 25, 2020 be postponed until the December hearing date to allow us an opportunity to meet with you. In addition, we request an in person meeting with you – please contact our office to schedule the same.

Thank you in advance for your professional courtesy.

Sincerely,

A handwritten signature in black ink that reads "Mark P. Barnebey Esquire". The signature is written in a cursive, slightly slanted style.

Mark P. Barnebey, Esquire

CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, FLORIDA,
Complainant,

Case #: CE2008-0267

vs.

Clayton & Diane Sutton,
Respondent.

CONTINUANCE ORDER

THIS CAUSE came on for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on **November 18th, 2020** after due notice to Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument, thereupon issues this Order as follows:

The hearing is continued until **January 27, 2021 09:00 a.m.** at the Manatee County Administrative Complex, 1112 Manatee Avenue West, Bradenton, Florida, Board Chambers, 1st floor.

DONE AND ORDERED this 18th day of November, 2020


Special Magistrate (Signature)
Print Name: Ben Vitale

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Compliance Order has been filed for the record on October 23, 2019 and has been furnished to the Respondent (s),

- Personally, on this 18th day of November, 2020
 By US Mail on this 18th day of November, 2020

Code Enforcement Administrative Specialist
Manatee County

By: 
Administrative Specialist (Signature)
Print Name: Moira Horgan

Code Enforcement Division
5030 US Hwy 301 N
Ellenton FL 34222

Attention: It is **your** responsibility to notify Code Enforcement at **941-748-2071** to verify that the violation has been brought into compliance.

**CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA**

MANATEE COUNTY, FLORIDA,
Complainant,

Case #: CE2008-0267

vs.

Clayton & Diane Sutton,
Respondent.

CONTINUANCE ORDER

THIS CAUSE came on for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on April 28, 2021, after due notice to Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument, thereupon issues this Order as follows:

The hearing is continued until **June 23, 2021, 09:00 a.m.** at the Manatee County Administrative Complex, 1112 Manatee Avenue West, Bradenton, Florida, Board Chambers, 1st floor.

DONE AND ORDERED this 28th day of April, 2021.

By:



Ben Vitale
Special Magistrate
Manatee County Code Enforcement

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Continuance Order has been filed for the record on April 28, 2021, and has been furnished to the Respondents,

- Personally, on this 28th day of April, 2021
 By US Mail on this 28th day of April, 2021

By:


Moira Horgan
Administrative Specialist
Manatee County Code Enforcement
5030 US Hwy 301 N
Ellenton, FL 34222

NOTE: It is **your** responsibility to notify Code Enforcement at 941-748-2071 to verify that the violation has been brought into compliance.