



Special Magistrate Hearing City of Greenacres, Florida

Wednesday, January 31, 2024 at 3:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

Minutes

Any person requesting the appeal of a decision will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to FS. 286.0105, the record must include the testimony and evidence upon which the appeal is to be based. The City of Greenacres does not prepare or provide such verbatim record.

CALL TO ORDER

Special Magistrate Bernard called to order the Special Magistrate Hearing of Wednesday January 31, 2024.

Special Magistrate Bernard requested all witnesses present who would provide testimony stand and be sworn in. She explained the case procedures and stated those persons who admitted a violation existed would coordinate with the City for compliance. For those persons who admitted a violation, the City would present its evidence, the Magistrate would hear the testimony from the property owner/representative and then issue her findings based on the testimony and evidence presented.

APPROVAL OF MINUTES - October 25, 2023.

PLEDGE OF ALLEGIANCE

NEXT SCHEDULED MEETING - February 28, 2024.

NEW BUSINESS

1. Case 11-23-10075 - Michel J Baptiste & Kemmy Dieujuste - 3085 Perry Ave

Vehicle crashed into property. Damage repaired without permit and inspections

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or 302.7 replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

Officer Jerry Bernal stated a notice was served by certified mail. Officer Bernal mentioned a vehicle had crashed into the property.

Code Enforcement Supervisor Dinah Tejada mentioned the property was fixed without permits and inspections.

No representative was present.

Magistrate Bernard ordered compliance within 30 days otherwise a fine of \$100.00 per day would accrue until the violation was corrected.

2. Case 7-23-9900 - JDR Landscaping Plus Llc- Roosevelt Presendieu, Reg Agent - 301 Fleming Ave

Shed in rear no permit & inspection

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or 302.7 replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Officer Jerry Bernal stated a notice was served by certified mail. Officer Bernal mentioned a shed was on the rear of the property with no permit and inspection.

No representative was present.

Magistrate Bernard ordered compliance within 30 days, otherwise a fine of \$100.00 per day would accrue until the violation was corrected.

CERTIFY FINE

None.

TABLED CERT/ASSESSMENT

None.

TABLED CASES

None.

REDUCTION OF FINES

3. Case 12-15-5524 - Jeffrey Estis President - Fla Skyline Mgmt Inc for Lakeview Gardens of PB Condos - 100-700 Nottingham Cir

Open storage, trash, debris on grounds, inoperable and unlicensed vehicles

Section: 7-27.7 – Property Maintenance Nuisance Declared

(7) The presence, accumulation, open storage, or otherwise keeping, of any abandoned, discarded, or unused chattel; or

Section 14-28(b)(5) XXXXXXXXXX - Parking of Motor Vehicles, Boats and Trailers

The parking of nonprohibited motor vehicles is allowed on private property within residential zoning districts provided that the plot of land is improved with a residence and the motor vehicle is not inoperative, wrecked, junked or partially dismantled or

abandoned and is licensed and registered as required by state law and used by the resident of the premises or a guest thereof.

Ms. Tejada stated the case would be about open storage, trash, debris on ground, inoperable, and unlicensed vehicles. The violation was from the previous property owner Gary Budd. Ms. Tejada also mentioned the property was now in compliance. Fines to date were \$125,850.00

Representative Jeffrey Estis was present.

Magistrate Bernard reduced the fines to \$12,585.00 payable within 120 days, otherwise the fines would revert back to \$125,850.00

4. Case 1-23-9639 - Asaduzzaman Khan & Shakila Sharmin - 109 Jackson Ave

Shed in rear installed without permit & inspection

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or 302.7 replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

Officer Dinah Tejada stated the notice was received on January 17, 2023, by certified mail. Another notice was requested to appear on March 3, 2023. An affidavit of posting was in the file. On March 29, 2023 Magistrate Bernard ordered the property be in compliance by April 28, 2023, or a fine of \$50.00 would accrue per day. a shed needed to be legalized. The shed was installed without permit and inspections. On July 19, 2023, a shed permit was submitted, and on September 25, 2023, it passed inspections and the property was in compliance. Fines to date were \$7,450.00

Representative Asaduzzaman Khan was present.

Magistrate Roche reduced the fines to \$223.50 payable within 45 days, otherwise the fines would revert back to \$7,450.00

ADJOURNMENT

3:17 PM.

Amity R. Barnard, Esquire, Special Magistrate

Quintella Moorer, MMC, City Clerk

Date Approved: _____