



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
JANUARY 19, 2021**



1. PLEDGE OF ALLEGIANCE

2. CALL SESSION TO ORDER

The hearing was called to order at 10:00 A.M. Present were Special Magistrate Alan Gabriel, Code Compliance Official Danny Stallone, Code Compliance Supervisor Rick Berni, Code Compliance Inspector Kimberly Massey, Code Compliance Inspector Catherine Velez, Code Compliance Inspector Stephanie Silber, Code Compliance Inspector Sarah Perreira, Recording Secretary Mayra Hernandez.

3. CALL OF THE CASES

Respondents were present for Case 20-051095.

4. UNCONTESTED CASES

5.1 Case #19-055267: Danny L. De La Parte, Nicholas De La Parte and Occupant, 5600 SW 37 Street (continued from December 15, 2020)¹ (adoption of Florida building code/nuisance/eyesore violation) ^{ss}

A continuance to the Special Magistrate hearing of February 16, 2021 was requested by the respondent; along with \$50.00 cost recovery fee was assessed. Special Magistrate Gabriel so ordered.

5.2 Case #2020-000050: Red Smith Foods, Inc., 4145 SW 47 Avenue (continued from November 10, 2020)²(general prohibitions/specific prohibitions counts 1-8 violation) ^{RM}

A continuance to the Special Magistrate hearing of February 16, 2021 was requested by the respondent; no cost recovery fee was assessed. Special Magistrate Gabriel so ordered.

5.5 Case #20-051095: Five In One Investments LLC and Coconut Fields Forever LLC, 3500 frontage road to include adjacent 10 parcels (continued from November 10, 2020)¹ (engineering permit required/stormwater pollution prevention plan/permitted uses/general regulation nuisances violation) ^{CV}

Harold Calle, on behalf of Five in One Investments LLC was present.

Bill J. Brice, Esq. and Neal R. Kalis, Esq., on behalf of Coconut Fields Forever LLC were present.

A continuance to the Special Magistrate hearing of February 16, 2021 was requested by the respondent; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

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5.6 Case #20-053222: Florida Enterprises and Co. Inc., 13471 SW 8 Street (continued from December 8, 2020)¹(building permit required; unapproved modifications to a mobile home/general regulations violation) ^{KM}

A continuance to the Special Magistrate hearing of March 9, 2021 was requested by the respondent; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

5.8 Case #20-073527: Anibal Daniel Avila Guerrero, 7731 NW 42 Court (maintenance standards of exterior premises/overgrowth/nuisance/eyesore violation) ^{CV}

A continuance to the Special Magistrate hearing of February 2, 2021 was requested by the respondent; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

5. FORMAL HEARINGS OF CONTESTED MATTERS

5.3 Case #20-012388: James Stone, EST, parcel at the intersection of SW 106 Avenue and SW 57 Place, folio number 5041 31 01 0491 (continued from December 8, 2020)²(overgrowth violation) ^{RB}

Supervisor Berni presented the case and read the violation into the record. Service was achieved by posting. An affidavit of posting was submitted as Town's Composite exhibit 1 without objection. Photographs taken on January 8, 2021 and aerial view from BCPA were submitted as Town's Composite exhibit 2 without objection.

A recommendation for a final order to come into compliance within five (5) days with town code section 9-51(b) along with \$350.00 cost recovery fee was assessed. Due to the health and safety hazard, an authority to abate upon the respondent's failure to correct the violation was also recommended.

Special Magistrate Gabriel so ordered.

5.4 Case #20-049541: Grayson Maule, Laura Handt and Ruth Athay, 12541 SW 10 Court (continued from December 8, 2020)¹(derelict vehicles prohibited violation) ^{KM}

Inspector Massey presented the case and read the violation into the record. Service was achieved by certified mail. An electronic notification was submitted as Town's Composite exhibit 1 without objection. Photographs taken on August 3, 2020, August 11, 2020, November 23, 2020, December 7, 2020 and January 19, 2021 were submitted as Town's Composite exhibit 2 without objection.

A recommendation for a final order to come into compliance within five (5) days with town code section 11-17, along with \$350.00 cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

5.7 Case #20-061287: Beverly Jeanita Hayes, 5780 SW 57 Way (continued from December 15, 2020)¹ (storage of abandoned property on public or private land/restrictions on vehicle parking/minimum standards for maintenance of premises/nuisance, eyesore violation) ^{SS}

Inspector Silber presented the case and read the violation into the record. Service was achieved by posting. An affidavit of posting was submitted as Town's Composite exhibit 1 without objection. Photographs taken on August 11, 2020, August 27, 2020,

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September 22, 2020, October 7, 2020, January 8, 2021 and BCPA property were submitted as Town's Composite exhibit 2 without objection.

A recommendation for a final order to remain in compliance with town code section 11-17, 24-43.1, 6-31 and 12-33(u). Due to costs incurred and compliance achieved by the Respondent, the cost recovery fee was waived.

Special Magistrate Gabriel so ordered.

5.9 Case #20-074904: Nob Hill 595 LLC and Monro Muffler Brake Inc. d/b/a Tire Choice Auto Service Centers, 1124 SW 101 Road (maintenance of rights-of-way and swales on public or private property/overgrowth/trash, waste and garbage/nuisance/eyesore violation) ^{SP}

Inspector Perreira presented the case and read the violation into the record. Service was achieved by certified mail. An electronic notification was submitted as Town's Composite exhibit 1 without objection.

A recommendation for a final order to remain in compliance with town code section 6-38, 9-51(b), 9-2 and 12-33(u), along with \$250.00 cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

6. BUILDING DEPARTMENT

6.1 Case #2020-000055: Essential Secrets Nail Spa Corp., 3000 SW 116 Avenue (building permit required violation) ^{NT}

Mitch Lipton, Chief Structural Inspector was present.

Inspector Lipton presented the case and read the violations into the record. Service was achieved by certified mail. An electronic notification was submitted as Town's Composite exhibit 1 without objection. A photograph of the shed was submitted as Town's Composite exhibit 2 without objection.

A recommendation for a final order with thirty (30) days for Florida Building code sections 105.4.1.1, along with \$350.00 cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

7. NON COMPLIANCE

7.1 Case #17-025794: Sean E. Wagner and Occupants, 14503 SW 16 Street (continued from December 8, 2020)¹(special events; enforcement; nuisance; penalties; conflict severability/permitted uses/nuisances; general regulations violation) ^{KM}

A continuance to the Special Magistrate hearing of March 9, 2021 was requested by the respondent; along with \$50.00 cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

7.2 Case #17-065241: Wal-Mart Stores East LP, 4301 S University Drive (continued from December 8, 2020)¹ (minimum landscape standards violation) ^{JJ}

Violations were corrected prior to the hearing and current action was dismissed without prejudice to the existing Final Order that remains in full force and effect.

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7.3 Case #18-033657: Maria R. Caccavale, 12471 SW 10 Court (general regulations violation) ^{SP}

Violations were corrected prior to the hearing and current action was dismissed without prejudice to the existing Final Order that remains in full force and effect; along with \$400.00 cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

7.4 Case #2018-0026: Roni and Sharona Elgazar and First Call 24/7 Inc., 1650 SW 117 Avenue (continued from December 8, 2020)⁹(non-permitted uses prohibited/storage on residential property prohibited/commercial vehicles parking prohibited/vehicle signage code violation/nuisance/eyesore violation) ^{SP}

A continuance to the Special Magistrate hearing of February 16, 2021 was requested by the respondent; along with \$50.00 cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

8. NEW BUSINESS

9. OLD BUSINESS

10. CITATION AGENDA

10.1 Case #20-075979: Gretchen and Shawn Meiman, 15181 SW 31 Court, Citation #0495 (Littering; accumulation of garbage; failure to remove after notice violation) ^{KM}

Citation was paid prior to the hearing; violation was corrected.

10.2 Case #20-076247: 6261 SW 38 Street LLC, 6261 SW 38 Street, Citation #0606 (Littering; accumulation of garbage; failure to remove after notice violation) ^{SS}

Citation was paid prior to the hearing; violation was corrected.

11. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 10:50 A. M.