

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

SPECIAL MAGISTRATE TERRYANNE HOWELL, ESQUIRE

AGENDA

February 26, 2026
10:30 AM

1. 9950 East Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter:

Owner: Boutique Bay Harbor, LLC

Code Officer: Evelyn Merizalde

Registered Agent: Alex Sirulink

Citation #: 25-000779

Date Issued: 4/15/2025

Violation: Repair the floor in unit # 1. Permit required. Do not remove the unsafe structure notice posted on unit # 1. Board all first floor openings of the vacant building.

Code Section: 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 \$250.00

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

<u>Department's Recommendation:</u>	<u>Case History:</u>
Grant a 90 days extension to demolish the building.	This is a new case.

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2. 1165 102 Street

Type of Hearing: Special Master Hearing

Presenter:

Owner: Wedgewood Apartments, Inc.

Code Officer: Evelyn Merizalde

Registered Agent: Barry Lebowitz

Citation #: 24-001434

Date Issued: 9/12/2024

Violation: Found the pool is not properly maintained on a regular basis and the pool deck is dirty.

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 \$250.00

<p>Department's Recommendation: Assess a daily fine of \$250.00 until the violation is abated and a \$500.00 administrative fee.</p>	<p>Case History: 10/30/25 Special Magistrate hearing — The property owner has seven (7) days to schedule a meeting with the town to discuss the violation. The case is continued to the next hearing date. 1/29/25 Special Magistrate hearing — Continuance is granted for 30 days.</p>
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3. 1135 101 Street

Type of Hearing: Special Master Hearing

Presenter:

Owner: Bay Harbor 1135, LLC

Code Officer: Evelyn Merizalde

Registered Agent: Cogency Global, Inc.

Citation #: 23-001576

Date Issued: 8/22/2023

Violation: An air conditioning unit was 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> Close the case.	<u>Case History:</u> 3/21/24 Special Magistrate hearing — Extension granted for 90 days to obtain a permit for the air conditioning unit.
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4. 1350 96 Street

Type of Hearing: Special Master Hearing

Presenter:

Code Officer: Evelyn Merizalde

Owner: Matias Cohen

Registered Agent:

Citation #: 25-000607

Date Issued: 3/5/2025

Violation: Noise disturbance incident report # 25-154-OF received.

Code Section: 12-22 The following acts and the causing or permitting thereof, are presumed to be in violation of this article. (1)Operating or playing any radio, television, phonograph, drum, musical instrument or other machine or device for the production, reproduction or amplification of sound which creates a noise disturbance. (2)Owning, possessing or harboring any animal or bird which frequently or for a continued duration howls, barks or makes other noises which create a noise disturbance. (3)Operating or causing the operation of any tools or equipment used in construction activity and landscaping outside the hours specified in section 12-26 without first receiving a permit from the town manager pursuant to section 12-25. (4)Using or firing explosives, fire crackers, firearms, sirens or similar devices, except in an emergency, or using or firing firecrackers, skyrockets or the like if prior permission is not obtained from the town manager. Fine \$250.00

<u>Department's Recommendation:</u> Close the case.	<u>Case History:</u> This is a new case.
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5. 10086 Bay Harbor Terrace

Type of Hearing: Special Master Hearing

Presenter:

Code Officer: Evelyn Merizalde

Owner: MOD 10086, LLC

Registered Agent: Hanny Lerner

Citation #: 23-001574

Date Issued: 8/22/2023

Violation: Kitchen remodeling work is currently in progress without the required 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> This case was rescheduled.
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6. 1251 100 Street

Type of Hearing: Special Master Hearing

Presenter:

Owner: Barry Perlstein

Code Officer: Scherrie Griffin

Registered Agent:

Citation #: 25-002426

Date Issued: 11/25/2025

Violation: The site was found open and unsecured on Monday, November 25, 2025. There were no workers present. Event #2511240073.

Code Section: Ordinance 1124 5-5(c) Secure, in reference to items, includes fastening down or removing all hazardous objects, including but not limited to, such as construction shacks, temporary toilets, roofing tile, building materials, trash, forms, insecure structures, and temporary electric service poles, The term "secure" as applied to construction site access, includes protecting the construction site, during the hours described herein in paragraph (i), by way of locked fence surrounding the perimeter of the site and/or the provision of a security First Violation Daily Penalty: \$5,000.00 Second Violation Daily Penalty: \$10,000.00 For any subsequent or repeat violation, a Stop Work Order shall be issued pursuant to Section 12-27.

Department's Recommendation: Assess a fine of \$5,000.00 and a \$500.00 administrative fee.	Case History: This is a new case.
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7. 9700 West Bay Harbor Drive

Type of Hearing: Special Master Hearing

Presenter:

Owner: Aire Bay Harbor, LLC

Code Officer: Scherrie Griffin

Registered Agent: Alex D. Sirulnik, P.A.

Citation #: 25-002324

Date Issued: 11/3/2025

Violation: Received police incident report #25-000391 regarding the construction fence collapsing at the entrance of the site on Saturday, October 25, 2025. Fine imposed in the amount of \$5,000.00 First Notice of Violation.

Code Section: Ordinance 1124 5-5(h) A temporary construction fence screening the construction site shall be erected and maintained in good order at all times. The temporary construction fence shall be erected and completely in place as a requirement for the issuance of a building permit and prior to the beginning of construction activities. The temporary construction fence shall be an eight foot high chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris. The exterior face of such temporary construction fencing shall have a fabric mesh attached thereto with a Town adopted decorative graphic. The Town will pre-select the allowable decorative fabric mesh

design(s). This requirement applies to all exterior faces of such fences (street(s) / rear / sides); however, this provision regarding decorative fabric mesh shall not be applicable to temporary construction fences on the West Island. The town manager or their designee shall administer and enforce these provisions. A fence permit is required to be issued for the temporary construction fence, The and the fence installed, must be inspected, and the fence permit must be closed-out by the building department prior to the issuance of a building permit for the development. First Violation \$5,000.00 Second Violation \$10,000.00

<p><u>Department's Recommendation:</u> Assess a fine of \$5,000.00 and a \$500.00 administrative fee.</p>	<p><u>Case History:</u> This is a new case.</p>
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8. 1177 Kane Concourse

Type of Hearing: Special Master Hearing

Presenter:

Owner: 1177 Bay Harbor Islands, LLC

Code Officer: Scherrie Griffin

Registered Agent: Corporation Service Company

Citation #: 25-002020

Date Issued: 10/9/2025

Violation: Exterior construction activity was found in progress before 9:00 AM on Wednesday, October 8, 2025. Event #2510080026.

Code Section: 12-27(a)(i-iv) For the First Violation, the violator shall receive a Notice of Violation imposing a fine of \$1,000.00. Second Violation-: \$2,000.00 plus one (1) workday of Stop Work Order. After a second violation, the property owner, the owner's agent, or the person performing the work shall meet with the Code officer to review the Code requirements and will be informed of the consequences for any further violations. Third Violation:\$3,000.00 plus three (3) workdays of Stop Work Order. Each subsequent violation: \$5,000 plus five (5) workdays of Stop Work Order.

<p><u>Department's Recommendation:</u> Assess a fine of \$5,000.00 and a \$500.00 administrative fee.</p>	<p><u>Case History:</u> This is a new case.</p>
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9. 1165 102 Street

Type of Hearing: Special Master Hearing

Presenter:

Owner: Wedgewood Apartments, Inc.

Code Officer: Scherrie Griffin

Registered Agent:

Citation #: 24-001358

Date Issued: 11/18/2024

Violation: The exterior of the structure needs to be painted and pressured cleaned.

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 \$250.00

<p><u>Department's Recommendation:</u> Assess a fine of \$50.00 per day from the date of the hearing until the violation is abated and a \$500.00 administrative fee.</p>	<p><u>Case History:</u> This is a new case.</p>
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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.