

**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

<p><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.</p>	<p><u>Case History:</u> This is a new case.</p>
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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

<p><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</p>	<p><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.</p>
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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>Department's Recommendation: 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>Case History: 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.

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: September 05, 2023

File Number: 22-001959

RE: Notice of Violation No: 22-001959
Date of Issuance: November 14, 2022
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 10201 East BROADVIEW Drive
Bay Harbor Islands, FL 33154-1124

TO: VIOLATOR REGISTERED AGENT

YAAKOV R KLUGMANN
4 HILLTOP CT
Lakewood, NJ 08701

Code Sections Violated and Nature of Violations:

Code: Sec. 5-5(e)

Violation: 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.

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

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

Date: September 27, 2023

Time: 10:00 AM

TOWN OF BAY HARBOR ISLANDS
Place: MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET #2-3
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 Magistrate.

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 Magistrate 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

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: September 05, 2023

File Number: 22-001329

RE: Notice of Violation No: 22-001329
Date of Issuance: Jul 07, 2022
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1230 96 Street
Bay Harbor Islands, FL 33154-1938

TO: VIOLATOR

770 PROPERTIES LLC
ANNICK BOUHADANIA
9499 COLLINS AVE APT 806
SURFSIDE, FL 33154

REGISTERED AGENT

Annick Bouhadana
9499 Collins Avenue, Apt PH6
Town of 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: Remove the tarp and install garage door. Permit required from the building department.

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

Date: September 27, 2023

Time: 10:00AM

TOWN OF BAY HARBOR ISLANDS
Place: MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET #2-3
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 Magistrate.

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 Magistrate 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 sgriffin@bayharborislands-fl.gov.

Sincerely,



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 #1

Date: September 05, 2023

File Number: 23-000336

RE: Notice of Violation No: 23-000336
Date of Issuance: Feb 28, 2023
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 10180 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000

TO: VIOLATOR

THE MONTEGO CLUB CONDOMINIUM ASSOCIATION, INC.
10180 WEST BAY HARBOR DRIVE 2C
BAY HARBOR ISLANDS, FL 33154

REGISTERED AGENT

Orlando Arrom
8888 Collins Ave Unit 307
Surfside, FL 33154

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.

Corrective Action: Notify all residents that bulk garbage items may be placed curbside on Wednesdays for pick-up on Thursdays.

Code: 9-29(b)(1) - Ordinance 1082

Violation: 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.

Corrective Action: 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> .

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

Date: September 27, 2023

Time: 10:00 AM

**TOWN OF BAY HARBOR ISLANDS
Place: MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET #2-3
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 Magistrate.

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 Magistrate 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

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: September 05, 2023

File Number: 22-002264

RE: Notice of Violation No: 22-002264
Date of Issuance: November 17, 2022
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 10101 East Bay Harbor Drive
Bay Harbor Islands , FL 33154

TO: VIOLATOR

Belmont Condominium Association, Inc.
10101 East Bay Harbor Drive
Bay Harbor Islands, FL 33154

REGISTERED AGENT

Daniel Andai
8877 Collins Avenue #606
Surfside, 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 an after the fact permit for the new asphaltting milling, parking spaces restriping work in progress.

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

Date: September 27, 2023

Time: 10:00AM

TOWN OF BAY HARBOR ISLANDS
Place: MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET #2-3
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

Magistrate.

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 Magistrate 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 #1

Date: September 05, 2023

File Number: 23-000715

RE: Notice of Violation No: 23-000715
Date of Issuance: May 02, 2023
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1141 96 Street
Bay Harbor Islands, FL 33154-2012

TO: VIOLATOR

1141 LLC
9655 EAST BAY HARBOR DR APT 6S
BAY HARBOR ISLANDS, FL 33154

REGISTERED AGENT

Christine Justice
9655 East Bay Harbor Dr.
Bay Harbor Islands, FL 33154

Code Sections Violated and Nature of Violations:

Code: Sec. 12-26(1)(a)

Violation: 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.

Corrective Action: Make a check payable to the Town of Bay Harbor Islands in the amount of \$1,000.00 or make a payment online at

<https://www.municipalonlinepayments.com/bayharborislandsfl/easypay>.

Code: Ordinance 1082 Sec. 12-27(a)

Violation: 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

Corrective Action: Fine imposed in the amount of \$1,000.00.

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

Date: September 27, 2023

Time: 10:00AM

TOWN OF BAY HARBOR ISLANDS
Place: MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET #2-3
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 Magistrate.

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

Sincerely,



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 #1

Date: September 05, 2023

File Number: 23-000878

RE: Notice of Violation No: 23-000878
Date of Issuance: May 18, 2023
Code Compliance Officer: Scherrie Griffin
Location of Violation: 9501 East BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000

TO: VIOLATOR

MANSARD CONDOMINIUM, INC.
764 West 41st Street
Miami Beach, FL 33140

REGISTERED AGENT

JOHN Bennett
765 West 41st Street
Miami Beach, FL 33140

Code Sections Violated and Nature of Violations:

Code: Sec. 12-26(1)(a)

Violation: 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.

Corrective Action: Make a check payable to the Town of Bay Harbor Islands in the amount of \$1,000.00 or make a payment online at <https://www.municipalonlinepayments.com/bayharborislandsfl/easypay> .

Code: Ordinance 1082 Sec. 12-27(a)

Violation: 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

Corrective Action: Fine imposed in the amount of \$1,000.00.

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

Date: September 27, 2023

Time: 10:00AM

TOWN OF BAY HARBOR ISLANDS
Place: MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET #2-3
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 Magistrate.

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 Magistrate 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

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: September 05, 2023

File Number: 23-000888

RE: Notice of Violation No: 23-000888
Date of Issuance: May 19, 2023
Code Compliance Officer: Scherrie Griffin
Location of Violation: 1019 KANE CONC
Bay Harbor Islands, FL 33154-0000

TO: VIOLATOR

BUSSEL FAMILY HOLDING CO LLC
1019 Kane Concourse #200
Bay Harbor Islands, FL 33154-1915

REGISTERED AGENT

John Matthew Bussel
9405 East Broadview Drive
Town of 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 permit #EP-2300013 from the building department.

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

Date: September 27, 2023

Time: 10:00AM

TOWN OF BAY HARBOR ISLANDS
Place: MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET #2-3
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 Magistrate.

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 Magistrate 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 sgriffin@bayharborisland-fl.gov.

Sincerely,



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 #1

Date: September 05, 2023

File Number: 23-001089

RE: Notice of Violation No: 23-001089
Date of Issuance: Jun 20, 2023
Code Compliance Officer: Scherrie Griffin
Location of Violation: 9350 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000

TO: VIOLATOR

9350 CONDOMINIUM ASSOCIATION, INC
9350 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154

REGISTERED AGENT

Robert H Yaffee, P.A.
1135 Kane Concourse, Third Floor
Town of 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 an after-the-fact building and plumbing permit from the Town of Bay Harbor Islands Building Department.

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

Date: September 27, 2023

Time: 10:00AM

TOWN OF BAY HARBOR ISLANDS
Place: MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET #2-3
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 Magistrate.

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 Magistrate 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 sgriffin@bayharborislands-fl.gov.

Sincerely,



Yvonne Hamilton
Town Clerk

TOWN OF BAY HARBOR ISLANDS
BUILDING DEPARTMENT
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



NOTICE TO APPEAR #3

Date: September 06, 2023
File Number: 19-002415

RE: Notice of Violation No: 19-002415
Date of Issuance: Nov 20, 2019
Chief Building Official: Mike Mesa
Location of Violation: 1130 93 Street
Bay Harbor Islands, FL 33154-2300

TO: VIOLATOR
HORIZON AT CASA VERDE, LLC
53 BROADWAY
BRROKLYN, NY 11249

REGISTERED AGENT
REGISTERED AGENTS OF FLORIDA, LLC
100 SE 2ND STREET, 29TH FLOOR
MIAMI, FL 33131

Code Sections Violated and Nature of Violations:

Code: Sec. 24-3

Violation: 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.

Corrective Action: Apply and obtain all permits as per the repairs indicated on your engineers report.

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

Date: September 27, 2023
Time: 10:00AM
Morris N. Broad Community Center
Place: Town of Bay Harbor Islands
1175 95 Street #2-3
Bay Harbor Islands, Florida 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 Magistrate.

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 Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

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

Sincerely,



Yvonne Hamilton
Town Clerk

TOWN OF BAY HARBOR ISLANDS
BUILDING DEPARTMENT
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



NOTICE TO APPEAR #5

Date: September 06, 2023
File Number: 18-002329

RE: Notice of Violation No: 18-002329
Date of Issuance: Nov 28, 2018
Chief Building Official: Mike Mesa
Location of Violation: 9291 East Bay Harbor Drive
Bay Harbor Islands, FL 33154-2782

TO: <u>VIOLATOR</u>	<u>REGISTERED AGENT</u>
9291 EBH LTD	David J Kahn
1133 Normandy Drive	1133 Normandy Drive
Miami Beach, FL 33141	Miami Beach, FL 33141

Code Sections Violated and Nature of Violations:

Code: Sec. 24-3

Violation: 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.

Corrective Action: Apply and obtain all permits and inspections as per the repairs indicated on your engineers report.

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

Date: September 27, 2023
Time: 10:00AM
Morris N. Broad Community Center
Place: Town of Bay Harbor Islands
1175 95 Street #2-3
Bay Harbor Islands, Florida 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 Magistrate.

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 Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

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

Sincerely,



Yvonne Hamilton
Town Clerk

TOWN OF BAY HARBOR ISLANDS
BUILDING DEPARTMENT
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



NOTICE TO APPEAR #3

Date: September 06, 2023
File Number: 21-001505

RE: Notice of Violation No: 21-001505
Date of Issuance: Jul 23, 2021
Chief Building Official: Mike Mesa
Location of Violation: 9881 East BAY HARBOR Drive
Bay Harbor Islands, FL 33154-3808

TO: <u>VIOLATOR</u>	<u>REGISTERED AGENT</u>
9881 EBH LTD	David J Kahn
1133 Normandy Drive	1133 Normandy Drive
MIAMI BEACH, FL 33141	Miami Beach, FL 33141

Code Sections Violated and Nature of Violations:

Code: Sec. 24-3

Violation: 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.
Corrective Action: Submit Engineers 40, 50, 60.... Year Re-Certification Report and \$250.00 processing fee.

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

Date: September 27, 2023
Time: 10:00AM
Morris N. Broad Community Center
Place: Town of Bay Harbor Islands
1175 95 Street #2-3
Bay Harbor Islands, Florida 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 Magistrate.

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 Magistrate at least ten (10) calendar days prior to the date set for the hearing to be considered.

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

Sincerely,



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 #4

Date: September 14, 2023

File Number: 21-001813

RE: Notice of Violation No: 21-001813
Date of Issuance: Sep 03, 2021
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 1145 101 Street
Bay Harbor Islands, FL 33154-0000

TO: VIOLATOR

REGISTERED AGENT

Philoxenia, LLC

Philoxenia, LLC
2500 E Hallandale Beach Blvd. #800
Hallandale Beach, FL 33009
3419 Via Lido # 645
Newport, CA 92663
Babak, LLC
Samira, LLC
BH Star 1, LLC
7657 NE 50 Street
Miami, FL 33166

Maximillian Everhardt, R.A.
2500 E. Hallandale Beach Blvd. # 800
Hallandale Beach, FL 33009
3419 Via Lido # 645
Newport, CA 92663
Baka, LLC
Samira, LLC
BH Star 1, LLC
Shevlin & Atkins Attorney at Law, R.A.
1111 Kane Concourse # 619
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 an after the fact permit for the installation of pool pavers. Permit application attached.

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

Date: September 27, 2023

Time: 10:00AM

TOWN OF BAY HARBOR ISLANDS
Place: MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET #2-3
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 Magistrate.

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 Magistrate 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

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 #3

Date: September 13, 2023
File Number: 22-000227

RE: Notice of Violation No: 22-000227
Date of Issuance: August 21, 2022
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 1145 101 Street
Bay Harbor Islands, FL 33154-0000

TO: VIOLATOR

Philoxenia, LLC
2500 E. Hallandale Beach Blvd. # 800
Hallandale, FL 33009

3419 Via Lido # 645
Newport Beach, CA 92663
Babak, LLC
Samira, LLC
BH Star 1, LLC
7657 NE 50 Street
Miami, FL 33166

REGISTERED AGENT

Philoxenia, LLC
Maximillian Everhart, R.A.

2500 E Hallandale Beach Blvd. # 800
Hallandale Beach, FL 33154
3419 Via Lido #645
Newport Beach, CA 92663
Baka, LLC
Samira, LLC
BH Star 1, LLC
Shevlin & Atkins Attorney at Law, R.A.
1111 Kane Concourse # 619
Bay Harbor Islands, FL 33154

Code Sections Violated and Nature of Violations:

Code: Sec. 23-72(a)

Violation: 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

Corrective Action: 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.

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

Date: September 27, 2023

Time: 10:00AM

TOWN OF BAY HARBOR ISLANDS
Place: MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET #2-3
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 Magistrate.

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Any request for continuance must be received by the Special Magistrate 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