

City of Miami Springs, Florida

201 Westward Drive
Miami Springs, FL 33166



ORDER SUMMARY **SPECIAL MAGISTRATE HEARING**

Council Chambers
Tuesday, December 05, 2023

1. **Call to order:** Special Magistrate Roche called the meeting to order at 05:02 P.M.

Present at the meeting:

Myrnabelle Roche, Special Magistrate
Jose Arango, City Attorney
Rosemary Novo, Code Compliance Officer
Carlos Valdivia, Code Compliance Officer
Sandra Duarte, Hearing Secretary

This Special Magistrate, as per the City of Miami Springs Resolution No. 2022-4013, is empowered but not limited to, presiding over the City's code compliance violations; adopting rules for the conduct of hearings; hearing and deciding alleged violations of the City's Code of Ordinances; subpoenaing evidence and alleged violators and witnesses to its hearings; taking testimony under oath; assessing fines against violators of city codes and ordinances; issuing findings of fact based on evidence of record and conclusions of law; and issuing orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

Failure to pay stipulated fines could lead to the placement of a lien on the property affected and ultimately to a foreclosure of the property. The rulings of this Special Magistrate are final and can only be appealed to the Circuit Court of Miami-Dade County. If such an appeal is contemplated, the appellant is responsible for his own verbatim record of these proceedings.

2. **Invocation/Salute to the Flag:** Special Magistrate Myrnabelle Roche lead the salute to the flag and swore in all representatives and witnesses.

3. UPDATE:

CITY OF MIAMI SPRINGS VS.:

1) Case# 17-02523
Address: 378 Westward Dr
Owner: Miami Springs Baptist Church
Violation: 93-13 – Maintenance of property by owner

Testifying for the City: Code Enforcement Officer Carlos Valdivia
Testifying for the Respondent: Pastor Dan Gossette

Magistrates Findings: That the owner shall have the permit issued by February 29, 2024 and have the permit closed within 4 months of issuance or face a fine of \$100.00 per day until compliance is reached.

4. NEW BUSINESS:

CITY OF MIAMI SPRINGS VS.:

1) Case # 23-0862
Address: 311 East Drive
Owner: Maria Mohedano
Violations: 150-017 – Recreational Vehicles (Not Screened)

Testifying for the City: Code Enforcement Officer Carlos Valdivia
Testifying for the Respondent: Maria Mohedano

Magistrates Findings: That the owner shall come into compliance within 60 days or face a fine of \$100.00 per day until compliance is reached. That the owner shall pay a one-time fine of \$100.00 and the code administrative fee of \$150.00.

2) Case # 20-01666
Address: 671 Wren Ave
Owner: Ricardo Roses & W Ana M
Violations: 151-04 – Application for Building Permits (Fence/Gate)

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: No one

Magistrates Findings: That the owner shall come into compliance within 30 days or face a fine of \$100.00 per day until compliance is reached. That the owner shall pay a one-time fine of \$100.00 and the code administrative fee of \$150.00.

3) Case # 20-01060
Address: 1120 Starling Ave
Owner: Brett & Lourdes Rayon
Violations: 151-04 – Application for Building Permits (Bath Remodel/Wall)

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: No one

Magistrates Findings: Case complied and closed. No order given.

4) Case # 17-01076
Address: 1240 Nightingale Ave
Owner: Asturias Alvares Investments LLC
Violations: 151-04 – Application for Building Permits (Bathroom Remodel)

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: Geraldina Guevera & Geraldine Alvarez

Magistrates Findings: That the owner shall come into compliance within 60 days or face a fine of \$100.00 per day until compliance is reached. That the owner shall pay a one-time fine of \$100.00 and the code administrative fee of \$150.00.

5) Case # 23-0945
Address: 1241 Wren Ave
Owner: Francisco De La Torre
Violations: 151-04 – Application for Building Permits (Front Door)

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: No one

Magistrates Findings: That the owner shall come into compliance within 30 days or face a fine of \$100.00 per day until compliance is reached. That the owner shall pay a one-time fine of \$100.00 and the code administrative fee of \$150.00.

6) Case # 21-1686
Address: 1328 Westward Dr
Owner: Jose I Ruiz; Hennys Mercado
Violations: 151-04 – Application for Building Permits (Legalize Playroom)

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: No one

Magistrates Findings: That the owner shall come into compliance within 30 days or face a fine of \$100.00 per day until compliance is reached. That the owner shall pay a one-time fine of \$100.00 and the code administrative fee of \$150.00.

7) Case # 23-0666
Address: 1521 Hammond Drive
Owner: Noslen Sanchez Mesa
Violation: 151-04 – Application for Building Permits (A/C's)

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: No one

Magistrates Findings: That the owner shall come into compliance within 30 days or face a fine of \$250.00 per day until compliance is reached. That the owner shall pay a one-time fine of \$100.00 and the code administrative fee of \$150.00.

5. FINE REDUCTION:

CITY OF MIAMI SPRINGS VS.:

1) Case# 21-01406
Address: 365 South Drive
Owner: Brenda R & Jorge A Osorno
Violation: 151-04 – Application for Building Permits (Interior/Exterior Work)

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: Brenda Reyes

Magistrates Findings: That the owner shall pay the reduced fine of \$4,000.00 along with the code administrative fee of \$150.00 for a total of \$4,150.00 within 60 days or the fine will revert back and the case won't be eligible for fine reduction again.

2) Case# 22-0293
Address: 601 La Villa Dr
**Owner: ~~Brenda R & Jorge A Osorno~~
Pablo Guarella & Valeria Losada Waszak**
Violation: ~~151-04 – Application for Building Permits (Interior/Exterior Work)~~
150-145 – Vacation Rentals

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: Valeria Losada Waszak

Magistrates Findings: That the owner shall pay the reduced fine of \$17,200.00 along with the one-time fine of \$250.00 and the code administrative fee of \$150.00 for a total of \$17,600.00 within 60 days or the fine will revert back and the case won't be eligible for fine reduction again.

3) Case# 20-01487
Address: 1101 Oakwood Drive
Owner: Holiday Express Transportation Inc., Mohammed
Violation: 151-04 – Application for Building Permits (Kitchen/Drywall/Floor)

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: No one

Magistrates Findings: No respondent present. Case not heard.

6. APPEALS:

CITY OF MIAMI SPRINGS VS.:

1) Case# 23-1221
Address: 441 Swallow Drive
Owner: Swallow Nest Condo., C/O Top Svc. Prop. Mgmt., LLC
Violation: 93-11 – Dumping

Testifying for the City: Code Enforcement Officer Carlos Valdivia
Testifying for the Respondent: No one

Magistrates Findings: No respondent present. Case not heard.

2) Case# 23-1056
Address: 1265 Starling Avenue
Owner: Stacey L Eisdorfer; Maria C Salmeron
Violation: 93-11 – Dumping

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: Stacey L Eisdorfer & Maria C Salmeron

Magistrates Findings: The appeal is denied and the order stands as entered. That the owner shall pay fines due and the code administrative fee of \$150.00.

3) Case# 23-1085
Address: 1265 Starling Avenue
Owner: Stacey L Eisdorfer; Maria C Salmeron
Violation: 93-11 – Dumping - Repeat

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: Stacey L Eisdorfer & Maria C Salmeron

Magistrates Findings: The appeal is denied and the order stands as entered. That the owner shall pay fines due.

7. ADJOURNMENT

There being no further business Special Magistrate Myrnabelle Roche adjourned the meeting at 07:03 P.M.

If any person decides to appeal any decision made by the Special Magistrate with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is based (F.S. 286.0105) 1981.