



Special Magistrate Hearing

City of Greenacres, Florida

Wednesday, March 29, 2023 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 Amity R. Bernard, Esquire called to order the Special Magistrate Hearing of Wednesday, March 29, 2023.

Special Magistrate Bernard, Esquire requested all witnesses present who would provide testimony to 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 contested 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.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - February 22, 2023

NEXT SCHEDULED MEETING - April 26, 2023

NEW BUSINESS

1. **Case 11-22-9597 - Andrew O Amerson - 305 Fleming Ave**

Rear aluminum structure constructed 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 302.7replace 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 Ileinys Capote stated a notice was served by certified mail. Officer Capote mentioned a rear aluminum structure was built without a permit and inspections. On December 27, 2022, the representative applied for a permit, but then withdrew the permit application on February 1, 2023. Structure remains standing.

Representative Andrew Amerson stated setbacks were the issue, and was working with an attorney to help with the issue since the contractor misinformed Mr. Amerson.

Magistrate Bernard ordered compliance within 30 days, otherwise a fine of \$50.00 per day would accrue until the violation was corrected.

2. Case 1-23-9624 - Marcial Romero - 540 Jackson Ave

Roof work being done 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 302.7replace 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 Ileinys Capote stated a notice was served by certified mail. Officer Capote mentioned a roof was done without a permit and inspection.

Representative Marcial Romero stated he built the roof himself and was unaware of the permit process.

Magistrate Bernard, Esquire ordered compliance within 60 days, otherwise a fine of \$50.00 per day would accrue until the violation was corrected.

3. Case 1-23-9639 - Asaduzzaman Khan & Shakila Sharman - 109 Jackson Ave

Shed 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 302.7replace 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 Ileinys Capote stated a notice was served by certified mail. Officer Capote mentioned a shed was installed without a permit and inspection.

No representative was present.

Magistrate Bernard ordered compliance within 30 days, otherwise a fine of \$50.00 per day would accrue until the violation was corrected.

4. Case 6-22-9262 - Rafael DeJesus Dieguez & Cecilia Merino - 4630 Cenurian Cir

Pavers on side and rear of property 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 302.7replace 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 Ileinys Capote stated a notice was served by certified mail. Officer Capote mentioned pavers were installed on the side and rear of the property without a permit and inspection. A representative applied for a paver permit, but was denied by Zoning on February 6, 2023. A completed survey was required, and to date not received.

Representative Cecilia Merino stated she applied for a new survey to reapply for the paver permit.

Magistrate Bernard ordered compliance within 45 days, otherwise a fine of \$50/day would accrue until the violation was corrected.

REDUCTION OF FINES

5. Case 7-18-6609 - Pedro J Hernandez, Reg Agent Hernandez Holdings Llc - 5610 S 38 St

Open storage, exterior property maintenance

Section: 7-27.11 Property Maintenance Nuisance Declared

(11) The presence, accumulation, storage, or keeping of any debris, building material, or material of any kind on the ground, leaning against any building or structure, or upon the roof or top of any building or structure.

Section: 304.6 Exterior Walls - All exterior walls, on main structures and accessory structures, shall be free from holes, breaks and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration

Complied 2/7/23

New Owner 9/2022

Fines to date are \$ 180,900

No homestead

Officer Ileynys Capote stated a notice was served by hand delivery. Officer Capote mentioned an outside storage was placed at the property and the exterior property required maintenance. On December 14, 2018 Magistrate ordered the fines to keep accruing at \$150.00 per day. A lien was recorded in the Official Records of Palm Beach County. The property went into compliance on February 7, 2023. Fines to date are \$180,900.

Representative Pedro Hernandez stated the property was purchased from a previous owner who was ill and they remodeled parts of the property.

Magistrate Bernard reduced the fines to \$18,090.00 payable within 60 days otherwise the fines would revert back to \$180,900.00.

6. Case 10-21-8729 - Esther A Alarcon or Albert Martinez - 5600 S 36 St

Solar panels 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 302.7replace 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.

Complied 7/26/22

Fines to date are \$16,500

Property is Homestead, property has lien

Officer Ileinys Capote stated a notice was served by hand delivery and solar panels were installed without permit and inspections. Officer Capote mentioned the property was in compliance on July 26, 2022. Magistrate Roche certified the fines of \$2,475.00, and kept the fines accruing at \$75.00 per day. A lien was recorded in the Official Records of Palm Beach County. Fines to date were \$16,500.

No representative was present.

Case not heard. Magistrate Bernard moved to next case.

7. Case 4-21-8440 - Nicholas & Trisha Bolley - 5855 S 38 St

Plywood on side windows of property

Section: 304.13.3 - Shutters and Impact Protection

Hurricane protective devices on all occupied buildings must be removed no later than fourteen (14) days after the termination of the hurricane event (watch, warning, actual hurricane or tornado) unless another hurricane event is predicted to occur within the fourteen (14) day time period

Complied 3/28/22

Fines to date are \$ 5,650

No Homestead

Officer Ileinys Capote stated a notice was served by hand delivery and plywood was placed on side windows. Officer Capote mentioned the property was in compliance on March 18, 2022. Magistrate kept the fines accruing and a lien was recorded with the Official Records of Palm Beach County. Fines to date were \$5,650.00.

Representative Nicholas Bolley stated he was unaware of the situation due to the mailing notices.

Magistrate Bernard reduced the fines to \$565.00, payable within 60 days otherwise the fines would revert back to \$5,650.00.

OLD BUSINESS

8. Case 6-22-9287 - Grant Franklin Grp Llc - 301 Fleming Ave

Septic system needs repair

Section: 506.2 – Maintenance

Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks and defects

10/26/22 The Magistrate ordered to return for a status update 3/29/23 or a fine of \$100/day will be imposed

Officer Ileinys Capote stated a notice was served by certified mail and the septic system needed repair. On October 26, 2022 Magistrate Roche ordered for the representative to return for a status update on March 29, 2023 or a fine of \$100.00 per day would be imposed.

Representative Nancy Temera stated Danny Septic had been helping with the case, but was waiting to hear back from the Health Department.

Magistrate Bernard stated a status update would be required on May 24, 2023.

TABLED CASES – None.

APPEAL OF FINE – None.

ADJOURNMENT

3:53 PM.

Myrnabelle Roche, Special Magistrate

Quintella Moorer, CMC, City Clerk

Date Approved: _____