

CITY OF PALM BAY, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
Regular Meeting 2024-04

Held on the 10th day of March 2024 in the Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law and is on file in the Code Compliance Office, 120 Malabar Rd SE, Palm Bay, Florida.

Code Compliance Special Magistrate Frank Scaglione called the meeting to order at approximately 1:10 PM.

SWEARING IN:

All respondents, complainants, and City staff required to testify were sworn in.

ADOPTION OF MINUTES:

1. Regular Meeting Number 2024-03; March 13, 2024

Code Enforcement Special Magistrate adopted the minutes as presented.

REPORTS:

Authorization to Impose Fines:

1. CEB 24170-23 CITY OF PALM BAY VS VIVIEN AND STEVEN MEHLER;
 LOUIS TOLINSON
 1151 BEACON ST NW, PALM BAY

This case involved a violation of City Code, Section(s) 179.080; Code of Ordinances of the City of Palm Bay for property located at 1151 Beacon St NW, Lot 19, Blk 1993, Unit 42, Subdivision KN, Township 28, Range 36, Section 22, Brevard County, Florida.

Ordered: This case has been tabled until May 8, 2024.

2. CEB 24490-24 CITY OF PALM BAY VS EPIC PROPERTY HOLDINGS 1804
 LLC
 4613 TREE RIDGE LN NE, PALM BAY

This case involved a violation of City Code, Section(s) 93.031(A)(1); Code of Ordinances of the City of Palm Bay for property located at 4613 Tree Ridge LN NE, PINEHURST PART OF LOT 1 BLK A AS DES IN ORB 2310 PG 717 AKA LOT 103 OF PINEWOOD I & II TOWNHOMES, Subdivision 01, Township 28, Range 37, Section 28, Brevard County, Florida.

Ordered: Granted an extension for compliance until October 7, 2024.

3. CEB 24491-24 CITY OF PALM BAY VS RUDYLYN L HOLLY AND
REYNOLDS HOLLY JR.
1774 GLENRIDGE ST NW, PALM BAY

This case involved a violation of City Code, Section(s) 185.183, 93.043, 604.3, 505.3; Code of Ordinances of the City of Palm Bay for property located at 1774 Glenridge St NW, Lot 1, Blk 1919, Unit 42, Subdivision KN, Township 28, Range 36, Section 28, Brevard County, Florida.

Ordered: Granted an extension for compliance until July 9, 2024.

The City requested the Code Enforcement Special Magistrate find all respondents / cases listed in the Authorization to Impose Fines Report in non-compliance for the period stated in the report. Inspections were performed on or about April 1, 2024, and the properties remained in non-compliance.

CEB 23568-23	CASTRO, VIRGINIA R	\$50.00 PER DAY
CEB 23825-23	TROISI, MARY E	\$50.00 PER DAY
CEB 24173-23	ALVAREZ, WILLIAM J	\$50.00 PER DAY
CEB 24405-24	COLON, ANGELICA	\$50.00 PER DAY
CEB 24407-24	JOSEPH BIANCO LIVING	\$50.00 PER DAY
CEB 24409-24	WALDEN, JULITTE	\$50.00 PER DAY
CEB 24415-24	BIANSCO JR., JOHN	\$50.00 PER DAY
CEB 24441-24	FKH SFR PROPCO E LP	\$200.00 SET FINE
CEB 24443-24	FKH SFR PROPCO E LP	\$200.00 SET FINE
CEB 24445-24	BARROQUILLO, RONAL	\$200.00 SET FINE
CEB 24447-24	TAHARALLY, ROBERT E	\$200.00 SET FINE
CEB 24514-24	GORDON JR., JEREMY	\$50.00 PER DAY
CEB 24516-24	VIRGINIA MAE HECK SC	\$200.00 SET FINE
CEB 24517-24	SZOECS, FRANCIS	\$200.00 SET FINE
CEB 24519-24	INB BFR FUND 1 LLC	\$200.00 SET FINE
CEB 24522-24	PURKISS, KAREN	\$200.00 SET FINE
CEB 24527-24	COMPUTRADE USA INC	\$200.00 SET FINE

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CEB 24534-24	MEDWECKY, STEVEN	\$200.00 SET FINE
CEB 24535-24	LEIVA, MARITZA GLADY	\$200.00 SET FINE
CEB 24536-24	KAPOUSIS, KOSTAS	\$200.00 SET FINE
CEB 24537-24	FEDNER ALEXANDER, J	\$200.00 SET FINE
CEB 24543-24	BODY SHOP BOB LLC	\$200.00 SET FINE
CEB 24544-24	PALM BAY INDUSTRIAL	\$200.00 SET FINE
CEB 24545-24	PALM BAY INDUSTRIAL	\$200.00 SET FINE
CEB 24553-24	FUNELAS, NOEL / BARRI	\$200.00 SET FINE
CEB 24554-24	GAUDETTE PROPERTIE	\$200.00 SET FINE
CEB 24555-24	PALM BAY INDUSTRIAL	\$200.00 SET FINE
CEB 24559-24	HEALING HANDS CHIRO	\$200.00 SET FINE
CEB 24560-24	PALM BAY PLAZA INC	\$200.00 SET FINE
CEB 24562-24	GAUDETTE PROPERTIE	\$200.00 SET FINE
CEB 24564-24	GAUDETTE PROPERTIE	\$200.00 SET FINE
CEB 24566-24	GAUDETTE PROPERTIE	\$200.00 SET FINE
CEB 24569-24	KIRBY HOLDINGS LLC	\$200.00 SET FINE
CEB 24571-24	SHEMAIT, RAMY KELLY	\$200.00 SET FINE
CEB 24573-24	BODY SHOP BOB LLC	\$200.00 SET FINE
CEB 24574-24	PB & J GARDENS INVES	\$200.00 SET FINE
CEB 24575-24	PB & J GARDENS INVES	\$200.00 SET FINE
CEB 24579-24	GAUDETTE PROPERTIE	\$200.00 SET FINE
CEB 24580-24	GAUDETTE PROPERTIE	\$200.00 SET FINE
CEB 24581-24	GAUDETTE PROPERTIE	\$200.00 SET FINE
CEB 24583-24	BONE, MATTHEW J & M	\$200.00 SET FINE
CEB 24588-24	WALKER, MARTHA A	\$200.00 SET FINE
CEB 24589-24	COLON, RACHEL	\$200.00 SET FINE
CEB 24590-24	PHAN, TUNG & LINDSAY	\$200.00 SET FINE
CEB 24592-24	BECK, JOHN R	\$200.00 SET FINE
CEB 24594-24	PAGE, ROBIN E & ELIJAH	\$200.00 SET FINE
CEB 24595-24	MORALES, LUIS & ALIS	\$200.00 SET FINE

OLD BUSINESS:

1. CEB 24513-24 CITY OF PALM BAY VS KRISTEN DAVIS
1758 TRADEWINDS AVE SE, PALM BAY

This case involved a violation of City Code, Section(s) 185.181(A), 185.010; Code of Ordinances of the City of Palm Bay for property located at 1758 Tradewinds Ave SE, Lot 25, Blk 915, Unit 18, Subdivision GR, Township 29, Range 37, Section 21, Brevard County, Florida.

Ordered: Set an immediate compliance date of April 10, 2024, for section 185.010 or that a fine of \$50.00 per day be imposed for every day the violation continues. Set a compliance date of May 10, 2024, for section 185.181(A) or that a fine of \$50.00 per day be imposed for every day the violation continues.

HEARINGS:

1. CEB 24735-24 CITY OF PALM BAY VS ANTOINE DIEFAIT
3292 REEF RD SE, PALM BAY

This case involved a violation of City Code, Section(s) 93.04; Code of Ordinances of the City of Palm Bay for property located at 3292 Reef Rd SE, Lot 8, Blk 1215, Unit 24, Subdivision GU, Township 29, Range 37, Section 32, Brevard County, Florida.

Ordered: Set a compliance date of June 9, 2024, or that a fine of \$50.00 per day be imposed for every day the violation continues.

2. CEB 24716-24 CITY OF PALM BAY VS MICHAEL L & SANDRA ROBINSON
SMITH
725 CAMPBELL ST SE, PALM BAY

This case involved a violation of City Code, Section(s) 170.114(A), 2015 IPMC 308.1; Code of Ordinances of the City of Palm Bay for property located at 725 Campbell St SE, Lot 17, Blk 345, Unit 9, Subdivision GJ, Township 29, Range 37, Section 05, Brevard County, Florida.

This case has been tabled until May 8, 2024.

3. CEB 24722-24 CITY OF PALM BAY VS CONCEPT DG INVESTMENT LLC
550 GARVEY RD SW, PALM BAY

This case involved a violation of City Code, Section(s) 184.10; Code of Ordinances of the City of Palm Bay for property located at 550 Garvey RD SW, PORT MALABAR UNIT 20 PART OF TRACT O DESC AS COMM @ NW COR TRACT O; THENCE A CURVE 50.60 FT (CONCAVE NLY; RADIUS 1050.00 FT; CB S84E) 56.60 FT TO POB; THENCE A CURVE (CONCAVE NLY; RADIUS 1050 FT; CB S88E) 76.79 FT; THENCE N89E 276.66 FT; THENCE A CURVE (CONCAVE SW; RADIUS 25.00 FT; CB S45E) 39.43 FT; THENCE S00E 195.83 FT; THENCE N89W 395.48 FT; THENCE N36W 86.14 FT; THENCE N6E 107.16 FT ; THENCE S84E 50.00 FT; THENCE N7E 50.00 FT TO POB A/K/A PARCEL B; Subdivision GI, Township 29, Range 36, Section 02, Brevard County, Florida.

Ordered: Set an immediate compliance date of April 10, 2024, or that a fine of \$500.00 per day be imposed for every day the violation continues.

The following cases were withdrawn due to voluntary compliance:

CEB 24701-24	2197 PAOLI DR NE
CEB 24704-24	1067 HEATH AVE NW
CEB 24717-24	2695 MAPHISTO AVE SW
CEB 24718-24	801 SEVEN GABLES CIR SE
CEB 24720-24	1055 WELLINGTON ST SW
CEB 24723-24	1307 HARWICK ST SW
CEB 24724-24	851 CARLYLE AVE SE
CEB 24726-24	394 SHERMAN ST SE
CEB 24732-24	165 GATES ST SW
CEB 24759-24	2041 AGORA CIR SE
CEB 24760-24	2235 JUPITER BLVD SW #1

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Special Magistrate find the respondents in violation of the violations not in compliance and that the Code Enforcement Special Magistrate set a reasonable time for compliance and a fine per day to be imposed if the respondents fail to come into compliance by the time set.

CEB 24693-24	1544 MAGNOLIA ST NE
CEB 24694-24	2123 PELHAM ST NE #A
CEB 24695-24	2279 MONROE ST NE

CEB 24696-24	1127 TREEBARK AVE NE
CEB 24697-24	2588 CHATHAM WAY NE
CEB 24698-24	2583 CHATHAM WAY NE
CEB 24699-24	1348 FREIL RD NE
CEB 24700-24	472 KARNEY AVE NE
CEB 24702-24	265 ROMAN AVE NE
CEB 24703-24	1800 CALMAR ST NW
CEB 24705-24	1598 ALBERNI ST NW
CEB 24706-24	1561 GARDENTON ST NW
CEB 24707-24	272 DEEYAN AVE NW
CEB 24708-24	1476 REED ST NW
CEB 24709-24	949 GLENCOVE AVE NW
CEB 24710-24	1001 GLENCOVE AVE NW
CEB 24711-24	288 EMERSON DR NW
CEB 24712-24	1805 GALLIVAN ST NW
CEB 24713-24	863 ALTAMIRA ST NW
CEB 24714-24	1067 CROCUS ST NE
CEB 24715-24	443 BAYARD AVE NE
CEB 24719-24	600 HARRINGTON ST SW
CEB 24721-24	1047 WELLINGTON ST SW
CEB 24725-24	250 ENSENADA ST SE

Code Enforcement Special Magistrate found the cases listed by the Secretary in violation based on the findings of fact entered into evidence. He gave the respondents in these cases a compliance date of April 25, 2024, or that a fine of \$50.00 be imposed for every case for each and every day the violations continue.

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Special Magistrate find the respondents in violation of the violations not in compliance and that the Code Enforcement Special Magistrate set a reasonable time for compliance and a flat fine to be imposed if the respondents fail to come into compliance by the time set and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed.

CEB 24727-24	1121 RIVER DR NE
CEB 24728-24	1148 JUPITER BLVD NW
CEB 24729-24	1674 HAYS ST NW
CEB 24730-24	1686 HAYS ST NW
CEB 24731-24	461 KREFELD RD NW
CEB 24733-24	281 GARYLIND ST SW
CEB 24734-24	414 TRUVALL ST SW
CEB 24736-24	2362 RAMONA AVE SE
CEB 24737-24	1898 WILDCAT AVE SE
CEB 24738-24	1874 WILDCAT AVE SE
CEB 24739-24	862 SAN FILIPPO DR SE
CEB 24740-24	1527 WACKER AVE SE
CEB 24741-24	1052 ZAMBRANA ST SE
CEB 24742-24	1044 ZAMBRANA ST SE
CEB 24743-24	1327 WAFFLE ST SE

Code Enforcement Special Magistrate found the cases listed by the Secretary in violation based on the findings of fact entered into evidence. He gave the respondents in these cases a compliance date of April 20, 2024, or that a set fine of \$200.00 be imposed for the violation; and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed.

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Special Magistrate find the respondents in violation of the violations not in compliance and that the Code Enforcement Special Magistrate set a reasonable time for compliance and a flat fine to be imposed if the respondents fail to come into compliance by the time set.

CEB 24744-24	4825 BABCOCK ST NE
CEB 24745-24	4630 LIPSCOMB ST NE #9
CEB 24746-24	4670 LIPSCOMB ST NE # 7
CEB 24747-24	4690 LIPSCOMB ST NE #4
CEB 24748-24	4651 BABCOCK ST NE #A16
CEB 24749-24	4711 BABCOCK ST NE #17
CEB 24750-24	4805 BABCOCK ST NE

CEB 24751-24	4951 BABCOCK ST NE
CEB 24752-24	4961 BABCOCK ST NE #9
CEB 24753-24	4961 BABCOCK ST NE #8
CEB 24754-24	4835 BABCOCK ST NE
CEB 24755-24	4701 BABCOCK ST NE
CEB 24756-24	2475 PALM BAY RD NE
CEB 24757-24	5191 BABCOCK ST NE
CEB 24578-24	6000 BABCOCK ST SE

Code Enforcement Special Magistrate found the cases listed by the Secretary in violation based on the findings of fact entered into evidence. He gave the respondents in these cases a compliance date of April 20, 2024, or that a set fine of \$200.00 be imposed for the violation.

ADJOURNMENT:

The meeting adjourned at approximately 1:55 PM.

ATTEST:

Jeanne Pinsi, Secretary

Frank Scaglione, Code Enforcement Special Magistrate