

CITY OF PALM BAY, FLORIDA

CODE ENFORCEMENT SPECIAL MAGISTRATE Regular Meeting 2024-02

Held on the 14th day of February 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 1:01 PM.

SWEARING IN:

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

ADOPTION OF MINUTES:

- 1. Regular Meeting Number 2023-12; December 13, 2023**
- 2. Regular Meeting Number 2024-01; January 10, 2024**

Code Enforcement Special Magistrate adopted the minutes as presented.

REPORTS:

Authorization to Impose Fines:

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 February 1, 2024, and the properties remained in non-compliance.

CEB 24163-23	PAQUETTE, DONNA	\$50.00 PER DAY
CEB 24164-23	JAY, ALLEN A	\$50.00 PER DAY
CEB 24167-23	F G REALTY INC	\$50.00 PER DAY
CEB 24182-23	PALLADIO DEVELOPME	\$200.00 SET FINE
CEB 24195-23	FLORIDA 635 LLC	\$200.00 SET FINE
CEB 24196-23	PORTICO HOMES LLC	\$200.00 SET FINE
CEB 24197-23	TSAVO GROUP INC	\$200.00 SET FINE
CEB 24199-23	KALIMBASSIERIS, G P	\$200.00 SET FINE
CEB 24201-23	SOURITE, EMILCA	\$200.00 SET FINE
CEB 24209-23	PALM BAY ALF INVESTM	\$200.00 SET FINE

CEB 24252-23	PAVILIONS PROPERTY	\$200.00 SET FINE
CEB 24253-23	PAVILIONS PROPERTY	\$200.00 SET FINE
CEB 24254-23	PAVILIONS PROPERTY	\$200.00 SET FINE
CEB 24255-23	PAVILIONS PROPERTY	\$200.00 SET FINE
CEB 24256-23	PAVILIONS PROPERTY	\$200.00 SET FINE
CEB 24257-23	PAVILIONS PROPERTY	\$200.00 SET FINE
CEB 24258-23	PAVILIONS PROPERTY	\$200.00 SET FINE
CEB 24259-23	PAVILIONS PROPERTY	\$200.00 SET FINE
CEB 24260-23	PAVILIONS PROPERTY	\$200.00 SET FINE
CEB 24261-23	PAVILIONS PROPERTY	\$200.00 SET FINE
CEB 24262-23	PAVILIONS PROPERTY	\$200.00 SET FINE
CEB 24263-23	PAVILIONS PROPERTY	\$200.00 SET FINE
CEB 24268-23	BAIJNATH, ROY & BALKARAN	\$200.00 SET FINE
CEB 24270-23	FERNANDEZ, MANUEL	\$200.00 SET FINE
CEB 24272-23	LOWE, ADEJA	\$200.00 SET FINE
CEB 24275-23	MISSION CAPITAL INVESTMEN	\$200.00 SET FINE
CEB 24276-23	FARELLA, SAM & STACEY	\$200.00 SET FINE

OLD BUSINESS:

1. CEB 24044-23 CITY OF PALM BAY VS 3085 JUPITER LLC
3085 JUPITER BLVD SE, PALM BAY

This case involved a violation of City Code, Section(s) 33.26(B), Code of Ordinances of the City of Palm Bay for property located at 3085 Jupiter Blvd SE, PORT MALABAR UNIT 10 TRACT L, Subdivision GK, Township 29, Range 37, Section 06, Brevard County, Florida.

Ordered: Set an immediate compliance date of February 14, 2024, or that a fine of \$100.00 per day be imposed for every day the violation continues.

HEARINGS:

1. CEB 24521-24 CITY OF PALM BAY VS DELFINA TORRES DURAN
213 EMERSON DR NW, 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 213 Emerson Dr NW, Lot 2, Blk 1933, Unit 42, Subdivision KN, Township 28, Range 36, Section 23, Brevard County, Florida.

Ordered: Set a compliance date of March 15, 2024, or that a fine of \$250.00 per day be imposed for every day the violations continue.

2. CEB 24515-24 CITY OF PALM BAY VS CADET 23 LLC
2571 TRANSOM CIR NE, PALM BAY

This case involved a violation of City Code, Section(s) 184.10, 184.36; Code of Ordinances of the City of Palm Bay for property located at 2571 Transom Cir NE, Bay Commercial Center Lot 8, Subdivision 78, Township 28, Range 37, Section 14, Brevard County, Florida.

Ordered: Set an immediate compliance date of February 14, 2024, or that a fine of \$250.00 per day be imposed for every day the violation continues.

3. CEB 24488-24 CITY OF PALM BAY VS DIANE ENSMINGER
746 HAFTEZ ST NE, PALM BAY

This case involved a violation of City Code, Section(s) 110.17, 185.181(A); Code of Ordinances of the City of Palm Bay for property located at 746 Haftez St NE, Lot 5, Blk 2416, Unit 45, Subdivision KP, Township 28, Range 37, Section 29, Brevard County, Florida.

This case was tabled until the March 13, 2024, hearing.

4. CEB 24492-24 CITY OF PALM BAY VS VIERGINA VERNET
1526 HEARTWELLVILLE ST NW, PALM BAY

This case involved a violation of City Code, Section(s) 93.03 Code of Ordinances of the City of Palm Bay for property located at 1526 Heartwellville St NW, Lot 5, Blk 1802, Unit 42, Subdivision KN, Township 28, Range 36, Section 27, Brevard County, Florida.

Ordered: Set a compliance date of February 21, 2024, or that a fine of \$50.00 per day be imposed for every day the violation continues.

5. CEB 24501-24 CITY OF PALM BAY VS LILLIAN A MASCH
214 TRILBY RD SW, PALM BAY

This case involved a violation of City Code, Section(s) 179.093(A), 93.03; Code of Ordinances of the City of Palm Bay for property located at 214 Trilby Rd SW, Lot 4, Blk 1006, Unit 20, Subdivision Gl, Township 29, Range 36, Section 02, Brevard County, Florida.

Ordered: Set a compliance date of March 15, 2024, or that a fine of \$50.00 per day be imposed for every day the violations continue.

6. CEB 24498-24 CITY OF PALM BAY VS NORBERT CHAPMAN AND ALINE CHAPMAN
461 TROPICAIRE AVE NW, PALM BAY

This case involved a violation of City Code, Section(s) 174.072, 174.079; Code of Ordinances of the City of Palm Bay for property located at 461 Tropicaire Ave SW, Lot 9, Blk 1081, Unit 19, Subdivision 25, Township 29, Range 36, Section 01, Brevard County, Florida.

Ordered: Set a compliance date of March 15, 2024, or that a fine of \$50.00 per day be imposed for every day the violations continue.

7. CEB 24500-24 CITY OF PALM BAY VS ALFRED AGARIE AND MURINE AGARIE
675 TONI ST SW, PALM BAY

This case involved a violation of City Code, Section(s) 185.183, 2015 IPMC 304.9, 2015 IPMC 304.7, 93.031(A), 93.03; Code of Ordinances of the City of Palm Bay for property located at 675 Toni St SW, W 156.35 FT OF N 310.35 FT OF S 330 FT OF NE ¼ OF NE ¼ OF NE ¼, Subdivision 00, Township 29, Range 36, Section 02, Brevard County, Florida.

Ordered: Set an immediate compliance date of February 14, 2024, or that a fine of \$250.00 per violation, per day be imposed for every day the violations continue.

8. CEB 24509-24 CITY OF PALM BAY VS JENNENE RICHARDS AND JAMEL EVANS
899 NATROMA AVE SW, PALM BAY

This case involved a violation of City Code, Section(s) 185.123(C); Code of Ordinances of the City of Palm Bay for property located at 899 Natroma Ave SW, Lot 15, Blk 1739, Unit 36, Subdivision KL, Township 29, Range 36, Section 10, Brevard County, Florida.

Ordered: Set a compliance date of April 14, 2024, or that a fine of \$50.00 per day be imposed for every day the violation continues.

9. CEB 24513-24 CITY OF PALM BAY VS KIRSTEN 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.

This case was tabled until the April 10, 2024, hearing.

The following cases were withdrawn due to voluntary compliance:

CEB 24495-24	559 AUSTRALIAN RD NW
CEB 24502-24	204 GARVEY RD SW
CEB 24532-24	2498 SAN FILIPPO DR SE
CEB 24533-24	1349 RAN RD SE
CEB 24538-24	2835 KIRBY CIR NE #105
CEB 24540-24	2835 KIRBY CIR NE #101
CEB 24541-24	2600 KIRBY CIR NE #15
CEB 24546-24	2835 KIRBY CIR NE #107
CEB 24549-24	1071 PORT MALABAR BLVD NE #104
CEB 24550-24	2198 FRANKLIN DR NE
CEB 24551-24	1071 PORT MALABAR BLVD NE #105
CEB 24556-24	2300 COMMERCE PARK DR NE
CEB 24582-24	1774 HAYWORTH CIR NW

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 24485-24	2254 HENRY ST NE
CEB 24486-24	2330 COMMERCE PARK DR NE #3
CEB 24489-24	1324 ETHEL CIR NE

CEB 24490-24	4613 TREE RIDGE LN NE
CEB 24491-24	1774 GLENRIDGE ST NW
CEB 24493-24	1100 GLENDALE AVE NW
CEB 24494-24	1040 MALABAR RD SE
CEB 24496-24	1383 BIARRITZ ST NW
CEB 24497-24	990 FAIRHAVEN ST NE
CEB 24499-24	1086 SAPULPA RD SW
CEB 24503-24	851 SANFORD ST SW
CEB 24504-24	340 SAN MARINO RD SW
CEB 24505-24	1392 SCHNEIDER ST SW
CEB 24506-24	555 SEA FURY AVE SW
CEB 24507-24	1357 GIDDINGS ST SW
CEB 24508-24	1398 HARWICK ST SW
CEB 24510-24	781 GARVEY RD SW
CEB 24511-24	558 HAMWOOD ST SW
CEB 24512-24	1484 SUMMER ST SE
CEB 24514-24	970 CULPEPPER AVE 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 February 29, 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 24516-24	1830 KEEWIN AVE NE
CEB 24517-24	1925 SAGO PALM ST NE
CEB 24518-24	1345 STONE ST NW
CEB 24519-24	1039 BEACON ST NW
CEB 24520-24	1438 HEALEY ST NW

CEB 24522-24	251 CHRISTENSEN AVE SE
CEB 24523-24	536 AUSTRALIAN RD NW
CEB 24524-24	407 CELLINI AVE NE
CEB 24525-24	311 BROOKEDGE ST NE
CEB 24526-24	458 HOLIN AVE SW
CEB 24527-24	510 TRUMAN ST SW
CEB 24528-24	1380 SEABOLD RD SW
CEB 24529-24	1380 SEABOLD RD SW
CEB 24530-24	2684 FLEMING AVE SW
CEB 24531-24	820 MERRIMAC ST SE
CEB 24534-24	1341 RAN RD SE
CEB 24535-24	966 BRICKELL ST SE
CEB 24536-24	1017 FLINTLOCK AVE SE
CEB 24537-24	1291 VANDALIA AVE 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 February 24, 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 24539-24	2835 KIRBY CIR NE #106
CEB 24542-24	2600 KIRBY CIR NE #09
CEB 24543-24	2730 PALM BAY RD NE
CEB 24544-24	1710 MAIN ST NE
CEB 24545-24	1720 MAIN ST NE #5
CEB 24547-24	2805 KIRBY CIR NE
CEB 24548-24	1980 PALM BAY RD NE #2
CEB 24552-24	2246 NORTHVIEW ST NE

CEB 24553-24	2775 FRANCIS ST NE
CEB 24554-24	2860 KIRBY CIR NE #17
CEB 24555-24	1720 MAIN ST NE #4
CEB 24557-24	1460 BAYTREE DR NE #B101
CEB 24558-24	1460 BAYTREE DR NE #A
CEB 24559-24	1454 BELLAIRE LN NE
CEB 24560-24	1921 ROBERT J CONLAN BLVD NE
CEB 24561-24	1240 CLEARMONT ST NE #05
CEB 24562-24	2860 KIRBY CIR NE #18
CEB 24563-24	2860 KIRBY CIR NE #18
CEB 24564-24	2860 KIRBY CIR NE #16
CEB 24565-24	2860 KIRBY CIR NE #15
CEB 24566-24	2860 KIRBY CIR NE #14
CEB 24567-24	2860 KIRBY CIR NE #10
CEB 24568-24	2835 KIRBY CIR NE
CEB 24569-24	2861 KIRBY CIR NE #10/11
CEB 24570-24	1511 PINWOOD DR NE
CEB 24571-24	2611 PALM BAY RD NE
CEB 24572-24	2809 PALM BAY RD NE
CEB 24573-24	2700 PALM BAY RD NE
CEB 24574-24	2485 PALM BAY RD NE
CEB 24575-24	2465 PALM BAY RD NE
CEB 24576-24	2311 PINWOOD DR NE
CEB 24577-24	1911 PINWOOD DR NE
CEB 24578-24	1111 PINWOOD DR NE
CEB 24579-24	2870 KIRBY CIR NE
CEB 24580-24	2860 KIRBY CIR NE #19
CEB 24581-24	2860 KIRBY CIR NE #24
CEB 24583-24	368 KAPOK CT NW
CEB 24584-24	750 SCOTTEN AVE SW
CEB 24585-24	403 OCEANSIDE ST SW
CEB 24586-24	777 SANDPIPER ST SW
CEB 24587-24	1360 VANDALIA AVE SE
CEB 24588-24	657 TRINIDAD AVE SE

CEB 24589-24	967 SALLY ST SE
CEB 24590-24	942 SALINA ST SE
CEB 24591-24	954 HUSTED AVE SE
CEB 24592-24	125 CRESCENT ST SE
CEB 24593-24	1026 LAVA ST SE
CEB 24594-24	681 TOBIAS ST SE
CEB 24595-24	3073 WATERBURY AVE SE
CEB 24596-24	911 TAFT AVE 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 February 24, 2024, or that a set fine of \$200.00 be imposed for the violation.

ADJOURNMENT:

The meeting adjourned at approximately 1:49 PM.

ATTEST:

Jeanne Pinsi, Secretary

Frank Scaglione, Code Enforcement Special Magistrate