



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
JUNE 25, 2019**



1. CALL SESSION TO ORDER

The hearing was called to order at 10:00 A.M. Present were Special Magistrate Meah Tell, Code Compliance Official Danny Stallone, Code Compliance Supervisor Rick Berni, Code Compliance Inspector Dana Phillips, Code Compliance Inspector Kim Massey, Code Compliance Inspector Catherine Velez, Animal Control Officer Karen Borsoni, Code Compliance Inspector Stephanie Silber, Code Compliance Inspector Sarah Santisteban and Recording Secretary Grace Farrar

2. CALL OF THE CASES

Respondents were present for Case #19-021590, #18-046759, #18-064873, #17-00458, #18-042271, #18-042272, #18-040603

3. UNCONTESTED CASES

4.1 Case #19-010819 : James Shrouder Individual K Plan and Occupant, 4710 SW 55 Avenue (continued from May 07, 2019)²(RV/Trailer code violation/derelict property/vehicles prohibited/nuisance/eyesore violation) ^{MH}

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

4.4 Case #19-026207: Robert Andrei REV TR, 5411 SW 45 Street (installation of improvements/damaging public property prohibited violation) ^{SS}

A continuance to the Special Magistrate hearing of July 23, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

4.5 Case #19-027191: HWW Davie LLC, 5800 Reese Road (off street parking minimum standards, rules and regulations/installation of improvements/sight distance for landscaping adjacent to public rights-of-way and points of access/modification of site plan/specific prohibitions/nuisance/eyesore violation) ^{SS}

A continuance to the Special Magistrate hearing of August 13, 2019 was requested by the Town; no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

RECORD OF
SPECIAL MAGISTRATE HEARING
JUNE 25, 2019

4.6 Case #19-028243: Shebah Properties LLC and Luis Lomonte, 4701 SW 73 Avenue (Florida building code/boarding in hurricane season/nuisance/eyesore violation) ^{MH}

A continuance to the Special Magistrate hearing of August 27, 2019 was requested by the Town; no cost recovery fee was assessed. Luis Lomonte will be removed from this action and replaced by the Occupant.

Special Magistrate Tell so ordered.

4.7 Case #19-029416: Deutsche Bank Trust Co Americas, 11168 Blackhawk Boulevard (minimum standards for maintenance of premises/storing of abandoned property on public or private lands; prohibited; exception/general regulations violation) ^{CV}

The violations were withdrawn due to change in ownership. An amended Notice of Violation will be issued to the new owner.

4.8 Case #19-029949: IH3 Property Florida LP, 9204 Greenbrier Court (accumulation of garbage; failure to remove after notice/nuisance/eyesore violation) ^{CV}

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

4.10 Case #19-031648: Celina Poy-Wing and Celina Poy-Wing REV TR ETAL, 4821 SW 76 Avenue (commercial vehicles parking prohibited/storing of abandoned property on public or private lands/nuisance/eyesore violation) ^{MH}

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

4.12 Case #19-033307: MVKS 4080 Corp., 4080 SW 61 Avenue #1-8 (dog attack/license and rabies vaccination/leashing violation) ^{KB}

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

4. FORMAL HEARINGS OF CONTESTED MATTERS

4.2 Case #19-019889 : Alfa Estates LLC, 5355 SW 76 Avenue (continued from May 21, 2019)¹(littering; accumulation of garbage; failure to remove after notice/nuisance, health, safety and welfare violation) ^{MH}

Inspector Hernandez obtained an agreed final order with the respondent to remain in compliance with violation of town code sections 9-2(b) and 12-33(U) along with \$150.00 cost recovery fee assessed. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Tell so ordered.

RECORD OF
SPECIAL MAGISTRATE HEARING
JUNE 25, 2019

4.3 Case #19-021590 : Scott G. Ference, 6180 SW 48 Court (continued from May 21, 2019)¹(Florida building code/portable storage units for residential uses/accumulation of garbage violation) ^{MH}

Scott G. Ference, was present at the hearing
Nick Todaro, Building Official Town of Davie

Inspector Hernandez presented the case and read the violation into the record. Service was achieved by certified mail. A copy of the electronic notification was submitted as Town's Composite Exhibit 1 without objection. Photographs taken on June 24, 2019 were submitted as Town's Composite Exhibit 2 without objection. A review of the photographs submitted at the hearing of May 21, 2019 were reviewed and submitted as Town's Composite Exhibit 3 without objection. A copy of the building division courtesy correction notice was submitted as Town's Composite Exhibit 4 without objection.

A discussion was held on the shed that was placed on the property without a permit. Mr. Ference testified he has made contact with the manufacturer to relocate the shed, but was advised they will not return to the property to relocate. Mr. Ference also stated when the shed which weights in excess of 2,400 lbs. was delivered the delivery truck got stuck in the mud and had to be towed out. Mr. Ference has a quote in the amount of \$10,000.00 to have the shed moved.

Mr. Todaro testified a permit is needed for a shed. The location of the shed will require a variance. Mr. Ference was made aware of the process he needs to follow. A continuance to July 23, 2019 was recommended in order provide time for Mr. Ference to apply for the building permit or start the process for a variance.

Special Magistrate Tell so ordered.

4.9 Case #19-031368: John F. Aiello III and Kelly Montalvo, 14601 SW 16 Street (non permitted uses prohibited/storage of abandoned property on public or private land/nuisance/eyesore violation) ^{KM}

A letter received from Mr. Aiello along with an email correspondence was submitted as Town's Exhibit 1 without objection. A continuance to the Special Magistrate hearing of July 23, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Tell so ordered.

4.11 Case #19-032848: Joseph J. and Jean M. Letson REV TR and Madison Alamosa HECM, LLC, 13900 SW 22 Place (minimum standards for exterior of structures/storage of abandoned property on public or private land/trash waste and garbage/overgrowth/nuisance/eyesore violation) ^{KM}

Inspector Phillips presented the case on behalf of Inspector Massey. Service was achieved by certified mail and posting. An Affidavit of posting along with a copy of the electronic notification was submitted as Town's Composite Exhibit 1 without objection. Photographs taken on May 24, 2019, June 19 and June 24 were submitted as Town's Composite Exhibit 2 without objection. A copy of the invoice sent to Madison Alamosa HECM, LLC for nuisance abatement performed at the property was submitted as Town's Exhibit 3 without objection.

A discussion was held on the condition of the property. A final order was requested providing for seven (7) days to comply with violation of town code sections 6-35 (c)(1)(2)(3), 9-2 and 12-33(U) and a final order to remain in compliance with violation of town code sections 11-17 and 9-51(b) along with cost recovery fee of \$350.00 was

RECORD OF
SPECIAL MAGISTRATE HEARING
JUNE 25, 2019

requested. A lien will be issued for nuisance abatement performed at the property in the amount of \$1,520.00.

Special Magistrate Tell so ordered.

5. NON COMPLIANCE

5.1 Case #17-048448: Joseph J. and Jean M. Letson REV TR, 13900 SW 22 Place (minimum standards for exterior of structures violation) KM

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. No cost recovery fee was assessed.

Special Magistrate Tell so ordered.

5.2 Case #17-064374: Joseph J. and Jean M. Letson REV TR, 13900 SW 22 Place (overgrowth violation) KM

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. No cost recovery fee was assessed.

Special Magistrate Tell so ordered.

5.3 Case #18-030518 : Orlando Jimenez, 14051 SW 15 Court (continued from May 07, 2019)²(engineering permit required violation) KM

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. No cost recovery fee was assessed.

Special Magistrate Tell so ordered.

5.4 Case #18-036339 : Tao Ling and Yen Ling Wu, 5555 SW 61 Avenue (continued from May 07, 2019)² (derelict property/vehicles prohibited/non permitted uses prohibited violation) MH

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. No cost recovery fee was assessed.

Special Magistrate Tell so ordered.

5.5 Case #18-046759 : Olga O. McDonough and Richard W. McDonough, 2701 SW 156 Avenue (continued from May 07, 2019)²(minimum landscape standards/minimum standards for maintenance of premises violation) KM

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. No cost recovery fee was assessed.

Special Magistrate Tell so ordered.

5.6 Case #17-000458 : Florida Enterprises & Co. Inc., 13431 SW 8 Street (continued from April 09, 2019)⁶(building permit required violation) KM

James J. Hurchalla, Esq. 1700 E Las Olas Blvd, Ft. Lauderdale, FL

Mitch Lipton, Chief Structural Inspector, Town of Davie was present

David Abramson, Deputy Planning & Zoning Manager

Inspector Massey submitted photographs taken on August 10, 2018, January 14, 2019, June 21 and June 24, 2019 as Town's composite Exhibit 1 without objection.

Broward County Property Appraiser aerial photograph of the property in 2015 as provided by Mitch Lipton was submitted as Town's Exhibit #2 without objection.

RECORD OF
SPECIAL MAGISTRATE HEARING
JUNE 25, 2019

Mr. Lipton provided to Mr. Hurchalla exactly what needs to be removed in order to be in compliance. Mr. Hurchalla was provided with the timeline for liens for a period of seventy-seven (77) days.

A discussion was held on the outstanding cost recovery fees. A copy of an invoice dated April 3, 2019 provided to Mr. Erik Koopal was submitted as Town's Exhibit 1 without objection. Mr. Hurchalla was provided with a copy.

A continuance to the hearing of July 9, 2019 was requested by the magistrate at which time the cost recovery fees must be paid. A cost recovery fee of \$400.00 was assessed at the hearing.

Special Magistrate Tell so ordered.

5.7 Case #18-042271: Florida Enterprises and Co. Inc., 13431 SW 8 Street (continued from April 09, 2019)⁶ (non permitted uses prohibited violation) KM
James J. Hurchalla, Esq. 1700 E Las Olas Blvd, Ft. Lauderdale, FL

Mitch Lipton, Chief Structural Inspector, Town of Davie was present

David Abramson, Deputy Planning & Zoning Manager

Inspector Massey testified a joint inspection was conducted with Mitch Lipton and by appearances the restoration to a single family unit consisting of two (2) bathrooms and one (1) kitchen was completed. Verification as to the tenants residing at the property as requested by Special Magistrate Tell at the hearing on April 9, 2019 could not be verified. A discussion was held on the outstanding cost recovery fees. A copy of an invoice dated April 3, 2019 provided to Mr. Erik Koopal was submitted as Town's Exhibit 1 without objection. Mr. Hurchalla was provided with a copy.

A discussion was held as to the occupancy with Mr. Hurchalla. Special Magistrate Tell requested clarification on the municipal code that relates to the Town's definition of a family.

David Abramson, Deputy Planning & Zoning Manager read the definition into the record. Section 12-503 reads as follows: Family - One (1) or more persons related by blood, marriage or legal adoption, or a group of not more than two (2) such persons not so related occupying a dwelling and living as a single housekeeping unit, doing their own cooking and having their own sanitary facilities on the premises. May also include gratuitous guests and domestic servants.

Mr. Hurchalla agreed to enter into a Covenant whereby Mr. Koopal will agree to maintain the mobile home as a single family unit.

A continuance to the hearing of July 9, 2019 was requested by the magistrate at which time the cost recovery fees must be paid. A cost recovery fee of \$400.00 was assessed at the hearing.

Special Magistrate Tell so ordered.

5.8 Case #18-042272 : Florida Enterprises and Co. Inc., 13430 SW 7 Place (continued from April 09, 2019)⁶(non permitted uses prohibited violation) KM
James J. Hurchalla, Esq. 1700 E Las Olas Blvd, Ft. Lauderdale, FL

Mitch Lipton, Chief Structural Inspector, Town of Davie was present

David Abramson, Deputy Planning & Zoning Manager

Inspector Massey testified a joint inspection was conducted with Mitch Lipton and by appearances the restoration to a single family unit consisting of two (2) bathrooms and one (1) kitchen was completed. Verification as to the tenants residing at the property as requested by Special Magistrate Tell at the hearing on April 9, 2019 could not be verified. A discussion was held on the outstanding cost recovery fees. A copy of

RECORD OF
SPECIAL MAGISTRATE HEARING
JUNE 25, 2019

an invoice dated April 3, 2019 provided to Mr. Erik Koopal was submitted as Town's Exhibit 1 without objection. Mr. Hurchalla was provided with a copy.

A discussion was held as to the occupancy with Mr. Hurchalla. Special Magistrate Tell requested clarification on the municipal code that relates to the Town's definition of a family.

David Abramson, Deputy Planning & Zoning Manager read the definition into the record. Section 12-503 reads as follows: Family - One (1) or more persons related by blood, marriage or legal adoption, or a group of not more than two (2) such persons not so related occupying a dwelling and living as a single housekeeping unit, doing their own cooking and having their own sanitary facilities on the premises. May also include gratuitous guests and domestic servants.

Mr. Hurchalla agreed to enter into a Covenant whereby Mr. Koopal will agree to maintain the mobile home as a single family unit.

A continuance to the hearing of July 9, 2019 was requested by the magistrate at which time the cost recovery fees must be paid. A cost recovery fee of \$400.00 was assessed at the hearing.

5.9 Case #18-040603 (f.k.a. Building Case #2017-0002): Florida Enterprises & Co. Inc., 13430 SW 7 Place (continued from April 09, 2019)⁵(building permit required violation) KM

James J. Hurchalla, Esq. 1700 E Las Olas Blvd, Ft. Lauderdale, FL
Mitch Lipton, Chief Structural Inspector, Town of Davie was present
David Abramson, Deputy Planning & Zoning Manager

Inspector Massey submitted photographs taken on January 14, 2019 and June 21, 2019 as Town's composite Exhibit 1 without objection. Broward County Property Appraiser aerial photograph of the property in 2015 as provided by Mitch Lipton was submitted as Town's Exhibit #2 without objection.

Mr. Lipton provided to Mr. Hurchalla exactly what needs to be removed in order to be in compliance. Mr. Hurchalla was provided with the timeline for liens from July 11, 2018- April 9, 2019 a period of two hundred seventy-two (272) days of noncompliance along with an additional seventy-seven (77) days have occurred from April 9, 2019 until the today's hearing. As of June 25, 2019 Mr. Hurchalla was informed the property is facing liens for a period of three hundred forty-nine (349) days and until compliance is achieved the non-compliance periods are continuing to accrue.

A continuance to the hearing of July 9, 2019 was requested by the magistrate at which time the cost recovery fees must be paid. A cost recovery fee of \$400.00 was assessed at the hearing.

Special Magistrate Tell so ordered.

5.10 Case #18-031714 : James J. Jr. and Pamela S. Shrouder, 2220 SW 139 Avenue (continued from April 09, 2019)¹(engineering permit required violation) KM

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. No cost recovery fee was assessed.

Special Magistrate Tell so ordered.

RECORD OF
SPECIAL MAGISTRATE HEARING
JUNE 25, 2019

5.11 Case #18-064873 (fka #2014-0500): Michael Shuman, 8255 SW 42 Court (continued from April 09, 2019)³(landscape maintenance/nuisance violation) *cv*

Nicole Shuman, property owner was present.

A discussion was held on the cost recovery fee that is outstanding. Ms. Shuman stated payment will be made within thirty (30) days.

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. No cost recovery fee was assessed.

Special Magistrate Tell so ordered.

6. LOCAL BUSINESS TAX RECEIPT

6.1 Case #2019-0022: Promenade West Ltd, 2205-2375 S. University Drive #2269 (continued from May 21, 2019)¹(business tax receipt required violation) *SES*

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

6.2 Case #2019-0023: P & M Industrial Equipment Inc., 4801 SW 55 Terrace (local business tax receipt required violation) *SES*

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

6.3 Case #2019-0024: The Grand Salon Frayla Esther LLC and Prisa II Davie SC LLC, 4631 S. University Drive (inspection by the Fire Department; approval by Director of the Development Services Department or his designee; approval by Fire Chief violation) *SES*

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

6.4 Case #2019-0025: Rushell Fuel Corp and Danny's Fuel 1 LLC, 4221 NW 66 Avenue (inspection by the Fire Department; approval by Director of the Development Services Department or his designee; approval by Fire Chief violation) *SES*

Inspector Santisteban presented the case and read the violation into the record. Service was obtained by certified mail. The green cards were submitted as Town's Composite Exhibit 1 without objection.

Inspector Santisteban requested Rushell Fuel Corp be removed from this case due to vacating the property. A final order providing for thirty (30) days to comply with violation of town code section 13-21(a) along with cost recovery fee of \$350.00 was requested.

Special Magistrate Tell so ordered.

7. NEW BUSINESS

8. OLD BUSINESS

9. CITATION AGENDA

10. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 1:30 P.M.