

**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

September 27, 2023
10:00 AM

1. 10201 East Broadview Drive

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: Yaakov Klugman

Code Officer: Evelyn Merizalde

Registered Agent:

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:	Case History:
Close the case with a \$200.00 administrative fee.	5/31/23- Special Magistrate Hearing Findings The vacant lot must be sodded within 30 days. The daily fine of \$250.00 will be imposed if the property is not in compliance within 30 days.

2. 1230 96 Street

Type of Hearing: Special Master 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:

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 the owner a continuance.	Case History: 5/31/23 Special Magistrate
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3. 10180 West Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: The Montego Bay Club Condominium Association, Inc.

Code Officer: Evelyn Merizalde

Registered Agent: Primex Management, LLC
Orlando Arrom

Citation #: 23-000336

Date Issued: 2/28/2023

Violation: A couch was found placed on the curbside before Wednesday.

Fine imposed in the amount of \$100.00. Please make a check payable to the Town of Bay Harbor Islands in the amount of \$100.00 or make a payment online at <https://www.municipalonlinepayments.com/bayharborislandsfl/easypay> .

Code Section: 9-23 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.

9-29(b)(1) Ord. 1082 The town shall have the right to remove any container, garbage or trash, landscape debris, special-handling landscape debris and trash that is in violation of this chapter, and to levy and charge the owner of the property \$100 for the First Violation, \$250 for the Second

Violation, and \$500.00 for each subsequent violation, plus the costs to the town of removal and/or correction of any violation of this chapter.

<u>Department's Recommendation:</u> The Special Magistrate's discretion.	<u>Case History:</u> This is a new case.
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4. 10101 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: Belmont Condominium Association, Inc. **Code Officer:** Evelyn Merizalde

Registered Agent: Daniel Andai

Citation #: 22-002264

Date Issued: 11/17/2022

Violation: Obtain an after the fact permit for the new asphalt milling, parking spaces and restriping work in progress.

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

<u>Department's Recommendation:</u> Assess a fine of \$250.00 and a \$200.00 administrative fee.	<u>Case History:</u> This is a new case.
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5. 1141 96 Street

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: 1141, LLC

Code Officer: Scherrie Griffin

Registered Agent: Christine Justice

Citation #: 23-000715

Date Issued: 5/3/2023

Violation: Found construction work in progress on Saturday, 4/29/23.

Code Section: 12-26(1)(a) Construction activity is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. No construction activity is permitted on Saturdays or Sundays, except for watering in connection with dust mitigation.
12-27(a) Ord. 1082 For the First Violation, the violator shall receive a Notice of Violation imposing a fine of \$1,000 Second Violation- \$2,000 Third Violation- \$3,000 plus 8-hour Stop Work Order Each subsequent violation- \$5,000

<u>Department's Recommendation:</u> Grant the owner a continuance.	<u>Case History:</u> This is a new case.
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6. 9501 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: Mansard Condominium, Inc.

Code Officer: Scherrie Griffin

Registered Agent: Keystone Property Management
John Bennett

Citation #: 23-000878

Date Issued: 5/18/2023

Violation: Found painters operating machinery before 9:00 AM.

Code Section: 12-27(a) Ord. 1082 For the First Violation, the violator shall receive a Notice of Violation imposing a fine of \$1,000 Second Violation- \$2,000 Third Violation- \$3,000 plus 8-hour Stop Work Order Each subsequent violation- \$5,000

Department's Recommendation: The Special Magistrate's discretion.	Case History: This is a new case.
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7. 1019 Kane Concourse

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: Bussel Family Holding CO, LLC

Code Officer: Scherrie Griffin

Registered Agent: John Matthew Bussel

Citation #: 23-000888

Date Issued: 5/19/2023

Violation: Found underground work completed without a permit (Process #EP-2300013).

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: Assess a fine of \$1,500.00 plus a \$200.00 administrative fee.	Case History: This is a new case.
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8. 9350 West Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: 9350 Condominium Association, Inc. **Code Officer:** Scherrie Griffin

Registered Agent: Robert H. Yaffe

Citation #: 23-001089

Date Issued: 7/3/2023

Violation: Obtain an after-the-fact building and plumbing permit from the Town of Bay Harbor Islands Building Department.

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: Assess a fine of \$250.00 and a \$200.00 administrative fee.	Case History: This is a new case.
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9. 1130 93 Street

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: HORIZON AT CASA VERDE, LLC

Code Officer:

Registered Agent: Registered Agent of Florida, LLC

Citation #: 19-002415

Date Issued: 11/20/2019

Violation: Failure to obtain 40 year re-certification as required by Miami-Dade.

Code Section: The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above. Daily Penalty \$50.00

Department's Recommendation: Asses a fine from 11/20/19-6/28/23 which represents 1,316.00 days at \$50.00 per day for a total of \$65,800.00.	Case History: 1/23/2020 SMH-Special Master Richard Kroop imposed a fine of \$50.00 per day until compliance is met. If no activity occurs within the next 90 days, report to the Miami-Dade Unsafe Structure Board. 9/29/2021 SMH-Special Master Richard Kroop - Town to Report to
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	Miami Dade Unsafe Structure Board. Fines continue to run @ \$50 a day.
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10. 9291 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Code Officer:

Owner: 9291 EBH LTD

Registered Agent: David Kahn

Citation #: 18-002329

Date Issued: 11/27/2018

Violation: Failure to obtain 40 YR. re-certification per Miami-Dade County Chapter 8.

Code Section: 24-3 The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above. Daily Penalty \$50.00

Department's Recommendation: Asses a fine from 11/27/18-9/27/23 which represents 1,766 days at \$50.00 per day for a total of \$88,300.00.	Case History: This is a new case.
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11. 9881 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Code Officer:

Owner: 9881 EBHD, LTD.

Registered Agent: David Kahn

Citation #: 21-001505

Date Issued: 7/23/2021

Violation: Failure to obtain 40 Years re-certification as required by Miami-Dade.

Code Section: 24-3 The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents

and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above. Daily Penalty \$50.00

<u>Department's Recommendation:</u> Assess a fine of 8/23/21-3/20/23, which represents 574 days at \$50.00 per day for a total of \$28,700.00.	<u>Case History:</u> This is a new case.
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12. 1145 101 Street

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Code Officer: Evelyn Merizalde

Owner: Babak, LLC

Registered Agent: SHEVLIN & ATKINS
Attorneys at Law

Citation #: 21-001813

Date Issued: 9/3/2021

Violation: Obtain an after the fact permit for the installation of pool pavers. Permit application attached.

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

<u>Department's Recommendation:</u> Assess the fine from 10/4/21-8/20/23, which represents 686 days at \$250.00 for a total fine of \$171,500.00	<u>Case History:</u> 10/27/22 SMH-Special Master Richard Kroop imposed a fine of \$250.00 per day from 10/4/21 until compliance is met.
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13. 1145 101 Street

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Code Officer: Evelyn Merizalde

Owner: Babak, LLC

Registered Agent: SHEVLIN & ATKINS
Attorneys at Law

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><u>Department's Recommendation:</u> Assess a fine from 9/20/22-5/26/23 which represents 248 days at \$250.00 per day for a total of \$62,000.00.</p>	<p><u>Case History:</u> 5/31/23 Special Magistrate Hearing- The request for a continuance was granted to Philoxenia, LLC, Maximillian Everhardt, R.A.</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.