



**TOWN OF DAVIE  
RECORD OF  
SPECIAL MAGISTRATE HEARING  
JUNE 23, 2020**



**1. PLEDGE OF ALLEGIANCE**

**2. CALL SESSION TO ORDER**

The hearing was called to order at 10:00 A.M. Present were Special Magistrate Theresa Bland Edwards, Code Compliance Supervisor Rick Berni, Animal Control Officer Karen Borsoni, Code Compliance Inspector Kim Massey, Code Inspector Stephanie Silber, Code Compliance Inspector Mayra Hernandez, Code Compliance Inspector Sarah Perreira and Recording Secretary Grace Farrar

**3. CALL OF THE CASES**

Respondents were present for Case 20-019694, #2020-0022, 2019-0050,

**4. UNCONTESTED CASES**

**5.1 Case #20-002004:** Stu Pester d/b/a Custom Cut Property Maintenance and Management Inc., 1900 SW 145 Avenue (continued from February 25, 2020)<sup>1</sup> (franchise agreement/maintenance of rights-of-way and swales on public or private property/trash waste and garbage/general regulations/permitted uses in the R-1 zoning district/nuisance/eyesore violation) <sup>KM</sup>

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

**5.2 Case #20-010397:** 3870 SW 59 Ave Land Trust and Occupant(s), 3870 SW 59 Avenue (license and rabies vaccination/running at large prohibited, declared nuisance violation) <sup>KB</sup>  
The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

**5.3 Case #20-010855:** Dolly E. Alishahi, 13595 SW 28 Street (engineering permit required violation) <sup>KM</sup>  
The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

**5.4 Case #20-012388:** James Stone, EST, parcel at the intersection of SW 106 Avenue and SW 57 Place (overgrowth violation) <sup>RB</sup>  
A continuance to the Special Magistrate hearing of July 21, 2020 was requested by the Town no recovery fee was assessed.  
Special Magistrate Edwards so ordered.

**5.5 Case #20-014916 aka #20-014760:** Stahl Family LTD and Occupants, 13301 SW 7 Place (running at large prohibited, declared nuisance/license and rabies

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vaccination/maintenance standards of exterior premises/storage of abandoned property on public or private land/boarding during hurricane season/general regulations, nuisance violation)<sub>KB</sub>

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

**5.8 Case #20-019694:** Tammy Cook and Michael Bryant, 11206 SW 22 Court (nuisance/building permit required violation) <sub>cv</sub>

A continuance to the Special Magistrate hearing of July 21, 2020 was requested by the Town no recovery fee was assessed.

Special Magistrate Edwards so ordered.

**5. FORMAL HEARINGS OF CONTESTED MATTERS**

**5.6 Case #20-012384:** Roberto Mederos EST, 5730 SW 38 Court (storage of abandoned property on public or private land/obstructing sidewalk prohibited/nuisance/eyesore violation) <sub>ss</sub>

Inspector Silber obtained a consent agreement with Roberto Mederos to remain in compliance with violation of town code sections 11-17, 21-22 and 12-33(U) along with cost recovery fee of \$150.00. The consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Edwards so ordered.

**5.7 Case #20-013512:** Cerberus SFR Holdings LP, First Key Homes and Occupant, 3671 SW 58 Terrace (overgrowth/receptacle requirements/location of licensee; zoning regulation violation) <sub>ss</sub>

Inspector Silber obtained a consent agreement with the respondent to remain in compliance with violation of town code sections 9-51(b), 9.25(b)(1) and 13-23(a) along with cost recovery fee of \$150.00. The consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Edwards so ordered.

**5.9 Case #20-019973:** Sophia Polanco, 13390 SW 6 Court (building permit required; Florida building code unapproved modifications to a mobile home/non permitted uses prohibited/standards for specific uses; house trailers, recreational vehicles, mobile homes, mobile home communities/nuisance/eyesore violation)

Inspector Massey obtained a consent agreement with the respondent to comply with violation of town code sections 5-1, 12-32(A), 12-34(p)(2)(D) and 12-33(U) no cost recovery fee was assessed. The consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Edwards so ordered.

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**6.2 Case #2020-0022:** Granite Inliner LLC, 5001 S University Drive (nuisance/eyesore/general regulations-commercial vehicle parking restricted in certain district/location of license; zoning regulation/local business tax receipt required violation) <sup>SP</sup>

John Rinehart, Area Manager - Granite Inliner  
Alexander Heydemann, attorney for the tenant  
Benjamin Dishewitz, 5001 S University Drive  
Brian Stevens, 4935 Ranger Drive, #2108, complainant

Inspector Perreira presented the case and read the violation into the record. Service was obtained by posting. An Affidavit of posting was submitted as Town's Exhibit 1 without objection. Photographs taken by the inspector on February 3, 11, 12, 28, March 3, 6, 9, 11, 25, 2020 were submitted as Town's Composite Exhibit 2 without objection.

A discussion was held on the zoning and uses for this property. At this time the current zoning is B2. This prohibits outdoor storage.

Mr. Brian Stevens testified to the activities that have occurred at this property that have affected his family's quality of life. They have trucks arrive in the evenings and early morning that continue to run their refrigeration and the diesel smell is very overwhelming. Mr. Stevens has maintained a journal with days and times.

There was discussion from the attorneys for the landowner whereby they are moving toward requesting a change in vested rights of the property.

Mr. Stevens did state at this time there has been considerable change in the operations but wanted the record to reflect what he has been experiencing.

Based on the continuing efforts of the parties to bring the property into compliance, a continuance to August 4, 2020 was requested.

Special Magistrate Edwards so ordered.

## **6. LOCAL BUSINESS TAX RECEIPT**

**6.1 Case #2020-0006 :** MT2427 Corp, 12930 W State Rd 84 (local business tax receipt required/location of license; zoning regulation violation) <sup>SP</sup>

The violations were cancelled prior to the hearing; no cost recovery fees were assessed. Citation #742 was paid prior to the hearing.

**6.3 Case #2020-0027 :** 441 Commerce Center Inc. and Mario & Karon Zacco, 5011-5081 S State Road 7 (requirement for garbage and trash removal/evidence of accumulation violation) <sup>SP</sup>

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

**6.4 Case #2020-0032 :** KOI Consulting LLC, Astin Brands LLC and Stu Pester, 1900 SW 145 Avenue (local business tax receipt required/location of license; zoning regulation violation) <sup>SP</sup>

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

## **7. NON COMPLIANCE**

**7.1 Case #19-048405 :** Ocampo and Fernandez Investment Group LLC, and Maivelys & Ricardo Puga, 1751 SW 139 Avenue (continued from February 25, 2020)<sup>1</sup>(Florida building code violation) <sup>KM</sup>

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The violation was dismissed without prejudice to the existing final order which will remain in full force and effect.

Special Magistrate Edwards so ordered.

**7.2 Case #19-048436:** Scott Minchener, 13351 SW 7 Place (storage of abandoned property on public or private land/accumulation of garbage/receptacle requirements violation) <sup>KM</sup>

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect.

Special Magistrate Edwards so ordered.

**7.3 Case #2019-0050:** David M. Van Hoeven and Pia Maribel Silva, 6120 SW 51 Court (engineering permit/Florida building code violation) <sup>SP</sup>

David M. Van Hoeven was present at the hearing.

John Phillips, Project Manager was present at the hearing

Inspector Perreira presented the case and read the violation into the record. Service was obtained by posting. An Affidavit of posting was submitted as Town's Exhibit 1 without objection. The printout from New World indicating permit service was submitted as Town's Exhibit 2 without objection.

A discussion was held on the failure to obtain the permit as agreed to on November 19, 2019. Mr. Van Hoeven stated his architect has passed away and he is now in the early stages with a new company. Mr. VanHoeven was advised the cost recovery fee is still outstanding.

A continuance to July 7, 2020 was requested the Respondent no recovery fee was assessed.

Special Magistrate Edwards so ordered.

## **8. NEW BUSINESS**

## **9. OLD BUSINESS**

## **10. CITATION AGENDA**

**10.1 Case #20-018500 aka #20-018382 / Citation #0907:** Timmy T. Le, 7770 NW 35 Street (license and rabies vaccination violation) <sup>KB</sup>

Citation 907 was dismissed.

**10.2 Case #20-020482 aka #20-020166/ Citation #0908 & #0909:** Cyril P. Chorath, 15901 Sedgewyck Circle N. (dog attack/running at large declared nuisance violation) <sup>KB</sup>

Citation #908 and 909 were paid prior to the hearing

**10.3 Case #20-026330:** Albert Wahba 5461 SW 55 Avenue Citation #1002 (nuisance violation) <sup>MH</sup>

Albert Wahba was present

Moshe Wahba, 5461 SW 55 Avenue was present

Karen Stenzel-Nowicki, 5480 SW 55 Avenue was present

Inspector Hernandez presented the citation and read the violation into the record. Service was achieved by posting. A copy of the affidavit was submitted as Town's

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Exhibit 1 without objection. A copy of the Airbnb printout was submitted as Town's Composite Exhibit 2 without objection.

Mr. Wahba testified contact with Airbnb was always being observed as this property was registered as a COVID-19 host location. A copy of the Executive Order Number 20-87 was submitted as Town's Composite Exhibit 3 without objection.

Inspector Hernandez obtained the assistance from Officer Perez to go to the location due to a complaint of a violation of The Governor's Executive Order. A copy of report #20-026330 was submitted as Town's Exhibit 4 without objection. A copy of the confirmed reservation for the April 28, 2020 violation was submitted as Town's Exhibit 5 without objection.

Ms. Nowicki testified to the constant flow of traffic and noises from the rentals. Based on the Executive Order no rentals should have been taking place for non- first responders. Based on the testimony from both the respondent and the witness the Finding of Fact was entered.

A Finding of Fact Conclusion of Law was entered finding the violation to be valid. A lien for Citation #10027 in the amount of \$250.00 will be assessed against the property.

Special Magistrate Edwards so ordered.

**10. ADJOURNMENT**

There being no further matters to discuss, the hearing was adjourned at 12:00 P.M.