

**TOWN OF BAY HARBOR ISLANDS
SPECIAL MAGISTRATE HEARING
MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET
BAY HARBOR ISLANDS, FL 33154**

SPECIAL MAGISTRATE CHRISTOPHER E. BENJAMIN

**AGENDA
MAY 31, 2023
11:00 A.M.**

1. 1065 94 Street

Type of Hearing: Special Magistrate Hearing

Presenter: Evelyn Merizalde

Owner: Infinity The Oaks, LLC

Code Officer: Evelyn Merizalde

Registered Agent: Igal Gold

Citation #: 22-001170

Date Issued: 1/18/2023

Violation: Hire a licensed contractor to complete the structural repairs noted on the Structural Condition Assessment report attached. A permit is required.

Pressure clean the building and re-paint the areas where the paint is peeling.

Code Section: 24-9(b) Every building shall be reasonably weathertight and rodent-proof. Floors, walls, ceilings and roofs shall be capable of affording adequate shelter and privacy and shall be kept in good repair. Windows and exterior doors shall be reasonably weathertight, watertight and rodent-proof and shall be maintained in good working condition. All interior and exterior parts of any dwelling including hotel or motel units, that show evidence of rot, deterioration and need for repainting shall be repaired, replaced or repainted whenever deemed necessary by the code compliance officer, unless such surface is covered by paneling, wallpaper or other similar covering in which event such shall be thoroughly washed and scrubbed whenever deemed necessary by the code compliance officer. Whenever repair or repainting of a portion of any interior part shall be required, the entire interior of that room shall be repainted. Daily Penalty \$50.00

23-12(1) 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

<p><u>Department's Recommendation:</u> Grant an extension for 90 days to complete the repairs and pass a final inspection.</p>	<p><u>Case History:</u> This is a new case.</p>
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2. 10350 West Bay Harbor Drive

Type of Hearing: Special Magistrate Hearing

Presenter: Evelyn Merizalde

Code Officer: Evelyn Merizalde

Owner: Simon Shimunov

Registered Agent: N/A

Citation #: 22-000164

Date Issued: 1/26/2022

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

Code Section: 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><u>Department's Recommendation:</u> The Special Magistrate's discretion to mitigate the fine.</p>	<p><u>Case History:</u> 6/1/22- 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 shall continue to accrue at \$250.00 a day until compliance is met. 12/8/22- Continuance granted.</p>
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3. 1270 102 Street

Type of Hearing: Special Magistrate Hearing

Presenter: Evelyn Merizalde

Code Officer: Evelyn Merizalde

Owner: 1270 Holdings, LLC

Registered Agent: Bruce Smoler

Citation #: 22-001960

Date Issued: 11/14/2022

Violation: Have the vacant lot graded and sodded . Remove all construction materials, construction fence and/or equipment located on the vacant lot.

Code Section: Vegetation such as grass, shrubs, trees and ground covers shall be maintained in such a fashion so that the site does not appear overgrown or unkempt. Within 30 days of demolition of an existing structure, the site must be sodded and properly maintained, until such time as a construction fence is erected and construction activity begins. Daily Penalty \$250.00

<p><u>Department's Recommendation:</u> Impose a fine from 12/14/22-5/5/23 which</p>	<p><u>Case History:</u> This is a new case.</p>
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represents 141 days at \$250.00 per day for a total amount of \$35,250.00.

4. 10201 East Broadview Drive

Type of Hearing: Special Magistrate Hearing

Presenter: Evelyn Merizalde

Owner: Yaakov R. Klugmann

Code Officer: Evelyn Merizalde

Registered Agent: N/A

Citation #: 22-001959

Date Issued: 11/14/2022

Violation: Have the vacant lot graded and sodded. Remove all construction materials, construction fence and/or equipment located on the vacant lot.

Code Section: 5-5(e) Vegetation such as grass, shrubs, trees and ground covers shall be maintained in such a fashion so that the site does not appear overgrown or unkempt. Within 30 days of demolition of an existing structure, the site must be sodded and properly maintained, until such time as a construction fence is erected and construction activity begins. Daily Penalty \$250.00

Department's Recommendation:

Impose a fine of \$250.00 per day until compliance is achieved.

Case History:

This is a new case.

5. 10200 East Broadview Drive

Type of Hearing: Special Magistrate Hearing

Presenter: Scherrie Griffin

Owner: Anthony Markofsky
Niki Markofsky

Code Officer: Scherrie Griffin

Registered Agent: N/A

Citation #: 22-001082

Date Issued: 12/5/2022

Violation: Failure to obtain an after-the-fact permit form the Building Department for the roofing work.

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

Department's Recommendation:

Impose a fine of \$250.00 plus a \$200 administration for a total of \$450.00.

Case History:

This is a new case.

6. 1145 101 Street

Type of Hearing: Special Magistrate Hearing

Presenter: Evelyn Merizalde

Owner: Philoxenia, LLC

Code Officer: Evelyn Merizalde

Registered Agent: Maximillian Everhardt

Citation #: 22-000227

Date Issued: 8/18/2022

Violation: Cease and desist from vacation rental use and remove the listing online until a Vacation Rental License is approved. Please contact the Town of Bay Harbor Islands Clerk's Office at 305-866-6241 to complete an application.

Code Section: 23-72(a) Registration required. It is unlawful for any person to allow another person to occupy any residential property as a vacation rental within the Town of Bay Harbor Islands, or offer such rental services within the town, unless the person has registered the vacation rental property with the town and the vacation rental property has been issued a business tax receipt (BTR)..... Daily Penalty \$250.00

<p>Department's Recommendation: Grant a continuance for 30 days.</p>	<p>Case History: This is a new case.</p>
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7. 1230 96 Street

Type of Hearing: Special Magistrate Hearing

Presenter: Scherrie Griffin

Owner: 770 Properties, LLC

Code Officer: Scherrie Griffin

Registered Agent: Annick Bouhadana

Citation #: 22-001329

Date Issued: 12/1/2022

Violation: Remove the tarp and install garage door. Permit required from the building department.

Code Section: 23-12(1) 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

Department's Recommendation:

Grant a continuance for 30 days.

Case History:

This is a new case.

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.