

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: March 5, 2014

Agenda Item #:

Title: Request for Abatement

Requested Action:

Consideration of the Abatement Request for: Kristen Burke, 43 SW 13 Street, Case # 2012-1101

Summary Explanation & Background:

This was originally cited on 11/5/12 for 4 violations. This went to the Special Magistrate on 1/10/13 for 4 violations. The Special Magistrate issued an order giving the respondent until 2/19/13 to comply or a fine of \$150.00 per day would be levied. At the 5/2/13 hearing the Special Magistrate confirmed the fine as a lien. The property was brought into compliance on 1/9/14. The fines ran from 2/19/13 through 1/9/14, 324 days @ \$150.00 per day = \$48,600.00 plus recording/admin fees of \$254.00 totaling \$48,854.00. At the 1/9/14 hearing, Special Magistrate Mark Berman recommended an abatement of the fine to \$4,000.00 to the City Commission.

Exhibits (List):

- (1) Copy of the original violation letter issued.
- (2) Copy of all Final Orders and Supplemental Orders issued by the Special Magistrate.
- (3) Copy of the minutes from 1/10/13, 5/2/13, and 1/9/14 hearings
- (4) Copy of the lien total sheet.

Purchasing Approval:

Source of Additional Information: (Name & Phone)

Recommended for Approval By:

At the 1/9/14 hearing, Special Magistrate Mark Berman recommended an abatement of the fine to \$4,000.00 to the City Commission.

Commission Action:

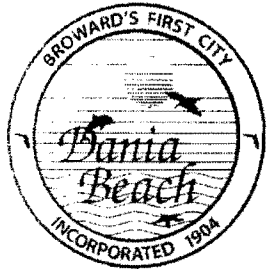
Passed Failed Continued Other

Comment:

City Manager

City Clerk

✓



City of Dania Beach

Florida

Notice of Violation

11/5/2012

Kristen Burke
43 SW 13 ST
Dania Beach, FL 33004-4328

Case Number: 2012-00001101
Location: 43 SW 13 ST
Folio: 5142-03-10-6070
Legal Description: See Attached Detail

Dear Kristen Burke:

You are hereby notified that you are presently in violation of Dania Beach Code of Ordinances. We have attached the ordinance section(s) and corrective action(s) for your reference.

You are required to correct the violation(s) and call for a re-inspection by 11/21/2012. Failure to comply will result in proceedings against you by the Code Enforcement Special Magistrate, as provided by law. If the violation is corrected and then reoccurs or if the violation is not corrected by the time specified for correction by the Code Inspector, the case may be presented to the Code Enforcement Special Magistrate for imposition of a fine and lien against the property even if the violation has been corrected prior to the hearing.

If you require further information or have any questions about the attached violation(s), please do not hesitate to contact me at 954-924-6810 ext. 3649.

Sincerely,

Maydols Lopez-Silvero
Code Inspector

I certify that an original hereof was furnished to the above named addressee by:
Certified Mail # 7012 1010 0002 9791 3142 by KM

Also sent regular mail

LEGAL DESCRIPTION DETAIL

Legal Description

NORTH HOLLYWOOD 4-1 B LOT 17
BLK 45

VIOLATION DETAIL

Violation Description	Code Text	Corrective Action
CE008021146002 - DBCC 8-21(a)(4)(f) Fences/Walls Maintenance	DBCC 8-21(a)(4)(f) states all fences, walls, and similar enclosures shall be maintained in a state of good repair.	Insure all fences, walls, and similar enclosures are maintained in a state of good repair. Obtain any and all permits and approvals as necessary or required.
CE013034001001 - DBCC 13-34(a) Nuisance Accumulation	DBCC 13-34(a) states it is unlawful for any owner or operator of premises within the city to allow the accumulation of or to accumulate any garbage, litter, trash, stagnant water, untended vegetation, or to allow any discoloration, or any nuisance as defined in section 13-21 upon the premises.	Remove any garbage, litter, trash, stagnant water, untended vegetation, or discoloration, or any nuisance as defined in section 13-21 from the premises and maintain the property in accordance with all applicable city ordinances.
CE013034002001 - DBCC 13-34(b) Property & R/W Maintenance	DBCC 13-34(b) states each owner or operator of property within the city shall keep such property and the adjoining unpaved portions of the public rights of way, swales, and/or canal banks clean and free from any accumulation of garbage, trash, and litter.	Remove any garbage, trash, and litter from the property and the adjoining unpaved portions of the public rights of way, swales, and/or canal banks.
CE022005009541 - DBCC 22-5(i)(5)(d) Tree Height Maintenance	DBCC 22-5(i)(5)(d) states all trees shall be kept trimmed by the abutting property owner or tenant and shall have a clearance of at least eight (8) feet above the sidewalk and fourteen (14) feet above the street level so as to permit pedestrian and vehicular traffic beneath them without interference.	Insure all trees are trimmed and provide a clearance of at least eight (8) feet above the sidewalk and fourteen (14) feet above the street level.

CODE COMPLIANCE SPECIAL MAGISTRATE

CITY OF DANIA BEACH, FLORIDA

CITY OF DANIA BEACH, a Florida : CASE # 2012-1101
Municipal Corporation,

PETITIONER, :

vs. :

KRISTEN BURKE,

RESPONDENT. :

**FINAL ORDER OF THE DANIA BEACH CODE COMPLIANCE
SPECIAL MAGISTRATE**

This proceeding came on for Formal Hearing on January 10, 2013, after notice. Based upon the evidence presented, the Code Compliance Special Magistrate makes the following findings of fact and conclusions of law:

a. The Code Compliance Special Magistrate has jurisdiction of the Respondent and the subject matter of this action;

And

b. Respondent, Kristen Burke, did allow the following code violations to exist at property Respondent owns, located at 43 Southwest 13 Street, Dania Beach, Florida, which property is legally described as: NORTH HOLLYWOOD 4-1 B LOT 17 BLK 45: (1203 10 6070).

1. DBCC 8-21(a)(4)(f) Fences/Wall. States all fences, garden walls, and similar enclosures shall be maintained in a state of good repair. There is a fence on the property in disrepair.

2. DBCC 13-34(a) Nuisance Accumulation. It is unlawful for any owner or operator of premises within the city to allow the accumulation of or to accumulate any garbage, litter, stagnant water, trash, untended vegetation, or to allow any discoloration, or any nuisance as defined in section 13-21 upon the premises. There is trash, litter and debris on the premises. All trash, litter and debris on the premises must be removed.

3. DBCC 13-34(b) Property and Right of Way Maintenance. Each owner or operator of property within the city shall keep such property, and the adjoining unpaved

portions of the public rights-of-way, swales and canal banks, clean and free from any accumulation of garbage, trash, and litter. There is trash, litter and debris on the adjoining rights-of-way. All trash, litter and debris on the adjoining rights-of-way must be removed.

4. DBCC 22-5(i)(5)(d) Tree Height Maintenance. All trees shall be kept trimmed by the abutting property owner or tenant and shall have a clearance of at least eight (8) feet above the sidewalk and fourteen (14) feet above the street level so as to permit pedestrian and vehicular traffic beneath them without interference. There is a tree on the property that is obstructing the sidewalk.

Upon consideration thereof, it is thereupon ORDERED:

1. Respondent, Kristen Burke:

(a) has been found to be in violation of the above described code sections listed in paragraphs b.(1) and b.(4) and a fine of \$150.00 per day will begin running on February 19, 2013 for the violations.

(b) In addition, there is also assessed \$100.00 to cover costs incurred by the City in the prosecution of this matter. Said amount is now due, and must be paid prior to the compliance date as ordered. If not paid, this cost assessment may also constitute a lien against the above referenced property which may also be actionable by law.

The fine shall continue until said violations come into compliance with said sections of the City Code upon requested inspection. Upon complying, the Respondent MUST notify the City's Code Compliance Department and an officer will inspect the property and notify the Code Compliance Special Magistrate whether Respondent has complied. If the Respondent does not notify the City's Code Compliance Department, an officer will not inspect the property and the fine will continue to be imposed each day until a Code Officer is notified, inspects the property and determines the property to be in compliance with this order. Said fine shall constitute a lien upon the real property and personal property of the

Respondent.

In the event this Final Order is recorded as a lien, a charge will be imposed to record the Final Order and any lien satisfaction.

ORDERED at Dania Beach, Broward County, Florida, this 28 day of January 2013.

CODE COMPLIANCE SPECIAL MAGISTRATE

By: *Gordon Linn*
Gordon Linn, Esq.

Notary Seal:

Sworn and subscribed before me this 28 day of January 2013.



Kristin Milligan
NOTARY PUBLIC STATE OF FLORIDA

Gordon Linn is personally known to me.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Final Order was mailed to the Respondent, Kristen Burke, this 28 day of January 2013.

CERTIFIED MAIL # 7012 1010 0002 9792 9969

Kristin Milligan
CODE COMPLIANCE
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail

km

Return to: Mark Bates, Finance Director
City of Dania Beach
100 W. Dania Beach Blvd.
Dania Beach, FL 33004

CODE COMPLIANCE SPECIAL MAGISTRATE

CITY OF DANIA BEACH, FLORIDA

CITY OF DANIA BEACH, a Florida : CASE # 2012-1101
Municipal Corporation,

PETITIONER, :

vs. :

KRISTEN BURKE,

RESPONDENT. :

SUPPLEMENTAL ORDER/CLAIM OF LIEN

The CITY OF DANIA BEACH CODE COMPLIANCE SPECIAL MAGISTRATE, having considered the City's Motion to Confirm Fine on May 2, 2013, and based on the evidence, the Code Compliance Special Magistrate enters the following findings of fact and order:


1. The Code Compliance Special Magistrate did render on January 28, 2013, a Final Order in the above-captioned case commanding the Respondent, Kristen Burke, to bring the violation specified in said Final Order into compliance on or before February 19, 2013, or pay a fine in the amount of \$150.00 per day for each day of non-compliance thereafter.
2. The violations found by the Code Compliance Special Magistrate and stated in the Final Order occurred on the subject property located at 43 Southwest 13 Street, Dania Beach, Florida and legally described as: NORTH HOLLYWOOD 4-1 B LOT 17 BLK 45: (1203 10 6070).
3. Respondent, Kristen Burke, did not comply with the Final Order on or before February 19, 2013. The violations stated in the Final Order still exist on the property.
4. The fine imposed in the Final Order rendered January 28, 2013 is hereby confirmed and ratified and shall accrue at \$150.00 per day from February 19, 2013, until such time as the Respondent, Kristen Burke, has complied with said Final Order.

Upon complying, **the Respondents MUST notify** the City's Code Compliance Department and an officer will inspect the property and notify the Code Compliance Special Magistrate whether Respondent has complied.

5. The fine shall constitute a lien against the above-described real property and it shall be a lien against any other real or personal property owned by Respondent.

DONE and ORDERED at Dania Beach, Broward County, Florida, this 15 day of May 2013.

CODE COMPLIANCE SPECIAL MAGISTRATE

By: 
Gordon Linn, Esq.

Notary Seal:

Sworn and subscribed before me this 15 day of May 2013.


NOTARY PUBLIC STATE OF FLORIDA

Gordon Linn is personally known to me.



CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Supplemental Order/Claim of Lien was mailed to the Respondents, Kristen Burke, this 15 day of May 2013.

CERTIFIED MAIL # 7012 1010 0002 5510 6302


CODE COMPLIANCE
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail

km

Return to: Mark Bates, Finance Director
City of Dania Beach
100 West Dania Beach Blvd.
Dania Beach, FL 33004

Case Order	Case #	Name	Address	Results	
23	2012-1106	Christine Boundy	101 NW 13 AVE	Compliance by January 30, 2013 for items # 8, 9, 10, & 11 or \$250.00 per day fine. Compliance by February 19, 2013 for items # 1, 2, 3, 4, 5, 6, & 7 or \$250.00 per day fine. Authorization to abate the nuisances by cleaning the trash & debris and cutting the overgrowth and hedge after January 30, 2013 granted in the interest of public health and safety. \$200.00 administrative fee assessed.	NP
24	2012-1108	Lonnie Wright Est	134 NW 11 AVE	Compliance by January 30, 2013 for items # 6, 7, & 8 or \$200.00 per day fine. Compliance by February 19, 2013 for items # 1, 2, 3, 4, & 5 or \$200.00 per day fine. Authorization to abate the nuisances by cleaning the trash & debris and cutting the overgrowth after January 30, 2013 granted in the interest of public health and safety. \$200.00 administrative fee assessed.	NP
25	11-0980	Elizabeth Gonzalez	3730 SW 47 CT	Extension granted to March 21, 2013.	NP
26	2012-1084	Clarice Conti Melody M Combs	407 SE 6 ST	Compliance by February 19, 2013 or \$150.00 per day fine. \$100.00 administrative fee assessed.	NP
27	2012-1090	T S Property Management	Vacant Lot @ NW Corner of NW 4 AVE & NW 2 ST	Compliance by February 19, 2013 or \$150.00 per day fine. Authorization to abate the nuisances by cleaning the trash & debris and cutting the overgrowth after February 19, 2013 granted in the interest of public health and safety. \$100.00 administrative fee assessed.	NP
28	2012-1092	T S Property Management	Vacant Lot @ NE Corner of NW 5 AVE & NW 2 ST	Compliance by February 19, 2013 or \$150.00 per day fine. Authorization to abate the nuisances by cleaning the trash & debris and cutting the overgrowth after February 19, 2013 granted in the interest of public health and safety. \$100.00 administrative fee assessed.	NP
29	2012-1097	Lottie Austin Est	1106 NW 2 ST	Compliance by February 19, 2013 or \$150.00 per day fine. \$100.00 administrative fee assessed.	NP
30	2012-1101	*Kristen Burke	43 SW 13 ST	Compliance by February 19, 2013 or \$150.00 per day fine. \$100.00 administrative fee assessed.	NP
31	2012-1102	SFR 2012-1 Florida LLC	724 SW 6 ST	Compliance by February 19, 2013 or \$250.00 one time assessment. \$50.00 administrative fee assessed.	NP
32	11-0820	Gentlemen Crepe Makers Inc f/k/a Never on Sunday Inc	129 N Federal HWY	Extension granted to March 21, 2013.	NP
33	11-1102	Nate Benner	26 NW 6 AVE	Authorization to foreclose granted.	NP
34	11-1429	Myra Thea Davis	29 NW 4 AVE	Fine confirmed.	NP
35	12-0070	DS Realty Inc % Scott Daiagi	2800 S Federal HWY	Stipulated agreement. Compliance by January 30, 2013 or \$250.00 per day fine. \$100.00 administrative fee assessed.	NP
36	2012-1027	L Lucas & S Spassoff REV Tr L Lucas & S Spassoff Trustees	2543 SW 58 MNR	Compliance by February 19, 2013 or \$150.00 per day fine. \$100.00 administrative fee assessed.	NP
37	2012-1028	Robert Brigden Codling & Robert W & Emma L Codling	4951 SW 26 AVE	Compliance by March 21, 2013 or \$200.00 per day fine. \$100.00 administrative fee assessed.	NP
38	2012-1065	Clarence JR & Yasma Mitchell	1351 W Dania Beach BLVD	Stipulated agreement. Compliance by February 19, 2013 or \$200.00 per day fine. \$100.00 administrative fee assessed.	NP

Case Order	Case #	Name	Address	Results	
1	09-0912	Associates Financial Services of America Inc	728 SW 7 ST	Case dismissed per court agreement.	P
2	11-0980	Elizabeth Gonzalez	3730 SW 47 CT	Extension granted until July 11, 2013.	P
3	11-1201	Robert Perlberg	235 NE 2 PL	Abatement recommended to the City Commission for \$3,000.00.	P
4	2013-0141	Nicholas Herff	4990 SW 28 TER	Compliance by July 11, 2013 or \$100.00 per day fine. \$100.00 administrative fee assessed.	P
5	12-0070	DS Realty Inc % Scott Daiagi	2800 S Federal HWY	Fine confirmed. Fine reduced to \$1,000.00 if paid by June 1, 2013.	P
6	09-2029	Vandrea & Kirk White	4710 SW 34 TER	Abatement recommended to the City Commission for \$5,000.00.	P
7	11-1856	Maria C Greenidge	48 SW 12 ST	Fine confirmed. Fine reduced to \$500.00 if paid by June 1, 2013.	P
8	2012-1075	Cookies & Crackers Corp	223 SW 8 ST	Extension request denied.	NP
9	2013-0048	Scott B Stuart Est	4131 SW 54 CT	Compliance by June 11, 2013 or \$250.00 one time assessment. \$50.00 administrative fee assessed.	NP
10	2012-1097	Lottie Austin Est	1106 NW 2 ST	Fine confirmed.	NP
11	2012-1101	*Kristen Burke	43 SW 13 ST	Fine confirmed.	NP
12	2012-1153	Alphawave Holdings LLC	481 S Federal HWY	Extension granted until 5/2/13. Case is complied.	NP
13	2012-1154	Alphawave Holdings LLC	485 S Federal HWY	Extension granted until 5/2/13. Case is complied.	NP
14	11-1008	Hector & Tina Rodriguez	2741 Griffin RD	Abatement request denied without prejudice.	NP
15	10-1871	Lan Acre Investment Inc	46 SW 7 AVE	Authorization to foreclose granted.	NP
16	11-0484	Stanely D Grundy	237 NW 5 AVE	Authorization to abate the nuisance by securing the property granted in the interest of public health and safety.	NP
17	11-1805	Palm Beach Polo Holdings Inc	750 NE 7 AVE	Continued to June 6, 2013 Special Magistrate Hearing.	NP
18	12-0242	Pavel & Julia J Sanchez & Bertha Isabel Sanchez	4270 SW 49 CT	Extension request denied.	NP
19	12-0289	Karen Wright	4700 SW 24 TER	Fine confirmed.	NP
20	2012-0773	Richard Borghi H/E Leanne Borghi	3291.5 SW 44 ST	Fine confirmed.	NP
21	2012-1043	The Palms at Dania Beach Condominium Association Inc	3265 Griffin RD Common Area	Compliance by July 11, 2013 or \$200.00 per day fine. \$125.00 administrative fee assessed.	NP
22	2012-1054	Mary Johnson	733 Phippen RD	Fine confirmed.	NP
23	2012-1060	Dafna Israel	5620 Park RD	Compliance by July 11, 2013 or \$200.00 per day fine. \$125.00 administrative fee assessed.	NP
24	2013-0063	N & D Holding Inc	2822 Griffin RD	Compliance by July 11, 2013 or \$150.00 per day fine. \$125.00 administrative fee assessed.	NP
25	2013-0259	Scott B Stuart Est	5431 SW 44 AVE	Compliance by May 22, 2013 for items #1, 3, & 4 or \$200.00 per day fine. Compliance by July 11, 2013 for items # 2 & 5 or \$150.00 per day fine. Authorization to abate the nuisances by securing the pool/spa, removing any stagnant water, and cleaning the trash & debris after May 22, 2013 granted in the interest of public health and safety. \$200.00 administrative fee assessed.	NP

City of Dania Beach

Case Order	Case #	Name	Address	Results	
1	11-1478	My Darling LLC	4433 Stirling Rd	Extension granted to April 19, 2014.	P
2	11-1553	My Darling LLC	4433 Stirling Rd	Extension granted to April 19, 2014.	P
3	2013-0855	My Darling LLC	4417 SW 60 St	Compliance by January 29, 2014 for Item #3 or a \$150.00 per day fine. Compliance by April 19, 2014 for Item #2 or a \$150 per day fine. \$100.00 administrative fee assessed.	P
4	2013-0054	Eytan Malka	5170 SW 40 Ave 29-E	Abatement recommended to \$5,000.00	P
5	12-0038	Jacques A Gallet TR	374 SW 4 Ct	Extension granted to January 9, 2014	P
6	2013-1597	Hollywood Boulevard Pawnbrokers Inc	3463 Griffin Rd A Lot	Compliance by January 29, 2014 or a \$200.00 per day fine. \$100.00 administrative fee assessed.	P
7	2013-1569	Dania Real Estate LLLP	1470 SW 2 Ave	Finding of Fact Issued. \$50 Admin Fee assessed.	P
8	2012-1101	*Kristen Burke	43 SW 13 St	Abatement recommended to \$4,000.00	P
9	2013-1540	Nelson McCutcheon	401 NW 3 PI	Compliance by January 29, 2014 on Item #10 or \$125.00 per day fine. Authorization to abate the nuisances by erecting a safety fence around the pool after January 29, 2014 granted in the interest of public health and safety. Compliance by April 19, 2014 on Items #2, #9, #11, and #12 or a \$125.00 per day fine. \$50.00 administrative fee assessed.	P
10	2013-0389	DRE (2012) (FL) LLC	275 SW 8 St	Extension granted to April 19, 2014.	P
11	12-0132	Steve A & Jillian Brown	738 SW 3 PI	Extension granted to January 9, 2014	P
12	11-0818	Jennifer A Etsubneh	4613 SW 33 Ave	Abatement recommended to \$1,500.00	P
13	2012-1054	Mary Johnson	733 Phippen Rd	Continued to next available hearing. Admin costs of \$100.00 must be paid prior to next hearing	P
14	2013-0718	Mary Chiramel & Kamaljit Kaur	2220 SW 46 Ct	Compliance by March 20, 2014 or a \$125.00 per day fine. \$100.00 administrative fee assessed.	P
15	2012-1057	Jose R Caldera	4604 SW 29 Ter	Extension granted February 18, 2014	P
16	2012-1078	Sagit Asulin H/E, Shay Sasson	2500 SW 55 St	Money judgement granted	NP
17	2013-1520	Gentlemen Crepe Makers Inc	129 N Federal Hwy	Compliance by February 18, 2014 for Items #1, #2, and #3 or \$250.00 per day fine. Authorization to abate the nuisances by cleaning the trash and debris and cutting the overgrowth after February 18, 2014 granted in the interest of public health and safety. \$150.00 administrative fee assessed.	NP
18	2012-1090	T S Property Management	Vacant Lot @ NW Corner of NW 4 Ave & NW 2 St	Authorization to Foreclose Granted	NP
19	2012-1092	T S Property Management	Vacant Lot @ NE Corner of NW 5 Ave & NW 2 St	Authorization to Foreclose Granted	NP
20	2012-1026	Joseph J Herold	4542 SW 25 Ave	Extension granted to April 19, 2014. Admin costs of \$100.00 must be paid prior to extension date.	NP
21	2013-0964	DMKM LLC c/o Corazon B James	5519 SW 24 Ave	Compliance by February 18, 2014 or a \$250.00 one time assessment. \$100.00 administrative fee assessed.	NP
22	2013-1476	Baby Steps Investments LLC	2238 SW 34 St	Compliance by March 20, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	NP

City of Dania Beach

100 W. Dania Beach Blvd.
 Dania Beach, FL 33004
 954-924-6810

OWNER: KRISTEN BURKE
FOLIO: 1203-10-6070
LEGAL: NORTH HOLLYWOOD 4-1 B LOT 17 BLK 45
ADDRESS: 43 Southwest 13 Street, Dania Beach, Florida

CODE ENFORCEMENT ORDER LIEN							CEB 2012-1101			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
2/19/2013	1/9/2014	\$150.00	324	\$48,600.00	\$254.00	\$48,854.00	49799	404-409	5/16/2013						

CASE COMPLIED 1/9/14

REVISED 1/14/2014

ESTIMATED COST OF RECORDING FEES			
1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	32.00
2	PAGES	SUPPLEMENTAL ORDER	17.00
2	PAGES	RELEASE OF LIEN	25.00
		ADM. FEE RECORDING LIEN	40.00
		ADM. FEE RECORDING RELEASE	30.00
		ADM. FEE - SPECIAL MAGISTRATE FINE	100.00
			254.00