

**TOWN OF BAY HARBOR ISLANDS  
SPECIAL MASTER HEARING  
SPECIAL MASTER RICHARD KROOP**

**AGENDA**

December 8, 2022

11:00 AM

1. 9811 West Broadview Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Code Officer:** Evelyn Merizalde

**Owner:** Alain Albergel

**Registered Agent:** N/A

**Citation #:** 22-002128

**Date Issued:** 10/24/2022

**Violation:** Landscaping debris was placed curbside prior to Wednesday.

**Code Section:** No person shall deposit or permit any trash, landscape debris, special-handling landscape debris or container, to be deposited or remain at curbside, or in any public area, or in any area of the town adjacent to or abutting a street except on the day designated for bulk waste pick-up or by special arrangement with the town. In the event that any of the aforementioned items have not been picked up by the town or its agent by 4:00 p.m. on Fridays, said items shall be removed from public view by the owner or occupant of the property prior to 6:00 p.m. on Fridays. First Violation \$100.00

<b>Department's Recommendation:</b> Assess a \$100.00 fine.	<b>Case History:</b> This is a new case.
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2. 9270 West Bay Harbor Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Code Officer:** Evelyn Merizalde

**Owner:** The Lexington Condominium, Inc.

**Registered Agent:** Jorge Mirabal

**Citation #:** 19-000531

**Date Issued:** 8/24/2021

**Violation:** Notice of violation was issued to obtain an after-the-fact permit for the seawall repair.

**Code Section:** Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public..... Daily Penalty \$50.00

<p><b><u>Department's Recommendation:</u></b> Assess a \$250.00 fine plus a \$200.00 administrative fee for a total of \$450.00.</p>	<p><b><u>Case History:</u></b> March 24, 2022 Special Master hearing - This case is on hold until the seawall permit is finalized.</p>
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3. 10350 West Bay Harbor Drive 7H

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Code Officer:** Evelyn Merizalde

**Owner:** Simon Shimunov

**Registered Agent:** N/A

**Citation #:** 22-000164

**Date Issued:** 2/8/2022

**Violation:** Obtain an after the fact permit for the remodeling work in progress in the kitchen, bathroom and flooring.

**Code Section:** 5-6(a) Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00

<p><b><u>Department's Recommendation:</u></b></p>	<p><b><u>Case History:</u></b> 6/1/22 Special Master hearing- Fine imposed from 2/8/22-6/1/22, which represents 113 days at \$250.00 per day for a total of \$28,250.00. The fine will continue to accrue at \$250.00 a day until compliance is met.</p>
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Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Special Master with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings and that, for such purpose he or she may need to ensure that a verbatim records of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
9665 BAY HARBOR TERRACE  
BAY HARBOR ISLANDS, FL 33154  
Council Chambers, 2nd Floor  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #1**

Date: November 17, 2022

File Number: 22-002128

**RE: Notice of Violation No: 22-002128**  
**Date of Issuance: Oct 24, 2022**  
**Code Compliance Officer: Evelyn Merizalde**  
**Location of Violation: 9811 West Broadview Drive**  
**Bay Harbor Islands, FL 33154-1127**

**TO: VIOLATOR**

ALAIN G ALBERGEL &W  
9811 W BROADVIEW DR  
BAY HARBOR ISLANDS, FL 33154-1127

**REGISTERED AGENT**

### **Code Sections Violated and Nature of Violations:**

**Code: Sec. 9-23**

**Violation: No person shall deposit or permit any trash, landscape debris, special-handling landscape debris or container, to be deposited or remain at curbside, or in any public area, or in any area of the town adjacent to or abutting a street except on the day designated for bulk waste pick-up or by special arrangement with the town. In the event that any of the aforementioned items have not been picked up by the town or its agent by 4:00 p.m. on Fridays, said items shall be removed from public view by the owner or occupant of the property prior to 6:00 p.m. on Fridays. First Violation \$100.00**

**Corrective Action: Make a check payable to the Town of Bay Harbor Islands in the amount of \$100.00 or make a payable online at <https://www.municipalonlinepayments.com/bayharborislandsfl/easypay> .**

You are hereby notified that a hearing before the Town's Special Master on the described violation will be held as follows:

**Date: December 08, 2022**

**Time: 11:00AM**

**Place: Bay Harbor Islands Town Hall**  
**9665 Bay Harbor Terrace**  
**Bay Harbor Islands, FL 33154**

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Master.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Master at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Yvonne Hamilton', with a long horizontal flourish extending to the right.

Yvonne Hamilton  
Town Clerk

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
9665 BAY HARBOR TERRACE  
BAY HARBOR ISLANDS, FL 33154  
Council Chambers, 2nd Floor  
Phone: (305) 993-1786



## **NOTICE TO APPEAR #2**

Date: November 17, 2022

File Number: 19-000531

**RE: Notice of Violation No: 19-000531**  
**Date of Issuance: August 1, 2021**  
**Code Compliance Officer: Evelyn Merizalde**  
**Location of Violation: 9270 West Bay Harbor Drive**  
**Bay Harbor Islands, FL 33154-0000**

**TO: VIOLATOR**

THE LEXINGTON CONDOMINIUM INC.  
9270 WEST BAY HARBOR DRIVE  
BAY HARBOR ISLANDS, FL 33154

**REGISTERED AGENT**

Jorge Mirabal

9270 West Bay Harbor Drive

Bay Harbor Islands, FL 33154

### **Code Sections Violated and Nature of Violations:**

**Code: Sec. 23-12(1)**

**Violation: Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00**

**Corrective Action: Obtain an after the fact permit for the seawall repair. Permit application attached.**

You are hereby notified that a hearing before the Town's Special Master on the described violation will be held as follows:

**Date: December 08, 2022**

**Time: 11:00AM**

**Place: Bay Harbor Islands Town Hall  
9665 Bay Harbor Terrace  
Bay Harbor Islands, FL 33154**

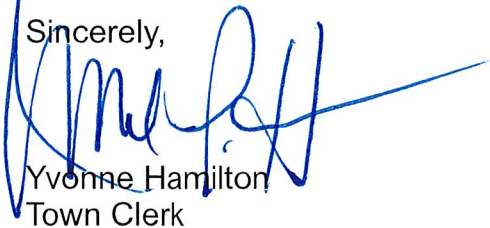
You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Master.

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For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email.

Sincerely,

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Yvonne Hamilton  
Town Clerk

**Bay Harbor Island Town Hall**  
**Code Compliance Division**  
**9665 BAY HARBOR TERRACE**  
**BAY HARBOR ISLANDS, FL 33154**  
**Council Chambers, 2nd Floor**  
**Phone: (305) 993-1786**



## **NOTICE TO APPEAR #2**

Date: November 17, 2022

File Number: 22-000164

**RE: Notice of Violation No: 22-000164**  
**Date of Issuance: Feb 08, 2022**  
**Code Compliance Officer: Evelyn Merizalde**  
**Location of Violation: 10350 West Bay Harbor Drive 7H**  
**Bay Harbor Islands, FL 33154-1295**

**TO: VIOLATOR**

**REGISTERED AGENT**

SIMON SHIMUNOV  
10350 West Bay Harbor Drive  
Bay Harbor Islands, FL 33154

### **Code Sections Violated and Nature of Violations:**

**Code: Sec. 5-6(a)**

**Violation: Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00**

**Corrective Action: Obtain after the fact permits for the remodeling work in progress in the kitchen, bathroom and flooring.**

You are hereby notified that a hearing before the Town's Special Master on the described violation will be held as follows:

**Date: December 08, 2022**

**Time: 11:00AM**

**Place: Bay Harbor Islands Town Hall**  
**9665 Bay Harbor Terrace**  
**Bay Harbor Islands, FL 33154**

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the

owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Master.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Master at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email.

Sincerely,



Yvonne Hamilton  
Town Clerk