

**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

November 29, 2023
10:00 AM

1. 1108 Kane Concourse

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: 1108 CONCOURSE LC

Code Officer:

Registered Agent: Richard Wasserstein

Citation #: 23-000037

Date Issued: 1/17/2023

Violation: Failure to obtain 40 yrs Re-Certification per 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>	<u>Case History:</u>
Impose a fine of \$50.00 per day until compliance is met.	This is new case.

2. 1120 99 Street # 504

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: Waterstone Capital Holding, LLC

Code Officer: Evelyn Merizalde

Registered Agent: Richard Wasserstein

Citation #: 23-000315

Date Issued: 3/8/2023

Violation: Obtain permits for the flooring and kitchen demolition.

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> Impose a fine of \$250.00 plus a \$200.00 administrative fee for a total of \$450.00.	<u>Case History:</u> This is a new case.
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3. 1350 96 Street

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Code Officer: Evelyn Merizalde

Owner: Matias Cohen

Registered Agent: N/A

Citation #: 23-000049

Date Issued: 1/12/2023

Violation: 1. Found a shed on the property without a permit.
2. The garbage/recycling containers are visible from the street.
3. Tarp located on the roof.
4. The paint on the columns and structure appears to be deteriorated.
5. The address is not visible from the street.

Code Section: 17-23(e) Property address not visible from the street
23-12(1) A condition or activity which is an annoyance, blight, eyesore
5-19.1 Paint permit required
5-6(a) Permit required
9-3(a) Dumpster Kept Together

<u>Department's Recommendation:</u> Close the case.	<u>Case History:</u> This is a new case
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4. 9601 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Code Officer: Evelyn Merizalde

Owner: Bay Harbor Hotel, LLC

Registered Agent: M.J.F. Registered Agent

Citation #: 22-000132

Date Issued: 1/24/2022

Violation: Obtain an after-the-fact demolition and electrical permit. 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> Impose a fine of \$250.00 plus a \$200.00 administrative fee for a total of \$450.00.	<u>Case History:</u> 6/1/22 Special Magistrate Finding's- Extension of time granted for 90 days.
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5. 1065 94 Street

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: Infinity the Oaks, LLC

Code Officer: Evelyn Merizalde

Registered Agent: Igal Goldfarb

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: 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

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

<u>Department's Recommendation:</u>	<u>Case History:</u>
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Impose a fine of \$100.00 plus a \$200.00 administrative fee for a total of \$300.00.	5/31/23 Special Magistrate Finding's- Extension granted for 90 days to complete the repairs and pass a final inspection.
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6. 9700 East Bay Harbor Drive # 303

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: ZJRC 303, LLC

Code Officer: Evelyn Merizalde

Registered Agent: BAABA, LLC

Citation #: 23-000943

Date Issued: 6/5/2023

Violation: Obtain after the fact permits for the kitchen alterations in progress and to replace the window covered with plywood.

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 in the amount of \$250.00 plus a \$200.00 administrative fee for a total of \$450.00.	Case History: This is a new case.
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7. 1075 93 Street # 102

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: Daniella Valeriano

Code Officer: Evelyn Merizalde

Registered Agent: N/A

Citation #: 23-000014

Date Issued: 1/11/2023

Violation: Report received about illegal construction work in progress over the weekend. Police call # 22-27906

The unit was demolished without the required permits. Make a check payable to the Town of Bay Harbor Islands in the amount of \$250.00 or make a payment online at <https://www.municipalonlinepayments.com/bayharborislandsfl/easypay> .

Obtain after the fact electrical, mechanical, plumbing, building permits for the interior alterations. The property is currently under a Stop Work Order by the Chief Building Official for alterations without a permit.

Code Section: 12/26(2) Except for watering as provided for in subsection (1)(a) above, no construction, repair, maintenance, or landscaping activity is permitted on Sundays or legal holidays, and the same is hereby specifically prohibited. For purposes of this section, the term "legal holidays" is defined as any day observed by the town as a legal holiday. \$250.00

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> Impose a fine of \$500.00 plus a \$200.00 administrative fee for a total of \$700.00.	<u>Case History:</u> This is a new case.
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8. 9961 East Broadview Drive

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Code Officer: Evelyn Merizalde

Owner: George Bouis

Registered Agent: NA

Citation #: 23-000142

Date Issued: 3/2/2023

Violation: Replace all areas of artificial turf with grass as per the approved landscape plan.

In the single-family district (RD) a 2-story home must be pervious landscape open space, meaning at least 35% - 40% of the site must be living landscape open space.

Code Section:

24-16(1)(a)(b). A property owner is responsible for ensuring that landscaping required to be planted pursuant to this section of any previous applicable ordinance(s), is: a. Installed in compliance with applicable ordinances; b. Maintained so as to represent a healthy, vigorous, and neat appearance, free from overgrowth, weeds, refuse and debris; c. Sufficiently fertilized and watered to maintain the plant material in a healthy condition, including appropriate use of pesticides as necessary. Daily penalty \$50.00

<u>Department's Recommendation:</u> Impose a fine of \$50.00 per day until compliance is achieved.	<u>Case History:</u> This is a new case.
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9. 1050 92 Street

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Code Officer: Evelyn Merizalde

Owner: Harbor International Group 3, LLC

Registered Agent: Professional Corporate Services, LLC

Citation #: 23-000194

Date Issued: 2/7/2023

Violation: Obtain after the fact permits for the interior demolition.

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 per day until compliance is achieved.

Case History:

This is a new case.

10. 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 Yaffe

Citation #: 23-001289

Date Issued: 7/19/2023

Violation: Hire a licensed contractor to obtain a building, electrical, plumbing and mechanical permits from the 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:

Impose a fine of \$250.00 plus a \$200.00 administrative fee for a total of \$450.00.

Case History:

This is a new case.

11. 9350 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: DORBE GARDENS CONDOMINIUM, INC.

Code Officer: Scherrie Griffin

Registered Agent: Keystone Property Management

Citation #: 22-001158

Date Issued: 6/14/2022

Violation: Failure to obtain 40 Year 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> Impose a fine of \$24,300.00 plus a \$200.00 administrative fee for a total of \$24,500.00.	<u>Case History:</u> 10/27/2022 Special Magistrate Hearing- Fine imposed at \$50.00 a day until compliance is met.
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12. 9720 Bay Harbor Terrace

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: FLOLIN LLC

Code Officer:

Registered Agent: Bramasole

Citation #: 23-000039

Date Issued: 1/17/2023

Violation: Failure to obtain 40 yrs Re-Certification per 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> Impose a fine of \$50.00 per day until compliance is achieved.	<u>Case History:</u> This is a new case.
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13. 9501 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: MANSARD CONDOMINIUM, INC.

Code Officer:

Registered Agent: Keystone Property Management

Citation #: 22-001162

Date Issued: 6/14/2022

Violation: Failure to obtain 40 Year 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> Impose a fine of \$50.00 per day from 6/14/22 to 11/29/23, which represents 533 days at \$50.00 for a total of \$26,650.00 plus a \$200.00 administrative fee for a total of \$26,850.00.	<u>Case History:</u> This is a new case.
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14. 10001 West Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: Ambassador Place Condominium Association, Inc.

Code Officer:

Registered Agent:

Citation #: 22-001173

Date Issued: 6/14/2022

Violation: Failure to obtain 40 yrs Re-Certification per 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> Impose a fine of \$50.00 per day until compliance is achieved.	<u>Case History:</u> 10/27/22 Special Magistrate Hearing-Case to be Continued.
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15. 9250 West Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: Colony Bay Harbor Apts Condominium Association, Inc. **Code Officer:** Scherrie Griffin

Registered Agent: Trident Management

Citation #: 22-001228

Date Issued: 7/10/2023

Violation: Repave and restripe the parking lot. 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: Impose a \$200.00 administrative fee.	Case History: This is a new case.
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16. 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 work in progress on Saturday, 04/29/2023. Fine imposed in the amount of \$1,000.00.

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)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> The Special Magistrate's discretion.	<u>Case History:</u> 9/27/23 Special Magistrate Finding's: Continuance granted.
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17. 9291 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: 9291 EBH, LTD

Code Officer:

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

<u>Department's Recommendation:</u> Imposed a fine from 11/27/18-10/25/23 which represents 1,793 days at \$50.00 per day for a total of \$89,650.00 plus a \$200.00 administrative fee for a total of \$89,850.00.	<u>Case History:</u> 9/27/2023 Special Magistrate Finding's- The owner has 15 days to comply with the violation.
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18. 1045 Kane Concourse

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: Kane Concourse Enterprises, LLC

Code Officer: Scherrie Griffin

Registered Agent: Joel Piotrkowski

Citation #: 23-000550

Date Issued: 6/21/2023

Violation: Install at least one business sign (wall, window or door sign). Permit required from the

building department.

Code Section: 17-20(a) Signs in the B-1 zone shall bear no more than the name of the building, the trade name of the establishment, and the nature of the business, without designation of any particular product or service by trade name. Signs shall be of a size which is artistically and aesthetically proportionate to the size of the building and to the part of the building on which the sign is located. Each business located on the ground/street level must provide at least one business sign (wall/window/door/etc.). If a common ground/street level building area is occupied by more than one business, only one of the uses shall be entitled to a sign. Primary signs in the business district (B-1) shall comply with the following requirements: Daily fine \$75.00

<u>Department's Recommendation:</u> Impose a \$200.00 administrative fee.	<u>Case History:</u> This is a new case.
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19. 1080 93 Street

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: BAY HARBOR 1080 PARTNERS
LLC

Code Officer: Scherrie Griffin

Registered Agent: CHARTER REALTY
GROUP LLC

Citation #: CC2017-2477

Date Issued: 7/7/2017

Violation: Hire a licensed plumber to obtain a plumbing permit from the 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

<u>Department's Recommendation:</u> Fine to remain in the amount of \$68,000.00 plus an \$150.00 administrative fee that equals a total amount of \$68,150.00.	<u>Case History:</u> 2/7/18 Special Magistrate Finding's- The case will be carried over and placed on the agenda for the next Special Magistrate Hearing. 4/24/18 Special Magistrate Finding's- Fine assessed from 07/07/17 - 04/05/18, which represents 272 days at \$250.00 per day for an amount of \$68,000.00 plus an \$150.00 administrative fee that equals a total amount of \$68,150.00. 5/21/19- Bal Harbour Investments, LLC submitted a settlement offer in the amount of \$ 36,840.00 to resolve all open violations.
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	12/11/19- The Litigation Committee did not approve the settlement offer. 12/20/19- Frank Simone, town attorney, presented a counteroffer on behalf of the Litigation Committee in the amount of \$250,000 (plus administrative fee of \$150.00, per citation) payable over ten (10) monthly payments in equal amounts of \$25,000.00, beginning January 15, 2020. 10/31/23 - The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay \$500 to \$1,000.
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20. 1080 93 Street

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: BAY HARBOR 1080 PARTNERS LLC

Code Officer: Evelyn Merizalde

Registered Agent: CHARTER REALTY GROUP LLC

Citation #: CC2016-2260

Date Issued: 2/3/2016

Violation: Failure to repair pool wall/planters repaired and re-painted. Failure to install hedges along the entire length of the wall planted 2 ft. apart and 50% the height of the wall.

Code Section: 24-13(a) Every foundation, exterior and interior wall, roof, floor, ceiling, window and exterior door shall be structurally sound and maintained in good repair. Daily Penalty \$50.00
23-12(22)(f) Hedge material required for fencing and walls. All fencing or walls must have hedge material installed simultaneously with the installation of the fence or wall. Said hedge must be planted along the entire length of the fence or wall, except at gate locations or as otherwise approved by the town, and shall have a height at the time of planting of at least 50 percent of the height of the fence or wall and must be installed a maximum of two feet apart, measured from the center of the plants. Planting materials associated with fences or walls must be of a type that will grow to a height equal to or greater than the height of the fence or wall and shall be of a depth so as to engulf and hide the fence or wall. The location of any required hedge material shall be determined on a case-by-case basis. Hedges shall be kept and maintained in a neat and attractive manner. If the hedge deteriorates, new planting material to match the existing hedge shall be added. Daily Penalty \$25.00

Department's Recommendation:

Impose a fine from 2/3/16-6/7/18, which represents 855 days at \$75.00 per day for a total of \$64,125.00 plus a \$150.00 administrative fee for the 7/27/16 hearing.

Case History:

7/27/16 Special Magistrate Finding's- Fine imposed from 2/3/16-7/27/16 which represents 175 days at \$75.00 per day for a total of \$13,125.00. The fine of \$75.00 per day will continue to accrue until compliance is met.

	5/21/19- Bal Harbour Investments, LLC submitted a settlement offer in the amount of \$ 36,840.00 to resolve all open violations. 12/11/19- The Litigation Committee did not approve the settlement offer. 12/20/19- Frank Simone, town attorney, presented a counteroffer on behalf of the Litigation Committee in the amount of \$250,000 (plus administrative fee of \$150.00, per citation) payable over ten (10) monthly payments in equal amounts of \$25,000.00, beginning January 15, 2020. 10/31/23 - The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay \$500 to \$1,000.
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21. 1080 93 Street

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: BAY HARBOR 1080 PARTNERS LLC

Code Officer: Evelyn Merizalde

Registered Agent: CHARTER REALTY GROUP LLC

Citation #: 19-002067

Date Issued: 11/6/2019

Violation: Found bulk furniture placed curbside on Saturday 10/6/19. Make a check payable to the Town of Bay Harbor Islands in the amount of \$100.00. Remove the bulk item from the curbside until Wednesday.

Code Section:

<u>Department's Recommendation:</u> Impose a fine of \$100.00 plus a \$200.00 administrative fee for a total of \$300.00.	<u>Case History:</u> This is a new case.
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22. 1080 93 Street

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: BAY HARBOR 1080 PARTNERS LLC

Code Officer: Scherrie Griffin

Registered Agent: CHARTER REALTY

GROUP LLC

Citation #: CC2017-2395

Date Issued: 2/22/2017

Violation: Failure to obtain a 2017-2018 Business Tax Receipt for account no. 24269.

Code Section: 13-8(1)(a) Any person engaging in or managing any business, occupation or profession without first obtaining a local occupational license, if required hereunder, shall be subject to the full license tax and a penalty of 25 percent of the license tax determined to be due, in addition to any other penalty provided by law or ordinance. Daily Penalty \$250.00

Department's Recommendation:

Fine to remain in the amount of \$19,000.00 plus a \$150.00 administrative fee for a total of \$19,150.00.

Case History:

7/21/17 Special Magistrate Finding's: Fine imposed from 2/27/17-5/10/17 which represents 76 days at \$250.00 per day; \$19,000.00 + \$150.00 administrative fee for a total of \$19,150.00.

5/21/19- Bal Harbour Investments, LLC submitted a settlement offer in the amount of \$36,840.00 to resolve all open violations.

12/11/19- The Litigation Committee did not approve the settlement offer.

12/20/19- Frank Simone, town attorney, presented a counteroffer on behalf of the Litigation Committee in the amount of \$250,000 (plus administrative fee of \$150.00, per citation) payable over ten (10) monthly payments in equal amounts of \$25,000.00, beginning January 15, 2020.

10/31/23 - The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay \$500 to \$1,000.

23. 1060 95 Street

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: BAY HARBOR 1080 PARTNERS LLC

Code Officer: Evelyn Merizalde

Registered Agent: CHARTER REALTY GROUP LLC

Citation #: CC2016-2319

Date Issued: 6/29/2016

Violation: Failure to comply with a Courtesy notice issued to hire a licensed contractor to remove the chain link fence located along the second floor balcony, obtain a permit and install hand railings.

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

<u>Department's Recommendation:</u> Impose a fine of \$50.00 per day from 6/29/16-12/28/18, which represents 910 days at \$50.00 per day for a total of \$45,500.00 plus the \$150.00 administrative fee from the hearing on 9/29/16.	<u>Case History:</u> 9/29/16 Special Magistrate Finding's- Fine imposed from 6/29/16-9/29/16 which represents 93 days at \$50.00 per day for a fine of \$4,650.00. The fine will continue to accrue until compliance is met. The chain link fence located on the second floor balcony must be removed and hand railings installed. Permit required. 5/21/19- Bal Harbour Investments, LLC submitted a settlement offer in the amount of \$36,840.00 to resolve all open violations. 12/11/19- The Litigation Committee did not approve the settlement offer. 12/20/19- Frank Simone, town attorney, presented a counteroffer on behalf of the Litigation Committee in the amount of \$250,000 (plus administrative fee of \$150.00, per citation) payable over ten (10) monthly payments in equal amounts of \$25,000.00, beginning January 15, 2020. 10/31/23 - The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay \$500 to \$1,000.
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24. 1060 95 Street

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: BAY HARBOR 1080 PARTNERS LLC

Code Officer: Scherrie Griffin

Registered Agent: CHARTER REALTY

GROUP LLC

Citation #: CC2017-2396

Date Issued: 2/22/2017

Violation: Please obtain a Business Tax Receipt for account no. 23543 from the Town Clerk's office. Invoiced attached.

Code Section: 13-8(1)(a) Any person engaging in or managing any business, occupation or profession without first obtaining a local occupational license, if required hereunder, shall be subject to the full license tax and a penalty of 25 percent of the license tax determined to be due, in addition to any other penalty provided by law or ordinance. Daily Penalty \$250.00

<u>Department's Recommendation:</u> Fine to remain in the amount of \$19,000.00 plus a \$150.00 administrative fee for a total of \$19,150.00.	<u>Case History:</u> 7/12/17 Special Magistrate Finding's: Fine imposed from 2/2/17-5/10/17 which represents 76 days at \$250.00 per day; \$19,000.00 + \$150.00 administrative fee for a total of \$19,150.00. 5/21/19- Bal Harbour Investments, LLC submitted a settlement offer in the amount of \$36,840.00 to resolve all open violations. 12/11/19- The Litigation Committee did not approve the settlement offer. 12/20/19- Frank Simone, town attorney, presented a counteroffer on behalf of the Litigation Committee in the amount of \$250,000 (plus administrative fee of \$150.00, per citation) payable over ten (10) monthly payments in equal amounts of \$25,000.00, beginning January 15, 2020. 10/31/23 - The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay \$500 to \$1,000.
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25. 1060 95 Street

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: BAY HARBOR 1080 PARTNERS LLC

Code Officer: Scherrie Griffin

Registered Agent: CHARTER REALTY GROUP LLC

Citation #: 18-000421

Date Issued: 3/8/2018

Violation: Found the wooden fence was installed without a permit.

Code Section: 23-12(22)(h) Permit required for walls or fences. The installation or maintenance of any walls or fence shall require the application and receipt of a permit authorizing said installation. Each applicant for a permit authorizing said installation shall be required to submit to the town for its approval, prior to the commencement of such installation the following: 1. A landscaping plan, indicating the type, size and quantity of proposed landscaping materials to be used between the wall or fence and the street or adjoining properties. 2. A color sample of the proposed stucco, plaster or other materials, or paint sample, representative of the proposed finished surface of the wall or fence. 3. In the case of walls, architectural drawings indicating some type of architectural feature such as banding, quoins, etc., on stuccoed walls. Said drawings shall clearly indicate the proposed shape and design of said wall. See below for minimum design standards. 4. In the case of wood fences, a scale drawing, photograph or brochure of the proposed style, as well as a color sample of the paint or stain, shall be submitted to the town for approval. 5. If any wall or fence is to be constructed on a common property line, written permission from any adjoining lot owner shall be required to be submitted to the town with the permit application to construct, finish and/or maintain the exterior of the wall facing the adjoining owners' lot. Any damage done to an adjoining owner's property shall be repaired and/or replaced by the applicant. Daily Penalty \$25.00

<u>Department's Recommendation:</u> Impose a fine from 3/8/18-11/25/18, which represents 263 days at \$25.00 per day for a total of \$6,575.00 plus a \$150.00 administrative fee for the hearing on 9/5/18.	<u>Case History:</u> 9/5/18 Special Magistrate Finding's: Special Master assessed a fine from 03/08/18-09/05/18, which represents 182 days at \$25.00 per day for \$4,550.00 plus a \$150.00 administrative cost for a total of \$4,700.00. Fine will continue to accrue at \$25.00 per day until compliance has been met.
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26. 1080 93 Street

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: BAY HARBOR 1080 PARTNERS LLC

Code Officer: Scherrie Griffin

Registered Agent: CHARTER REALTY GROUP LLC

Citation #: CC2017-2399

Date Issued: 2/22/2017

Violation: Failure to obtain a 2017-2018 Business Tax Receipt for account no. 24280.

Code Section: 13-8(1)(a) Any person engaging in or managing any business, occupation or profession without first obtaining a local occupational license, if required hereunder, shall be subject to the full license tax and a penalty of 25 percent of the license tax determined to be due, in addition to any other penalty provided by law or ordinance. Daily Penalty \$250.00

<u>Department's Recommendation:</u> Fine to remain in the amount of \$19,000.00 plus a \$150.00 administrative fee for the hearing on 7/12/17.	<u>Case History:</u> 7/12/17 Special Magistrate Finding's- Fine imposed from 02/22/17-05/10/17 which represents 76 days at \$250.00 per day. The fine amount is \$19,000.00 +\$150.00 administrative
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	fee, which equals \$19,150.00. 5/21/19- Settlement offer in the amount of \$36,840.00 submitted by Bal Harbour Investments, LLC, the previous owner, to resolve all open violations. 12/11/19- The Litigation Committee did not accept the settlement offer. 12/20/19- The town attorney presented a counter offer in the amount of \$250,000.00 (plus administrative fee of \$150.00 per violation) as full and final satisfaction of the Special Magistrate's Order payable over ten(10) monthly payments in equal amounts of \$25,000.00 provided that the monthly payments are timely received by the town each month on or before the 15th of each month beginning on January 15, 2020.
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27. 1080 93 Street

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: BAY HARBOR 1080 PARTNERS LLC

Code Officer:

Registered Agent: CHARTER REALTY GROUP LLC

Citation #: BC2015-2202

Date Issued: 7/22/2015

Violation: Failing to obtain your 40 year re-certification with the Town of Bay Harbor Islands.

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> Impose a fine in the amount of \$65,350.00 plus an administrative fee of \$200.00 for a total of	<u>Case History:</u> 9/5/18 Special Magistrate Finding's- Fine assessed at \$57,100 plus \$150.00 Administrative
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\$65,500.00.	Fee. Fines will run at \$50 per day until compliance has been met. 5/21/19- Bal Harbour Investments, LLC submitted a settlement offer in the amount of \$ 36,840.00 to resolve all open violations. 12/11/19- The Litigation Committee did not approve the settlement offer. 12/20/19- Frank Simone, town attorney, presented a counteroffer on behalf of the Litigation Committee in the amount of \$250,000 (plus administrative fee of \$150.00, per citation) payable over ten (10) monthly payments in equal amounts of \$25,000.00, beginning January 15, 2020. 10/31/23 - The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay \$500 to \$1,000.
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28. 1060 95 Street

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: BAY HARBOR 1080 PARTNERS LLC

Code Officer:

Registered Agent: CHARTER REALTY GROUP LLC

Citation #: 21-001889

Date Issued: 9/23/2021

Violation: The structure is in poor condition and presents an UNSAFE condition due to severe deterioration encountered at the exterior corridors and stairs. (Structural Condition Assessment report dated September 2, 2021)

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> Reimburse the Town in the amount of \$2,644.51 for the installation of the temporary construction fence to secure the unsafe structure plus a \$200.00 administrative fee for a total of \$2,844.51.	<u>Case History:</u> This is a new case.
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29. 1080 93 Street

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: BAY HARBOR 1080 PARTNERS LLC

Code Officer:

Registered Agent: CHARTER REALTY GROUP LLC

Citation #: 21-001888

Date Issued: 9/23/2021

Violation: The structure is in poor condition and presents an UNSAFE condition due to severe deterioration encountered at the exterior corridors and stairs. (Structural Condition Assessment report dated August 31, 2021)

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 \$250.00

<u>Department's Recommendation:</u> Reimburse the Town in the amount of \$4,689.81 for the installation of a temporary construction fence to secure the unsafe structure plus a \$200.00 administrative fee for a total of \$4,889.81.	<u>Case History:</u> This is a new case.
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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.