

**CITY OF MADEIRA BEACH, FLORIDA
BUILDING DEPARTMENT**

CITY OF MADEIRA BEACH, FL,

Petitioner,
vs.

Case No.: 2023.3600

MERCEDES SANTOS and THERESA VOLPE,

Respondents.

**RESPONDENTS' MOTION FOR REHEARING. MOTION FOR CLARIFICATION
AND MOTION FOR EXTENSION OF TIME FOR COMPLIANCE**

Respondents, Mercedes Santos and Theresa Volpe, by and through their undersigned counsel, move for rehearing, for clarification and for an extension of time to comply with the order imposing fines, and would show:

1. On August 28, 2023, the Special Magistrate entered Findings of Fact, Conclusions of Law and Order Imposing Fine.
2. At paragraph 21 of the order the Respondents were ordered to correct the “above stated violation” within 30 days by taking remedial action as set forth in the notice violation. However, the Order and Notice of Violation do not specify the actions to be taken but for applying for an after-the-fact permit. Respondents are in doubt about whether the scope of work to be covered by such after-the-fact permit is limited to the life safety issues delineated in paragraph 12 -- secondary egress for the two bedrooms on the first floor, an unpermitted water heater, improper electrical wiring and plumbing throughout the first floor, a washer and dryer within a closet without a proper dryer ventilating system and an unpermitted air handler.
3. While the Order specified that a reasonable time to correct the violation set forth in paragraph 12 was 30 days from the date of the Order, an unforeseen natural hazard intervened,

Hurricane Idelia. In addition to the request for rehearing and/or clarification of the scope of the corrections to bring the property into compliance, Respondents request a 90-day extension to come into compliance as they have been unable to engage a licensed contractor to even come on to the property for inspection, let alone outline scope of work including obtaining the necessary permit. Because of the damage to the area, including the City of Madeira Beach, the process of obtaining both a qualified contractor and the necessary permit is not possible within the 30 days specified in the Order.

WHEREFORE, Respondents pray that their Motion for Rehearing, Motion for Clarification and Motion for Extension of Time to Comply with Order Imposing Fines, be granted.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 7, 2023, a copy of the foregoing has been furnished by U.S. Mail and/or eservice to:

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