

**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

March 21, 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
INGRAM, LLC

Citation #: 23-000201

Date Issued: 2/7/2023

Violation: Obtain after the fact permits 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

<u>Department's Recommendation:</u>	<u>Case History:</u>
Assess a fine of \$250.00 plus a \$200.0 administrative 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

<u>Department's Recommendation:</u> Grant a 60-day extension to obtain a permit for the air conditioning unit.	<u>Case History:</u> 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 #: 21-000953

Date Issued: 8/7/2021

Violation: Remove the vegetation that appears to be damaging the wall, and have the wall repaired.

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 \$5,000.00 plus a \$200.00 administrative fee for a total of \$5,200.00.	<u>Case History:</u> 9/21/21 Special Magistrate hearing- Continuance granted 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: N/A

Citation #: CC2010-1822

Date Issued: 9/14/2010

Violation: 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

Code Section: Tile flooring is installed throughout the unit without a permit.

<u>Department's Recommendation:</u> Impose a fine of \$5,000.00 plus a \$200.00 administrative fee for a total of \$5,200.00.	<u>Case History:</u> 4/28/11 Special Magistrate hearing-Fine imposed from 9/14/10-4/28/11 which represents 238 days at \$50.00 per day 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

Owner: 10150 BH 27D, LLC

Code Officer: Evelyn Merizalde

Registered Agent: Alhadeff & Rousso Law,
P.A.

Citation #: 22-001021

Date Issued: 5/20/2022

Violation: Observed a new exterior doors 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

<u>Department's Recommendation:</u> Impose a fine of \$5,000.00 plus a \$200.00 administrative fee for a total of \$5,200.00.	<u>Case History:</u> 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

Owner: 10190 BH 27D, LLC

Code Officer: Evelyn Merizalde

Registered Agent: Alhadeff & Rouss Law, P.A.

Citation #: 22-001021

Date Issued: 5/20/2022

Violation: Hire a licensed contractor to inspect the building and repair the roof over hang, repair all areas of concrete spalling, corrosion, properly enclose air conditioning wall units and paint the building. Permit required. Secure the screen over the crawl space openings. Obtain an after the fact permit for replacement of jalousie windows to double-hanging windows.

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

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 \$5,000.00 plus a \$200.00 administrative fee for a total of \$5,200.00.	<u>Case History:</u> 10/27/22 Special Magistrate hearing - Fine assessed at \$300.00 per day until compliance is met.
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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) 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> Close the case.	<u>Case History:</u> 3/24/22 Special Magistrate hearing- Continuance granted for 90 days. 10/27/22-Continuance granted.
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8. 1075 93 Street # 207

Type of Hearing: Special Magistrate Hearing

Presenter: Scherrie Griffin

Code Officer: Scherrie Griffin

Owner: ELSA A D L PARRA
PORTOCARRERO

CLAUDIA A D L PARRA PORTOCARRERO
GUADALUPE R D L PARRA DE LA PARRA

Registered Agent:

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

<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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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

<u>Department's Recommendation:</u> Impose a fine of \$250.00 plus a \$200.00 administrative fee for a total \$450.00.	<u>Case History:</u> This is a new case.
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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: Hollander, Goode & Lopez, PLLC

Citation #: 24-000035

Date Issued: 1/8/2024

Violation: Found landscaping activity in progress before 9:00 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.

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