

**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

June 27, 2024
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>
Close the case. Assess a \$200.00 administrative fee.	This is a new case.

2. 1085 99 Street

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: The Rex Gardens Condominium

Code Officer:

Association, Inc.

Registered Agent: FYVE Property Manager, L

Citation #: 23-001996

Date Issued: 10/27/2023

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> Non-Compliance Assess the fines from 11/27/2023 to 6/27/2024, which represents 213 days at \$50.00 per day for a total of \$10,650.00 plus \$200.00 administrative fee. The fine shall continue to accrue until compliance is achieved.	<u>Case History:</u> This is a new case.
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3. 9721 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: Island Place at Bay Harbor
Condominium Association, LC.

Code Officer:

Registered Agent: Franmar Management
Services, Inc.

Citation #: 23-000041

Date Issued: 1/17/2023

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> Non-Compliance Assess a fine from 1/8/2024 to 6/27/2024, which represents 171 days at \$50.00 a day for a total of \$8,550.00 and a \$200.00 administrative fee. The fine shall continue to accrue until compliance is achieved.	<u>Case History:</u> This is a new case.
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4. 10001 West Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: Ambassador Place Condominium Association, Inc.

Code Officer:

Registered Agent: Urban Resources- Javier Zuniga

Citation #: 22-001173

Date Issued: 1/17/2023

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> Close the case. Assess a \$200.00 administrative fee.	<u>Case History:</u> 10/27/22 Special Magistrate hearing- Case to be continued.
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5. 9350 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Mike Mesa

Owner: Dorbe Gardens Condominium, Inc.

Code Officer:

Registered Agent: Eric Stein, P.A.

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> Assess a fine from 11/29/23-6/7/24, which represents 191 days at \$50.00 per day for a total of \$9,550.00 plus a \$200.00 administrative fee.	<u>Case History:</u> 12/12/23 Special Magistrate Hearing-Reset case for 30 days. Owner to submit Engineer Letter.
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6. 1331 100 Street

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: Joseph Travers

Code Officer: Evelyn Merizalde

Registered Agent:

Citation #: 24-000779

Date Issued: 4/29/2024

Violation: Found a make-shift fence enclosing the driveway and side yard, the driveway is used as a storage location, a mobile home is stored on the property visible from the street, areas of missing sod,garbage containers are visible from the street, the hedges are not maintained in a neat appearance, various stuffed animals are stored within the trees visible from the street and plants are in nursery pots.

Code Section: 19-25(a)(2) The trailer, mobile home or stretched-out vehicle is not visible from adjoining property or the center line of the adjacent street. Daily fine \$25.00
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
23-12(22)(a) Approval of town. No wall or fence of any kind shall be erected or maintained at any lot except as above set forth until the height, type, design, and location thereof shall have been approved by the [town]. Notwithstanding the above, walls will require approval by the planning and zoning board. Daily fine \$25.00

24-16(4) Except in periods of officially declared drought, grass areas shall be maintained by adequate irrigation so as to remain healthy and present a good appearance. Adequate pest control shall be applied to prevent the spread of cinch bugs or other grass-damaging pests. Grass areas shall be maintained so as to prevent excessive growth and unsightly conditions. Daily Penalty \$50.00

24-16(a)(6) Hedges shall be maintained so as to have a solid appearance, with no gaps or spaces. Grass or other growths shall not be allowed to grow up into the hedge. All hedges shall be kept neatly trimmed. Daily fine \$50.00

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.

<u>Department's Recommendation:</u> The owner has 30 days to comply with the violation. The Special Magistrate may authorize the town attorney to file an injunction with the Miami-Dade County Clerk of Courts for this case if the owner does not comply.	<u>Case History:</u> Repeat violation at this property.
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7. 10301 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: 10301 Bay Harbor Development, LLC

Code Officer: Evelyn Merizalde

Registered Agent: 9781 Bay Harbor Development, LLC - Dmitriy Melenshko

Citation #: 23-000403

Date Issued: 3/14/2023

Violation: Obtain approval from Town Council to operate a temporary sales center at this location. A Business Tax Receipt is required to operate a sales center. The temporary sales center must be approved by the Town Council.
Remove the signs.

Code Section: 23-4(7) In the RM-1 and RM-2 Multiple Family districts, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used or occupied for any purpose, excepting for one or more of the following uses: Temporary sales and business offices, construction trailers, and model dwelling units, but only in connection with the construction of dwelling units, and upon specific approval and permit of the town council, including but not limited to such time limits and other any other conditions as may be imposed by the town council at its discretion. Daily Penalty

\$250.00

13-8(1) Any person who shall carry on or conduct any privilege, business, occupation or profession for which a business tax receipt is required by this chapter without first obtaining such receipt; any person who shall make a false statement, application or oath, in connection with any application for a business tax receipt. Daily Penalty \$250.00

<u>Department's Recommendation:</u> Assess a fine of \$5,000.00 plus a \$200.00 administrative fee.	<u>Case History:</u> This is a new case.
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8. 1075 93 Street # 303

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: The Atrium Condominium Association, Inc.

Code Officer: Scherrie Griffin

Registered Agent: Atrium Condominium CO
CAM Accounting & Property Srvs. Karen Neice

Citation #: 23-001092

Date Issued: 6/21/2023

Violation: Found work in progress on the swimming pool 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> Assess a \$250.00 fine plus a \$200.00 administrative fee.	<u>Case History:</u> This is a new case.
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9. 1080 99 Street

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: Goodheart Ventures Incorporated

Code Officer: Scherrie Griffin

Registered Agent: Corporate Service Company

Citation #: 24-000081

Date Issued: 1/12/2024

Violation: Found the overhang soffit has fallen and damaged.

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> Grant an extension for 60 days.	<u>Case History:</u> This is a new case.
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10. 1170 Kane Concourse

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: 1170, LLC

Code Officer: Evelyn Merizalde

Registered Agent: Oliviero Lew

Citation #: 24-000737

Date Issued: 4/17/2024

Violation: The Public Works Department reported a refrigeration placed out on Burt Court for bulk garbage service on Tuesday, April 16, 2024.

Code Section: 9-29(b)(1) 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.

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.

<u>Department's Recommendation:</u> Assess a fine of \$100.00 plus a \$200.00 administrative fee.	<u>Case History:</u> This is a new case.
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11. 1020 94 Street

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: Chatillon Hall Condominium, Inc.

Code Officer: Scherrie Griffin

Registered Agent: Maria Luisa Taleno

Citation #: 23-001648

Date Issued: 9/5/2023

Violation: Found the pool deck is being replaced without a permit. There is a mini split a/c unit installed in the common area without 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

Department's Recommendation:

Grant an extension for 60 days.

Case History:

This is a new case.

12. 9500 West Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: RE Bella Vista LLC

Code Officer: Scherrie Griffin

Registered Agent: Marcelo M Re

Citation #: 23-001730

Date Issued: 9/13/2023

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

Department's Recommendation:

Grant an extension for 60 days.

Case History:

This is a new case.

13. 1075 93 Street # 303

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: Maria Fazzino

Code Officer: Scherrie Griffin

Registered Agent:

Citation #: 24-000240

Date Issued: 2/12/2024

Violation: Complainant about possible work without permits 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 plus a \$200.00 administrative fee.	<u>Case History:</u> This is a new case.
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14. 1111 Kane Concourse

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: Concourse Plaza A. Condominium Association, Inc.

Code Officer: Scherrie Griffin

Registered Agent: Alessandra Stivelman ,Esq.

Citation #: 23-000817

Date Issued: 1/23/2024

Violation: Failure to repair the overhang.

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> Assess a \$250.00 fine plus a \$200.00 administrative fee.	<u>Case History:</u> This is a new case.
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15. 1101 98 Street # 2

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: Darrin Norwood

Code Officer: Evelyn Merizalde

Registered Agent:

Citation #: 22-001222

Date Issued: 8/30/2022

Violation: The unit was demolished 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 extension for 60 days.	<u>Case History:</u> 10/27/22 Special Magistrate hearing- Extension granted for 90 days.
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16. 9550 Bay Harbor Terrace

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: W 9550 BH TERRACE LLC
WATERSTONE 2618 LLC

Code Officer: Scherrie Griffin

Registered Agent: Wasserstein & Nunez, PLLC

Citation #: 24-000365

Date Issued: 3/6/2024

Violation: Found a fence has been installed enclosing the alleyway between 1108 Kane Concourse and 9550 Bay Harbor Terrace 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> Close the case. Assess a \$200.00 administrative fee.	<u>Case History:</u> This is a new case.
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17. 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 #: 24-000560

Date Issued: 3/27/2024

Violation: Received police report #24-155-OF regarding noise of work in progress on Saturday, March 23, 2024.

Code Section: 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
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.

<u>Department's Recommendation:</u> Assess a \$1,000.00 fine with a \$200.00 administrative fee.	<u>Case History:</u> This is a new case.
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18. 9800 West Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: Guildford House of Bay Harbor Condominium, Inc.

Code Officer: Scherrie Griffin

Registered Agent: Alessandra Stivelman, Esq.

Citation #: 19-000318

Date Issued: 5/9/2024

Violation: Failure to repair the the seawall and dock.

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 facia 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
23-12(11) It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall. Daily Penalty \$50.00

<u>Department's Recommendation:</u> Grant an extension for 60 days.	<u>Case History:</u> This is a new case.
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19. 9431 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: Bay Harbor Islands Property Owner II LLC

Code Officer: Scherrie Griffin

Registered Agent: Corporation Service Company

Citation #: 19-000350

Date Issued: 1/3/2020

Violation: Immediate action required to repair and/or replace the seawall. Permit required. Have the seawall inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.

Code Section: 23-12(11) It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall. Daily Penalty \$50.00

<u>Department's Recommendation:</u> Impose the fine of \$31,750.00 that was ordered at a Special Magistrate's hearing on 9/29/21 plus a \$200.00 administrative fee.	<u>Case History:</u> 2/26/20 Special Magistrate Hearing-Curative measures must be maintained until the seawall is permanently repaired and/or replaced. This case will be scheduled for another hearing if necessary. 9/29/21 Special Magistrate Hearing-The owner must submit a geological engineering report and seawall completion timeline report to Mike Mesa, Chief Building Official, within 30 days. Fines are assessed from 1/6/20-9/29/21, which represents 633 days at \$50.00 per day for a total of \$31,650.00. The daily fine will continue to accrue until compliance is met.
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20. 9461 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: Bay Harbor Islands Property Owner II, LLC

Code Officer: Evelyn Merizalde

Registered Agent: Corporation Service Company

Citation #: 19-001025

Date Issued: 1/6/2020

Violation: Immediate action required to repair and/or replace the seawall. Permit required. Have the seawall inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.

Code Section: 23-12(11) It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall. Daily Penalty \$50.00

<u>Department's Recommendation:</u> Close the case.	<u>Case History:</u> 2/26/20 Special Magistrate Hearing-Curative measures must be maintained until the seawall is
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	permanently repaired and/or replaced. This case will be scheduled for another hearing if necessary. 9/29/21 Special Magistrate Hearing-The owner must submit a geological engineering report and seawall completion timeline report to Mike Mesa, Chief Building Official, within 30 days. Fines are assessed from 1/6/20-9/29/21, which represents 633 days at \$50.00 per day for a total of \$31,650.00. The daily fine will continue to accrue until compliance is met.
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21. 9481 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter: Scherrie Griffin

Owner: Bay Harbor Islands Property Owner II, LLC

Code Officer: Scherrie Griffin

Registered Agent: Corporate Service Company

Citation #: 19-001024

Date Issued: 1/3/2020

Violation: Immediate action is required to repair and/or replace the seawall. Permit required. Have the seawall inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.

Code Section: 23-12(11) It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall. Daily Penalty \$50.00

<u>Department's Recommendation:</u> Close the case.	<u>Case History:</u> 2/26/20 Special Magistrate Hearing-Curative measures must be maintained until the seawall is permanently repaired and/or replaced. This case will be scheduled for another hearing if necessary. 9/29/21 Special Magistrate Hearing-The owner must submit a geological engineering report and seawall completion timeline report to Mike Mesa, Chief Building Official, within 30 days. Fines are assessed from 1/6/20-9/29/21, which represents 633 days at \$50.00 per day for a total of \$31,650.00. The daily fine will continue to accrue until compliance is met.
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22. 10140 West Broadview Drive

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: Moshe Greenwald

Code Officer: Evelyn Merizalde

Registered Agent: N/A

Citation #: 24-000654

Date Issued: 4/8/2024

Violation: Found the seawall contractor working before 9:00 AM.

Code Section: 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

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.

Department's Recommendation:

Assess a fine of \$1,000.00 plus a \$200.00 administrative fee.

Case History:

This is a new case.

23. 1231 98 Street

Type of Hearing: Special Master Hearing

Presenter: Evelyn Merizalde

Owner: Carolyn Horowitz & Jeffrey Horowitz

Code Officer: Evelyn Merizalde

Registered Agent: N/A

Citation #: 24-000442

Date Issued: 3/8/2024

Violation: Found exterior alterations in progress without a permit. The exterior walkway and wood siding panels installed on the exterior of the house without a permit and/or approval.

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 plus a \$200.00 administrative fee.

Case History:

This is a new case.

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 record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.