

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

**SPECIAL MAGISTRATE CHRISTOPHER E. BENJAMIN**

**AGENDA**

February 28, 2024  
10:00 AM

1. 1155 102 Street

**Type of Hearing:** Special Magistrate Hearing

**Presenter:** Evelyn Merizalde

**Owner:** Baby Luna, Corp.

**Code Officer:** Evelyn Merizalde

**Registered Agent:** Caar, Riggs and Ingraham,  
LLC

**Citation #:** 23-000201

**Date Issued:** 2/7/2023

**Violation:** Obtain an after the fact permit for the demolition 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

<b>Department's Recommendation:</b>	<b>Case History:</b>
Impose a fine of \$250.00 plus a \$200.00 administrative fee for a total of \$450.00.	This is a new case.

2. 1135 101 Street

**Type of Hearing:** Special Magistrate Hearing

**Presenter:** Evelyn Merizalde

**Owner:** BAY HARBOR 1135 LLC

**Code Officer:** Evelyn Merizalde

**Registered Agent:** Cogency Global, Inc.

**Citation #:** 23-001576

**Date Issued:** 8/22/2023

**Violation:** Found an air conditioning unit installed without a permit.

**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

<b><u>Department's Recommendation:</u></b> Grant a 60-day extension to obtain a permit for the air conditioning unit.	<b><u>Case History:</u></b> This is a new case.
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3. 1150 98 Street

**Type of Hearing:** Special Magistrate Hearing

**Presenter:** Evelyn Merizalde

**Owner:** The Villas at Bay Harbor Condominium Association, Inc. **Code Officer:** Evelyn Merizalde

**Registered Agent:** FYVE Property Management

**Citation #:** 21-000958

**Date Issued:** 8/7/2021

**Violation:** Remove the vegetation that appears to be damaging the wall, and repair the wall.

**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

<b><u>Department's Recommendation:</u></b> Impose a fine of \$5,000.00 plus a \$200.00 administrative fee for a total of \$5,200.00.	<b><u>Case History:</u></b> 9/29/21 Special Magistrate hearing- Continuance granted a continuance for 60 days. 3/24/22 Special Magistrate hearing- Continuance granted for 90 days.
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4. 1075 93 Street # 304

**Type of Hearing:** Special Magistrate Hearing

**Presenter:** Evelyn Merizalde

**Owner:** Ruben Rancano **Code Officer:** Evelyn Merizalde

**Registered Agent:**

**Citation #:** CC2010-1822

**Date Issued:** 9/14/2010

**Violation:** Tile flooring is installed throughout the unit without a permit.

**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

<b>Department's Recommendation:</b> Impose a fine of \$5,000.00 plus a \$200.00 administrative fee for a total of \$250.00.	<b>Case History:</b> 4/28/11 Special Magistrate hearing - Fine imposed from 9/14/10-4/28/11 which represents 238 days at \$50.00 per for a fine amount of \$11,900.00. The fine will continue to run until compliance is met.
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5. 10150 East Bay Harbor Drive

**Type of Hearing:** Special Magistrate Hearing

**Presenter:** Evelyn Merizalde

**Code Officer:** Evelyn Merizalde

**Owner:** 10150 BH 27D, LLC

**Registered Agent:** ALHADEFF & ROUSSO  
LAW, P.A.

**Citation #:** 22-001021

**Date Issued:** 5/20/2022

**Violation:** Observed a new exterior door installed without a permit at the second floor balcony common area and the rear of the building.

**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

<b>Department's Recommendation:</b> Impose a fine of \$5,000.00 plus a \$200.00 administrative fee for a total of \$5,200.00.	<b>Case History:</b> 10/27/22 Special Magistrate hearing- Fine assessed at \$250.00 per day until compliance is met.
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6. 10190 East Bay Harbor Drive

**Type of Hearing:** Special Magistrate Hearing

**Presenter:** Evelyn Merizalde

**Code Officer:** Evelyn Merizalde

**Owner:** 10190 BH 27D, LLC

**Registered Agent:** ALHADEFF & ROUSSO  
LAW, P.A.

**Citation #:** 21-001479

**Date Issued:** 5/20/2022

**Violation:** Complaint of structural cracks in the columns visible on the first floor near the mailbox area and the hand railings do not meet code requirement.

A courtesy notice was issued to hire a licensed contractor to inspect the building and repair the roof over hang, repair all areas of concrete spalling, corrosion and paint the building. Permit required.

**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

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

<p><b><u>Department's Recommendation:</u></b> Impose a fine of \$5,000.00 plus a \$200.00 administrative fee for a total of \$5,200.00.</p>	<p><b><u>Case History:</u></b> 10/27/22 Special Magistrate hearing - Fine assessed at \$300.00 per day until compliance is met.</p>
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7. 1063 95 Street # 1065

**Type of Hearing:** Special Magistrate Hearing

**Presenter:** Scherrie Griffin

**Code Officer:** Scherrie Griffin

**Owner:** 1050, LLC

**Registered Agent:** Frances Neuhut

**Citation #:** 21-000079

**Date Issued:** 1/15/2021

**Violation:** Found interior alterations done without permits.

**Code Section:** 5-6(a) Hire a licensed General Contractor to obtain building, plumbing and electrical permits from the Town of Bay Harbor Islands Building Department.

<p><b><u>Department's Recommendation:</u></b> Close the case.</p>	<p><b><u>Case History:</u></b> 3/24/22 Special Magistrate hearing-Continuance granted for 90 days.</p>
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8. 1075 93 Street # 207

**Type of Hearing:** Special Magistrate Hearing

**Presenter:** Scherrie Griffin

**Code Officer:** Scherrie Griffin

**Owner:** The HP1, LLC

**Registered Agent:** J.F.S. CONSULTING SERVICES, LLC

**Citation #:** 23-001825

**Date Issued:** 10/2/2023

**Violation:** Report received regarding construction work in progress without permits.

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

<p><b>Department's Recommendation:</b> Impose a fine of \$250.00 plus a \$200.00 administrative for a total of \$450.00.</p>	<p><b>Case History:</b> This is a new case.</p>
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**9.** 9111 East Bay Harbor Drive # PH D

**Type of Hearing:** Special Magistrate Hearing

**Presenter:** Evelyn Merizalde

**Owner:** Orlandus Andre Branch III

**Code Officer:** Evelyn Merizalde

**Registered Agent:**

**Citation #:** 23-001550

**Date Issued:** 8/21/2023

**Violation:** Report received about work in progress without permits.

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

<p><b>Department's Recommendation:</b> Impose a fine of \$250.00 plus a \$200.00 administrative fee for a total of \$450.00.</p>	<p><b>Case History:</b> This is a new case.</p>
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**10.** 9200 West Bay Harbor Drive

**Type of Hearing:** Special Magistrate Hearing

**Presenter:** Scherrie Griffin

**Owner:** 9200 West Bay Harbor Condominium, Inc.

**Code Officer:** Scherrie Griffin

**Registered Agent:** Robert Yaffe

**Citation #:** 24-000035

**Date Issued:** 1/8/2024

**Violation:** Found landscaping activity in progress before 09:00 AM.

**Code Section:** 12-26(1)(c) Landscaping activity. Landscaping activity is permitted from 9:00 am until 6:00 pm Monday to Friday. On Saturdays, landscaping activity is permitted between the hours of 10:00 a.m. and 5:00 pm but only by owners or tenants. There shall be no use of leaf blowers on Saturdays. No commercial landscapers are permitted to perform work in the town on Saturdays.

<b><u>Department's Recommendation:</u></b> Impose a fine of \$250.00.	<b><u>Case History:</u></b> 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.