

City of Miami Springs, Florida
201 Westward Drive
Miami Springs, FL 33166



ORDER SUMMARY
SPECIAL MAGISTRATE HEARING
Council Chambers
Tuesday, April 02, 2024

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

Present at the meeting:

Myrnabelle Roche, Special Magistrate
Alejandro Uribe, 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 their 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. NEW BUSINESS:

CITY OF MIAMI SPRINGS VS.:

1) Case # 22-1179
Address: 225 Azure Way
Owner: Ofelia Echemendia TRS
Violation: 151-04 – Application for Building Permits (Mini-Split)

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 15 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 # 22-1178
Address: 249 Azure Way
Owner: Ofelia Echemendia TRS
Violation: 151-04 – Application for Building Permits (Mini-Split)

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 15 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 # 22-1177
Address: 279 Azure Way
Owner: Ofelia Echemendia TRS
Violations: 151-04 – Application for Building Permits (Mini-Split)

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 15 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.

4) Case # 22-1176
Address: 299 Azure Way
Owner: Ofelia Echemendia TRS
Violations: 151-04 – Application for Building Permits (Mini-Split)

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 15 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 # 22-1174
Address: 225 Azure Way
Owner: Ofelia Echemendia TRS
Violations: 93-13 – Maintenance of property by owner

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 10 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 # 22-1173
Address: 249 Azure Way
Owner: Ofelia Echemendia TRS
Violation: 93-13 – Maintenance of property by owner

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 10 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 # 22-1172
Address: 279 Azure Way
Owner: Ofelia Echemendia TRS
Violation: 93-13 – Maintenance of property by owner

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 10 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.

8) Case # 22-1170
Address: 299 Azure Way
Owner: Ofelia Echemendia TRS
Violations: 93-13 – Maintenance of property by owner

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 10 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.

9) Case # 24-0059
Address: 260 Hibiscus Dr
Owner: Mark A Trowbridge
Violations: 93-13 – Maintenance of property by owner (Constr. Debris)

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: Mark A. Trowbridge

Magistrates Findings: That there was proper service and the violation exists and continues to exist, however no fine or administrative fee will be imposed due to the respondent's unique circumstances. That the City will do a onetime pick up of the debris as a courtesy.

10) Case # 23-0960
Address: 279 Corydon Dr
Owner: Ayao Yao Stanley & Akiba Sossou
Violations: 93-13 – Maintenance of property by owner (G/W)

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 \$0.00 per day until compliance is reached. That the owner shall pay a one-time fine of \$200.00 and the code administrative fee of \$150.00.

11) Case # 23-1322
Address: 279 Corydon Dr
Owner: Ayao Yao Stanley & Akiba Sossou
Violations: 96-18/19 – Alley Encroachment (Hedges)

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 \$0.00 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.

12) Case # 24-0076
Address: 281 Hammond Dr
Owner: Alejandro Santos & Ismaray Hernandez
Violation: 151-04 – Application for Building Permits (Int. Alt.)

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: Alejandro Santos

Magistrates Findings: That the owner shall have a permit issued within 30 days or face a fine of \$250.00 per day until compliance is reached. That the owner shall pay the code administrative fee of \$150.00.

13) Case # 24-0284
Address: 325 Ludlam Dr
Owner: Tayan Alliances Inc., C/O Ann M Taylor
Violation: 151-04 – Application for Building Permits (Fence)

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 \$200.00 and the code administrative fee of \$150.00.

14) Case # 23-0480
Address: 769 La Baron Dr
Owner: Ralph S & Cristina Jerauld
Violation: 150-017 – Recreational Vehicles – Side yard, not screened

Testifying for the City: Code Enforcement Officer Carlos Valdivia
Testifying for the Respondent: Ralph S. Jerauld

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 the code administrative fee of \$150.00.

15) Case # 23-1318
Address: 1161 Wren Ave
Owner: Jorge M & Gloria Palacios Rev. Trust
Violations: 151-04 – Application for Building Permits (Concrete Slab;
Relocated A/C)

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 \$200.00 per day until compliance is reached. That the owner shall pay the code administrative fee of \$150.00.

4. UPDATE:

CITY OF MIAMI SPRINGS VS.:

1) Case# 22-0671 – Tabled on 2/6/24
Address: 1161 Wren Ave
Owner: Jorge M & Gloria Palacios Rev. Trust
Violation: 151-04 – Application for Building Permits (Demo; Interior Work)

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

Magistrates Findings: That the owner shall come into compliance within 30 days or face a fine of \$200.00 per day until compliance is reached. That the owner shall pay the code administrative fee of \$150.00.

5. FINE REDUCTION:

CITY OF MIAMI SPRINGS VS.:

1) Case# 21-1951
Address: 241 Palmetto Dr
Owner: Claudia Marcela Barco
Violation: 151-04 – Application for Building Permits (Int. Alt. at Cottage)

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: Claudia Marcela Barco

Magistrates Findings: That the owner shall pay the reduced fine of \$14,480.00 along with the \$150.00 for the lien filing and the code administrative fee of \$150.00. The total amount of \$14,780.00 shall be paid within a timeframe determined by the Miami Springs Finance Department or the fine will revert back to the original amount and the case won't be eligible for fine reduction again. That this order shall be amended with the timeframe determined by the MS Finance Department once it's available.

2) Case# 23-0220
Address: 241 Palmetto Dr
Owner: Claudia Marcela Barco
Violation: 151-04 – Application for Building Permits (Fence)

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: Claudia Marcela Barco

Magistrates Findings: Case withdrawn.

3) Case# 23-0583
Address: 271 Rosedale Dr
Owner: Sevim Abaza; Ivana M Vento
Violation: 150-013 – Fences, Landscaping & Boundary Walls

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: Sevim Abaza

Magistrates Findings: Case withdrawn.

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

Testifying for the City: Code Enforcement Officer Rosemary Novo
Testifying for the Respondent: Francisco De La Torre (Zoom)

Magistrates Findings: That the owner shall pay the reduced fine of \$1,420.00 along with the one-time fine of \$150.00 for the lien filing. The total amount of \$1,570.00 shall be paid within 30 days or the fine will revert back to the original amount and the case won't be eligible for fine reduction again.

6. ADJOURNMENT

There being no further business Special Magistrate Myrnabelle Roche adjourned the meeting at 07:22 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.