

**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**

October 31, 2024  
10:00 AM

1. 1150 98 Street

**Type of Hearing:** Special Master 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:** 23-12(1)

**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>Department's Recommendation:</b>	<b>Case History:</b>
The determination of this matter shall be left to the discretion of the special magistrate.	9/29/21 Special Magistrate hearing- A continuance was granted for 60 days plus a \$150.00 administrative fee.
	3/24/22 Special Magistrate hearing- A continuance was granted for 90 days.
	3/21/24 Special Magistrate hearing-Fine assessed in the amount of \$5,000.00 plus an administrative

	fee of \$200.00. 5/15/24- Received a request to mitigate the fine assessed at the 3/21/24 hearing.
--	---

2. 1050 92 Street

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Owner:** Harbor International Group 3, LLC

**Code Officer:** Evelyn Merizalde

**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

<b>Department's Recommendation:</b> Assess a fine of \$5,000.00 plus a \$200.00 administrative fee for a total amount of \$5,200.00.	<b>Case History:</b> 11/29/23 Special Magistrate hearing-Fine assessed at \$250.00 per day until compliance is met, plus a \$200.00 administrative fee.
---	--

3. 9961 East Broadview Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Owner:** George Bouis

**Code Officer:** Evelyn Merizalde

**Registered Agent:**

**Citation #:** 23-000142

**Date Issued:** 3/2/2023

**Violation:** Found the landscaping company replacing the grass with artificial turf. 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)(c)(1). 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 over growths, 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

<b>Department's Recommendation:</b> Assess a fine of \$50.00 per day until the	<b>Case History:</b> Continuance request received for the special
---	--

violation is abated.	magistrate hearing scheduled on 11.29.23.
----------------------	---

4. 10200 East Bay Harbor Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Owner:** CHBH 103rd Street, LLC

**Code Officer:** Evelyn Merizalde

**Registered Agent:** Corporate Services Company

**Citation #:** 23-001623

**Date Issued:** 10/26/2023

**Violation:** The vacant building's ground floor entrances and other openings are not secured.

**Code Section:** 24-15(i) Every owner of a building or structure that is vacant and unsecured shall secure all ground floor entrances and other openings of said building or structure including, but not limited to, windows and doorways. Such vacant building or structure shall be secured and sealed with concrete blocks or other materials of the same durability as determined by the building official. Daily Penalty \$250.00

24-15(k) Prior to the boarding of a vacant or unoccupied building, the owner or operator thereof shall apply to the chief building official of the town for approval and the issuance of a permit, and shall pay to the town a permit fee of \$1,000.00. Such permit shall be for only a six-month period, and shall be renewed for subsequent six-month periods upon the reapplication and payment of the permit fee. If a permit lapses, and such building or structure remains boarded, such permit and fee will be deemed to be automatically renewed, with the unpaid permit fees causing a lien to be placed upon the property for such unpaid fees. Such automatic renewal shall occur for the entire period which the building remains boarded. Daily Penalty \$50.00

<b>Department's Recommendation:</b> Close the case.	<b>Case History:</b> This is a new case.
--	---

5. 10290 East Bay Harbor Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Owner:** CHBH 103rd Street, LLC

**Code Officer:** Evelyn Merizalde

**Registered Agent:** Corporation Service Company

**Citation #:** 23-001623

**Date Issued:** 10/26/2023

**Violation:** The vacant building ground floor entrances and other openings are not secured.

**Code Section:** 24-15(i) Every owner of a building or structure that is vacant and unsecured shall secure all ground floor entrances and other openings of said building or structure including, but not limited to, windows and doorways. Such vacant building or structure shall be secured and sealed with concrete block or other materials of the same durability as determined by the building official. Daily Penalty \$250.00

24-15(k) Prior to the boarding of a vacant or unoccupied building, the owner or operator thereof shall apply to the chief building official of the town for approval and the issuance of a permit, and shall pay to the town a permit fee of \$1,000.00. Such permit shall be for only a six-month period, and shall be renewed for subsequent six month periods upon the reapplication and payment of the permit fee. If a permit lapses, and such building or structure remains boarded, such permit and fee will be deemed to be automatically renewed, with the unpaid permit fees causing a lien to be placed upon the property for such unpaid fees. Such automatic renewal shall occur for the entire period which the building remains boarded. Daily Penalty \$50.00

<b><u>Department's Recommendation:</u></b> Assess 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> This is a new case.
---	--

6. 9550 Bay Harbor Terrace

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Code Officer:** Scherrie Griffin

**Owner:** W 9550 BH TERRACE LLC  
WATERSTONE 2618 LLC

**Registered Agent:** WASERSTEIN & NUNEZ  
PLLC

**Citation #:** 24-001232

**Date Issued:** 7/10/2024

**Violation:** Found interior renovation 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

<b><u>Department's Recommendation:</u></b> Assess a fine of \$250.00 per day plus a \$200.00 administrative fee.	<b><u>Case History:</u></b> This is a new case.
---	--

7. 9424 West Broadview Drive

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Code Officer:** Scherrie Griffin

**Owner:** Brett Reizen

**Registered Agent:**

**Citation #:** 24-000645

**Date Issued:** 4/5/2024

**Violation:** Workers were found operating machinery before 9:00 AM. Fine imposed in the amount of \$1,000.00.

**Code Section:** Ordinance 1097 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 plus eight-hour Stop Work Order Third Violation- \$3,000 plus twenty-four hour Stop Work Order Each subsequent violation- \$5,000 plus forty-eight hour Stop Work Order A Stop Work Order, when issued, shall take effect at 9 am on the next workday. If issued on a Friday, the Stop Work Order will take effect at 9 am the following Monday.

12-26(1)(a) Make a check payable to the Town of Bay Harbor Islands in the amount of \$1,000.00 or make a payment online at <https://www.municipalonlinepayments.com/bayharborislandsfl/easypay>. Permissible hours of work is Monday to Friday between 09:00 AM to 06:00 PM.

<p><b><u>Department's Recommendation:</u></b> Assess a fine of \$1,000.00 plus a \$200.00 administrative fee for a total of \$1,200.00.</p>	<p><b><u>Case History:</u></b> This is a new case.</p>
---	--

8. 1230 100 Street

**Type of Hearing:** Special Master Hearing

**Presenter:** Evelyn Merizalde

**Owner:** Edward Reizen

**Code Officer:** Evelyn Merizalde

**Registered Agent:**

**Citation #:** 23-001990

**Date Issued:** 10/25/2023

**Violation:** The Bay Harbor Islands Police Department found construction activity in progress on Saturday, October 21, 2023, at 12:20 pm. Fine imposed in the amount of \$1,000.00 for the first violation.

**Code Section:** Ordinance 1097 12-29(a) For the First Violation, the violator shall receive a Notice of Violation imposing a fine of \$1,000 Second Violation- \$2,000 plus eight-hour Stop Work Order Third Violation- \$3,000 plus twenty-four hour Stop Work Order Each subsequent violation- \$5,000 plus forty-eight hours Stop Work Order A Stop Work Order, when issued, shall take effect at 9 am on the next workday. If issued on a Friday, the Stop Work Order will take effect at 9 am the following Monday.

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 holiday" is defined as any day observed by the town as a legal holiday.

<p><b><u>Department's Recommendation:</u></b> Assess a fine of \$1,000.00 plus a \$200.00 administrative fee for a total amount of \$1,200.00.</p>	<p><b><u>Case History:</u></b> 2/16/24 The owner submitted a continuance request for the hearing scheduled on 2/28/24. 6/14/24- The owner submitted a continuance request for the hearing scheduled on 6/27/24.</p>
--	---

9. 1050 93 Street

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Owner:** STUART HOUSE CONDOMINIUM ASSOCIATION, INC.

**Code Officer:** Scherrie Griffin

**Registered Agent:** Chela Garcia

**Citation #:** 24-000031

**Date Issued:** 7/30/2024

**Violation:**

The parking lot is in disrepair and the wall is deteriorated.

**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

<p><b><u>Department's Recommendation:</u></b> Assess a fine of \$50.00 per day until the violation is abated.</p>	<p><b><u>Case History:</u></b> This is a new case.</p>
---	--

**10. 1311 95 Street**

**Type of Hearing:** Special Master Hearing

**Presenter:** Scherrie Griffin

**Owner:** RASHA RIVKIN

**Code Officer:** Scherrie Griffin

**Registered Agent:**

**Citation #:** 24-000901

**Date Issued:** 5/14/2024

**Violation:** Roofing contractors were observed working before 9:00AM. Fine imposed in the amount of \$1,000.00.

**Code Section:** Ordinance 1097 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 plus eight-hour Stop Work Order Third Violation- \$3,000 plus twenty-four hour Stop Work Order Each subsequent violation- \$5,000 plus forty-eight hour Stop Work Order A Stop Work Order, when issued, shall take effect at 9 am on the next workday. If issued on a Friday, the Stop Work Order will take effect at 9 am the following Monday.

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, or legal holidays as defined hereinafter in subsection (2) below, except for watering in connection with dust mitigation. The arrival and departure of workers are limited to 30 minutes before and after the above stated construction activity hours. All such pre-work / post-work activities shall be restricted to areas within 100 feet of the actual construction site. The Town may designate suitable locations for workers to congregate for those early and/or late arrival or departure times, subject to rules and regulations to be promulgated by the Town. Workers shall remain in their vehicles when possible and not disturb neighboring properties or the Town in general. The Town may create and enforce rules and regulations to limit visible or outdoor worker activities, including but not limited to sanitation, the changing of clothes, cooking and eating, excessive noise, and the like. Unless a valid parking permit has been issued, all worker vehicles shall leave the designated temporary parking locations before 9:00 a.m. Noise / music emission must be in accordance with Section 12-20 through Section 12-23. Failure to comply with the above regulations may result in penalties as set forth in subsection 12-27.

<p><b><u>Department's Recommendation:</u></b> Assess a fine of \$1,000.00 plus a \$200.00 administrative fee for a total amount of \$5,200.00.</p>	<p><b><u>Case History:</u></b> This is a new case.</p>
--	--

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.