



Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: July 10, 2023

TO: Yocelyn Galiano Gomez, ICMA-CM
Village Manager

FROM: Stephen R. Olmsted, AICP, LEED-GA
Planning Director

RE: Request for Extension of Time to Pay Outstanding Code Enforcement Fine
Todd and Samantha Migon, 6700 SW 132 Street

PETITION REQUEST

On July 11, 2022, the Village Council considered a request submitted by property owners Todd and Samantha Migon (Samantha Loud Migon Trust) for mitigation of code enforcement fines and penalties in the amount of \$141,174.48 that accrued related to a code enforcement violation at their property located at 6700 SW 132 Street. After review and discussion of the request, the Village Council approved a reduction in accrued fines to \$110,000 with the condition that it be paid within 12 months, and if not paid, interest will accrue on the reduced amount of \$110,000. Accordingly, if not paid by July 11, 2023, daily interest will begin to accrue on the outstanding amount at an annualized rate of 4.82%, compounded monthly.

Recently, on June 8, 2023, the Village was notified by Mr. Migon that he has not been able to sell his property for reasons outlined in his request (attached), and will not be able to pay the reduced fine and penalties by the due date of July 11, 2023. Mr. Migon is requesting an extension of time, and will be available at the Village Council meeting on July 18, 2023 to present his request to the Village Council, and explain the circumstances related to his request.

CASE HISTORY

The Village of Pinecrest issued a Building Permit for renovations and additions at the existing residence on August 21, 2012. Although some inspections were completed and approved, the final building inspection required completion of additional work. The work was not



completed within the time frame of the issued permit and the permit subsequently expired on July 3, 2017. The permit was not renewed as required and a Notice of Violation was issued on May 7, 2018. A Hearing before the Special Magistrate was convened on September 5, 2018 and the owners were given 30 days to renew the expired permit. The permit was not renewed as required and fines in the amount of \$100 per day accrued pursuant to the provisions of the Special Magistrate's Order. The permit was renewed on May 13, 2022 (Permit BL2022-0555) and all required work was inspected and found to be complete on May 16, 2022. Pursuant to Division 2-150 of the Village's Code of Ordinances, the Village Council considered the requested reduction in code enforcement penalties and approved a reduced fine in the amount of \$110,000 to be paid within one year, by July 11, 2023.

STAFF RECOMEMNDATION

Staff recommends that the Village Council grant Mr. Migon an additional 6 months to pay the reduced fine in the amount of \$110,000, extending the required deadline for payment from July 11, 2023 to January 11, 2024, with the condition that if not paid within 6 months, interest on the outstanding fine shall accrue.

June 03, 2023

VILLAGE OF PINECREST

V.

**SAMANTHA LOUD MIGON TRUST
6700 SW 132 ST
PINECREST, FL. 33156-6926**

FOLIO: 2050140060070

DATE OF VIOLATION: 05/07/2018

ISSUE DATE: 07/30/2018

CASE #: BC18-0044

OFFICER: ESTHER CABRERA

DEPARTMENT: DPZ

FINE / PENALTY: (\$110,000)

BUILDING PERMIT #: BL2022-0555
BL2011-1422

VIOLATIONS:

1. FLORIDA BUILDING CODE
105.4.1.1 Permit BL2011-1422 is expired. A new permit is required.
2. FLORIDA BUILDING CODE
110.1 Failure to obtain required inspection.

BRIEF HISTORY:

The building violation is for Building Permit **BL2011-1422** which was issued on 08/21/2012 for renovations and additions to the residence located at 6700 SW 132 ST.

All work inspections were completed and finalized including zoning by 11/01/2016 except for final building.

Final building walk through was on 11/02/2016 and was failed. Final Building was denied because finish work still needed to be completed such as interior stairwell, railing system as well as other unfinished interior works.

The cause for unfinished interior work at the time was due to the lack of funds to complete the renovations do to foreclosed properties and settlements made with Total Bank and creditors through the United States Bankruptcy Court, Southern District of Florida, Miami Division.

As for the violation BC18-0044 created on 07/30/18 and for the hearing that took place 09/05/2018 in front of the Magistrate.

As of July 11th, 2022, at the Village Council Meeting an agreement was made to extend a 1 year grace period to pay fines.

I am hereby writing to the City Manager and esteemed council members asking for additional time to pay the fines while we continue to sell the house to pay for the funds.

Unfortunately, the housing market was strong the first quarter of 2023 but saw a significant decline in the second quarter when this agreement was made. With our realtors optimistic and hopeful thoughts, she thought our beautiful Pinecrest home would sell. Unfortunately, it is a year later with two price reductions but still no buyers. We currently have our house listed competitively to sell at 6.8 million from the original asking price of 8.5 million.

Some, thoughts from my realtor as to why our house has not sold yet as well as some attached articles:

- Heavy traffic on Ludlam Road/ 67th Ave.
- Loud noise due to traffic and lack of privacy in backyard because of Ludlam Road/ 67th Ave.
- Too far South in Pinecrest—many buyers consider the location to be Palmetto Bay because of the proximity to 136th St.
- School zone is NOT Pinecrest Elementary. Many Buyers with small children want to send their children to Pinecrest Elementary.
- Missed the window of opportunity of the “seller’s market” during the Pandemic. Listed the home when the real estate market shifted from a “seller’s market” to a “buyer’s market”.
- Homeowners, Flood, and Windstorm Insurance costs are astronomically high. Several interested Buyer’s backed out of making formal offers because of the cost to insure the home and finding quality fair priced Homeowner’s Insurance in general.

- The market has shifted to a Buyer's Market causing an increase of properties for sale in Pinecrest. Buyers are not in a rush to purchase because of the high interest rates, inflation, uncertainty of the economy, and looming recession.
- The home is custom making it much larger and more lavish than any other property in the area due to the unique custom details and build outs in the home. It takes longer to find a Buyer who appreciates the extensive high-end finishes and custom details. (Example: Indoor Walnut wooden hand carved custom slide in family room).
- Large shift in the real estate market since June 2022:
 - * Inflation
 - * Interest Rates have close to double since the beginning of the Pandemic
 - * Buyers are waiting to purchase until inflation stabilizes.

Please take our request into considerations.

Sincerely,

Todd A. Migon
Samantha L. Migon

VII. REPORTS AND RECOMMENDATIONS: The Council designated Vice Mayor Abbott to serve as the Village's voting delegate at the 2022 Florida League of Cities conference.

The manager submitted the following communiqués and reports to the Council:

- June 2022 Follow-up Report
- Monthly Departmental Reports
- Freebee Update
- Employee Vaccination Update
- Palmetto Senior Development Review

The manager, pursuant to Section 3.2(5) of the Village Charter, presented to the Council the proposed 2022-2023 Budget and made a brief presentation regarding highlights of the document.

The manager presented a request from the property owner of 6700 Southwest 132 Street, for the mitigation of fines in the amount \$141,174.48, pursuant to Sec. 2-150 of the Code of Ordinances. Steven Kane, representing the owner, addressed the Council. The mayor opened the public hearing. Charles Bibb, 13191 Southwest 72 Avenue, Pinecrest, addressed the Council. Councilmember Hochkammer made a motion to approve a \$110,000 settlement negotiated by the attorney, with the condition that it be paid within 12 months or interest will start to accrue. The motion was seconded by Vice Mayor Abbott and adopted by unanimous consent.

The manager submitted a presentation summarizing the Miami-Dade County RTZ ordinance, presented on first reading to the Board of County Commissioners on June 1, 2022.

The clerk submitted the names of nominees for the 2022-2023 Youth Advisory Council. By unanimous consent, the nominees, listed below, were confirmed pursuant to Resolution 2020-6:

- Chloe Alfonso
- Aayana Baid
- Esther Enekes
- Luiz Gandelman
- Evan Gitlin
- Ava Goldenberg
- Lukas Goldenberg
- Eitan Greenberg
- Lucas Hudson
- Juliana Kaye
- Manuela Londono
- Bettina MacLennan
- Danny Mazer
- Aryana Motlagh
- Emily Olster
- Jacob Phillips
- Cassandra Pita
- Stella Probst
- Sebastian Prusky
- Julia Reich
- Ammar Sakrani
- Brooke Solomon
- Lilah Suarez
- Ruby Tenbroek

SPECIAL MAGISTRATE ORDER

VILLAGE OF PINECREST)
Petitioner)
vs.)
Samantha Loud Migon Trust)
6700 Southwest 132 Street)
Pinecrest, Florida 33156)
Respondent(s))

CASE NO.: BC18-0044

Address of Violation: 6700 Southwest 132 Street, Pinecrest, Florida 33156

Legal Description/Folio #: 14 55 40 PB 62-31, MARTIN BROS LUDLAM ACRES, LOT 7 BLK 1, LOT SIZE SITE VALUE, F/A/U 30-5014-006-0070, OR 19486-0297 022001 1, Folio 20-5014-006-0070

This cause having come before the Special Magistrate for hearing, and based upon the evidence, the Special Magistrate enters the following:

FINDINGS OF FACT

The Respondent(s) is/are the property owner(s) and has/have been properly noticed.

CONCLUSIONS OF LAW

The foregoing Findings of Fact constitute the Florida Building Code 105.4.1.1, Permit BL2011-1422 is expired. A new permit is required and Florida Building Code 110.1, Failure to obtain required inspection.

The Village of Pinecrest has introduced evidence to substantiate the allegations contained on the Notice of Violation. The Respondent(s) was found to be in violation of code 105.4.1.1 and 110.1. The Respondent(s) shall have sixty (60) days to bring the property into compliance by obtaining required permit. If compliance is not achieved within sixty (60) days there shall be a daily fine of \$100 until brought into compliance. The Respondent(s) shall pay a \$200 Civil Penalty for allowing permit to expire. An Administrative fee of \$75.00 is assessed for this hearing.

If the fine is not paid or if compliance is not achieved, as noted above, it shall constitute a continuing violation with daily fines accruing and may be recorded in the Public Records of Miami-Dade County, Florida. Once recorded, the Order shall **Constitute a Lien** against the property upon which the violation exists or against any real or personal property of the violator pursuant to Chapter 162, Florida Statutes. The Village of Pinecrest may foreclose on any lien which remains unpaid after three (3) months. A person may appeal any decision made by the Special Magistrate with respect to any matter considered at this hearing pursuant to Village of Pinecrest Code 2-146(N) and 2-147. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed as stated in Florida Statute 162.11.

Done and ordered this 5th day of September, 2018.

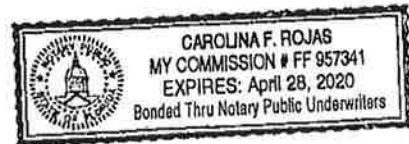
Special Magistrate, Mark Buchbinder, Village of Pinecrest, Florida

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7th day of September, 2018 by Mark Buchbinder who is personally known to me.

Carolina F. Rojas
NOTARY PUBLIC, State of Florida



Esther Cabrera (BPD)

From: Esther Cabrera (BPD)
Sent: Monday, April 24, 2023 11:12 AM
To: 'tmigon@rccl.com'
Subject: Minutes - Todd Migon
Attachments: 071122.pdf

Good morning,

I spoke to Steve Olmstead, Planning Director, and he advised that any consideration for an extension will need to go back before Council for approval. Please request in writing your current situation and the reason for the extension.

I recommend that you submit the request in letter format addressing the Council and the Village Manager (**Yocelyn Galiano, Village Manager**).

Once received, I will forward the request to Mr. Olmstead for review. I have attached the minutes of the meeting per your request.



Esther Cabrera
Senior Code Compliance Officer
Village of Pinecrest
12645 Pinecrest Parkway
Pinecrest, Florida 33156
305.234.2121
www.pinecrest-fl.gov

