

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, March 28, 2019 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:09 PM on Thursday, March 28, 2019. Town Attorney Alan Gabriel, Building Official Randall Clutter, Development Services Director Linda Connors, and Code Inspector Robert Harrison were present as well as Special Magistrate Clerk Kaliah Lewis to record the minutes.

II. SWEARING OF WITNESSES

The Special Magistrate administered the oath to all those who intended testifying.

III. OPENING STATEMENT

The Special Magistrate explained the procedures for the Hearing for Code Compliance.

IV. PUBLIC COMMENTS

The Special Magistrate spoke about public comments at this time or when a case was called. No one from the public wished to speak now.

V. CODE CASES

Special Magistrate Clerk Kaliah Lewis first called the code cases for which people might be in attendance and have signed in. Then she would revert back to the order of the agenda for the rest of the cases.

CERTIFICATION OF LIEN

ITEM #V.61

***TAKEN OUT OF SEQUENCE**

Case #: 18110001 – Property Maintenance

Property Owner: FDG South LLC

Address/Folio: 4116 N Ocean Blvd

Code Section(s): Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(f).

Inspector Robert Harrison testified that this was previously before the Special Magistrate for a pool cover being in disrepair. He inspected the property with the Broward Sheriff's Office due to concern regarding security and the pool cover in disrepair was observed. He showed his photos to Attorney Nectaria Chakas who said that one photo was of furniture that had nothing to do with the pool. Mr. Harrison explained that during the inspection, there were multiple items that were looked at. He answered the Special Magistrate that Notice was first issued in November 2018. The Special Magistrate said that only two pictures deal with the pool and those two are entered into evidence as the Town's Composite Exhibit (the other pictures will be

returned to the Town for this case). Mr. Harrison answered the Special Magistrate that the pool cover is wood and very deteriorated.

Attorney Chakas, representing the property owner, stated that this property was slated for demolition which would include the pool cover. They have since had a purchase and sale agreement which is currently pending and active. It includes building preservation, so the demolition has been put on hold. Since there is a pending contract, they would remove the pool cover in the next few days which is not visible from the street. There is a fence that wraps around the property. They were asking for more time. Mr. Harrison said that there is concern for accessibility to the property and someone falling into the pool. Development Services Director Linda Connors testified that on the 25th, there was graffiti on the building and the Town asked the Police Chief to come during the inspection to see how secure the building was. The building is not secure, so the pool is accessible. She said that they have been cited and would be back to the next Special Magistrate Hearing regarding security of the building. The pool needs to be covered, just in case someone is able to break into the building. Visibility is not an issue but safety is and today deals with the pool cover.

The Special Magistrate ordered fifteen days from today to comply by fixing/replacing pool cover or secure pool with a secure fence or \$250/day fine plus \$100 Hearing Costs for today's hearing due within fifteen days. As Ms. Connors pointed out, there was a previous Final Order ordering compliance by February 11, 2019 which was changed by today's new order for compliance within fifteen days from today (by April 12, 2019) by fixing/replacing pool cover or securing pool with a secured fence and the fine was escalated today from \$100/day to \$250/day with \$100 Administrative Costs for today's hearing due within fifteen days. Discussion ensued about covering the pool or securing the first floor. Ms. Connors said that even though they have a security company, they have not been diligent securing the building and making sure the property is safe. Ms. Connors said that the day they were there with the Police Chief, they were able to walk in and be by the pool. Ms. Chakas said that they hired a new security company.

NEW BUSINESS

ITEM #V.50

***TAKEN OUT OF SEQUENCE**

Case #: 19020009 – Nuisance/Vacant Lot
Property Owner: FDG Central LLC
Address/Folio: 4546 El Mar Drive
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-10(c)
Demotion site maintenance.

Inspector Robert Harrison testified that this is a vacant lot cited for the grass that is not maintained in a healthy condition. He was told that the areas would be seeded, given a chance to grow back, and fix the irrigation. Attorney Nectaria Chakas, representing the property owner, said that irrigation repairs were made. If the seeding has not been done yet, it is imminent and would be done. Ms. Chakas was shown pictures and then the Special Magistrate entered them into evidence as Town Composite Exhibit without objection. The Special Magistrate ordered 45 days to come into compliance by maintaining the grass in a healthy condition or \$100/day fine and \$100 Administrative Fee due within ten days.

CERTIFICATION OF LIEN

ITEM #V.58

***TAKEN OUT OF SEQUENCE**

Case #: 18120015 – Permits Required Violations
Property Owner: Bianco, Anthony C & Hazel M
Address/Folio: 2041 Coral Reef Dr

Code Section(s): Florida Building Code Section 105.1 Required.

Inspector Robert Harrison testified that this case is for work without a permit for a fence installed on top of a seawall or backyard. He said that a permit was submitted today for a new chain link fence and it is in review. As there was a final order for compliance by March 26th, Mr. Harrison was recommending bringing this back to the April Hearing. The Special Magistrate ordered continuance to the April 25, 2019 Hearing. For the record, the respondents identified themselves as Attorney Lauren White and Jason Edinger.

OLD BUSINESS

ITEM #V.9

***TAKEN OUT OF SEQUENCE**

Case #: 18020015 – Property Maintenance

Property Owner: Anglin Fam Tr % Raymond Anglin

Address/Folio: 2 E Commercial Blvd

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Inspector Robert Harrison testified that this is the pier in Lauderdale-By-The-Sea. At the last hearing, the Special Magistrate asked for substantial progress to be reported at this hearing. Building Official Randall Clutter testified that he did see scuba divers working in the area on March 15th and earlier this week before the weather turned bad. To date, there have not been any inspection requests and no reports submitted. Spiro Marchelos testified about what has been accomplished. He has pictures regarding the progress for the last thirty days. He will finish the work in a timely manner while not endangering any worker. He showed his pictures and documentation to Inspector Harrison and Building Official Randall Clutter. Mr. Marchelos said that about 600 feet of the pier is safely opened and no one is getting to where they should not be.

Development Services Director Linda Connors testified that the Town is suggesting the fines continue to accrue until the project is complete. At that time, the Special Magistrate could evaluate the situation and reduce the fines, if called for. This has been going on for quite some time. The Special Magistrate perused the photos and asked Mr. Harrison and Mr. Clutter if the pictures indicate that progress is being made. They thought that the photos did reflect progress. He accepted the photos into evidence as the Respondent's Composite Exhibit. He said that the fines began running, per his order, two days ago and they will continue to run until this is complete. He could reduce the fines or he might not even impose fines if this gets done quickly, safely and expeditiously. Ms. Connors also suggests something in writing for the Building Department's records regarding progress. She suggested that they regularly submit monthly updates so that the Town is confident that they are moving judiciously. According to the Building Department, there have been no inspections so far, therefore, no activity. The Special Magistrate asked Mr. Marchelos the name of his engineer and he answered Dan Hancock. Mr. Marchelos requested no fines because they are progressing the best they can. They just need more time. Mr. Clutter said that the first report he ever received dated a few days ago was unsigned. Ms. Connors said that the Commission, the Building Department, etc. all want regular updates. The permit expired once because of no inspection notices and we have to ensure that it does not happen again and that this project continues to be on track. The Town believes strongly that the fines should run giving encouragement to move and progress on this project. There are opportunities to mitigate the fines.

Alan Gabriel from the Town Attorney Office said that the fines may be running but are not payable yet. The Special Magistrate could reduce the fines when compliance is met and there is a mitigation process through the Commission. The Special Magistrate asked Mr. Marchelos

to have his engineer speak with Mr. Clutter so that he knows what the monthly report should contain. Mr. Marchelos again spoke about the fines and Special Magistrate Ansbro said that he should set up an appointment with the Town to work out a negotiated agreement to see what the report should contain, how often it should be produced, and if the Town would suggest suspending the fines. He would then suspend the fines. The Special Magistrate asked Mr. Harrison to let him know at the next hearing why March 26th was chosen as the compliance date. The Special Magistrate ordered that fines would start running per the Final Order, to try to work out a negotiated deal regarding the fines, have the respondent's engineer speak with Town Staff so that reports are prepared and signed by the contracted engineer noting progress plus whatever else the Town requests for its records and return to the April 25 Hearing.

ITEM #V.37

***TAKEN OUT OF SEQUENCE**

Case #: 18110013 – Building Code Violations
Property Owner: Ertley, Carole S
Address/Folio: 3900 N Ocean Dr GD
Code Section(s): Florida Building Code Section 105.11.2.1

Inspector Robert Harrison testified that this case was brought before the Special Magistrate for expiration of building permit. The work was for tub to shower and the permit expired September 27, 2018. There is no permit submittal or renewal as of today. Building Official Randall Clutter explained that he worked with Ms. Ertley and they have filed a complaint against her contractor with the State. Carole Ertley, property owner, testified by explaining what happened and how the contractor assured her that everything would be handled. The work is done but it has not been inspected. Mr. Clutter explained the process and Mr. Harrison recommended giving Ms. Ertley 120 days to get this resolved. The Special Magistrate ordered this continued for 120 days (by July 26, 2019), and if this comes into compliance before 120 days, Ms. Ertley does not have to come back.

ITEM #V.10

***TAKEN OUT OF SEQUENCE**

Case #: 18080019 – Permits Required Violations
Property Owner: 3RM Investments LLC
Address/Folio: 4144 El Mar Drive
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1 – Permits. Required

Inspector Robert Harrison said that there was a conversion of the penthouse which was separated into two units but was originally permitted as one unit. Tamara Sabbagh, represents the owner, reminded Mr. Harrison that the penthouse has been completed. Mr. Harrison said that this case was for the first floor, not the penthouse. This first floor also has a separation of units. He answered the Special Magistrate that the Town does not have a complete set of plans for units 1 and 2 which were due March 25th. Mr. Harrison recommended continuing this agenda item for the first floor to the May Hearing. The owner's representative explained that a tenant would move out the end of March and they have the architect ready to go. The Special Magistrate ordered continuance to the May 23, 2019 Hearing.

CERTIFICATION OF LIEN

ITEM #V.67

***TAKEN OUT OF SEQUENCE**

Case #: 18080020 – Property Maintenance
Property Owner: 3RM Investments LLC
Address/Folio: 4144 El Mar Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations

Section 30-477(a)
Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-37(a)(2)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)

Inspector Robert Harrison testified that there are two outstanding property maintenance violations since the Special Magistrate's Order was made (one was for paint and the other was for grass). Mr. Harrison said that the owner's representative, Tamara Sabbagh, has an invoice for these two things from before the Order was issued. Mr. Harrison would like to continue this case to review what Ms. Sabbagh has for invoices. The Special Magistrate ordered this case continued to the May 23, 2019 Hearing.

ITEM #V.65

***TAKEN OUT OF SEQUENCE**

Case #: 18100010 – Permits Required Violations
Property Owner: 3RM Investments LLC
Address/Folio: 4144 El Mar Drive
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1 – Permits. Required.

Inspector Robert Harrison testified that this is for an exterior deck that was installed without permits. They obtained a permit which was closed out on the 12th. Fines were running. The owner's representative, Tamara Sabbagh, testified that as soon as they found out they needed a permit, they applied for one. Everything got delayed because of the holidays but the permit was closed out and she asked to void the fines. The Special Magistrate stated that he would not impose fines. He ordered a revised Final Order making the compliance date the day the permit was closed out. They are now compliant.

OLD BUSINESS

ITEM #V.15

***TAKEN OUT OF SEQUENCE**

Case #: 18070009 – Business Tax
Property Owner: SKY007 LLC
Address/Folio: 230 Lake Court
Code Section(s): Chapter 12 – Licenses Section 12-2(e)(1)

Inspector Robert Harrison testified that this is an occupied multi-family building. The violation is renting the property before obtaining a Business Tax Receipt (BTR) from the Town. They have applied for a BTR and the BTR inspection for the property revealed that there were illegal conversions on the property (which is not in front of the Special Magistrate today). Also, the building is very old and in need of major repairs (those items are not in front of the Special Magistrate today either). Mr. Harrison said that some of these items contained in other cases are holding up the BTR. The property is being rented on a day-to-day basis. Goran Dragostonic is here tonight and informed Mr. Harrison that the other cases are now in compliance. Mr. Harrison would do the inspection on the property. If the items from the other cases were complied, then the Business Tax Receipt could be issued. Mr. Harrison suggested continuing this case. The Special Magistrate ordered continuance to the April 25, 2019 Hearing.

CERTIFICATION OF LIEN

ITEM #V.59

***TAKEN OUT OF SEQUENCE**

Case #: 18120001 – Property Maintenance

Property Owner: SKY007 LLC
Address/Folio: 230 Lake Court
Code Section(s): Chapter 11 – Junked, Wrecked, Abandoned, or Stolen Property
Section 11-23(a)
Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-36(f)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(13)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)
Chapter 6 – Building and Building Regulations Section 6-41(b)

ITEM #V.60

Case #: 18120002 – Permits Required Violations
Property Owner: SKY007 LLC
Address/Folio: 230 Lake Court
Code Section(s): Florida Building Code Section 105.1 Required.

Inspector Robert Harrison testified that this is the same property as the case above. The two cases above are the cases that resulted from the BTR inspection. Case #18120001 is for property maintenance and Case #18120002 is for work without permits. The permits have been submitted but were rejected because more documents need to be submitted. Items were then submitted and it is still under review. The cases were supposed to be in compliance by March 26, 2019 and Mr. Harrison suggested continuing them with the fines running to the April Hearing.

Development Services Director Linda Connors voiced her concern regarding the fact that the property is being rented. A lot of significant work was done without a permit. She does not believe that the property should be rented until the permits are issued and closed out and that they have the proper licenses (like the BTR). Mr. Harrison answered the Special Magistrate that five units are occupied. Building Official Randall Clutter answered the Special Magistrate about life safety issues and he spoke about an existing railing that does not meet code. It goes to the second floor where two units are rented. He then spoke about the dock. The Special Magistrate asked if these units should not be occupied because of life safety issues. Goran Dragostonic, for the owner, testified that there were no plumbing or electrical repairs and he explained the work that was done. The Special Magistrate explained that from his orders, there was supposed to be compliance. Fines are running and the faster compliance gets done, then they could deal with the fines. The Special Magistrate ordered continuance to the April 25, 2019 Hearing with fines still running.

OLD BUSINESS

ITEM #V.20

***TAKEN OUT OF SEQUENCE**

Case #: 18070019 – Property Maintenance
Property Owner: Budzinski, Anna M Budzinski, Vincent J
Address/Folio: 1751 S Ocean Boulevard #307W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.21

Case #: 18070033 – Property Maintenance
Property Owner: Yockey, Harry R

Address/Folio: 1751 S Ocean Boulevard #205W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.22

Case #: 18070032 – Property Maintenance
Property Owner: Wheatley, Mark H & Andrea J
Address/Folio: 1751 S Ocean Boulevard #103W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.23

Case #: 18070031 – Property Maintenance
Property Owner: Tierney, David H
Address/Folio: 1751 S Ocean Boulevard #308W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.24

Case #: 18070030 – Property Maintenance
Property Owner: Reedy, Gigi M William H & Zula Reedy Tr
Address/Folio: 1751 S Ocean Boulevard #209W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.25

Case #: 18070029 – Property Maintenance
Property Owner: Pell, Abbil
Address/Folio: 1751 S Ocean Boulevard #102W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.26

Case #: 18070028 – Property Maintenance
Property Owner: Mazewski, Marilyn
Address/Folio: 1751 S Ocean Boulevard #305W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.27

Case #: 18070027 – Property Maintenance
Property Owner: Mazewski, Aloysius Mazewski, Janice
Address/Folio: 1751 S Ocean Boulevard #208W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.28

Case #: 18070026 – Property Maintenance
Property Owner: Kobryn, Charles W Vitale, Charlene P
Address/Folio: 1751 S Ocean Boulevard #309W
Code Section(s): Chapter 30 – Unified Land Development Regulations

Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.29

Case #: 18070025 – Property Maintenance
Property Owner: Hughes, Karen L
Address/Folio: 1751 S Ocean Boulevard #306W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.30

Case #: 18070024 – Property Maintenance
Property Owner: Harmony Liv Tr Green, Marvin D Trstee Etal
Address/Folio: 1751 S Ocean Boulevard #109W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.31

Case #: 18070023 – Property Maintenance
Property Owner: Enright, Kevin O'Connor, Dennis
Address/Folio: 1751 S Ocean Boulevard #206W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.32

Case #: 18070022 – Property Maintenance
Property Owner: Araujo, Sinval P & Gina Maria SMPW QUADRA 14 Conjunto
Address/Folio: 1751 S Ocean Boulevard #108W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.33

Case #: 18070021 – Property Maintenance
Property Owner: Candiotti, Americo L Candiotti, Alfred A
Address/Folio: 1751 S Ocean Boulevard #207W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.34

Case #: 18070020 – Property Maintenance
Property Owner: Busztein, Trudy & Adam
Address/Folio: 1751 S Ocean Boulevard #107W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.35

Case #: 18070018 – Property Maintenance
Property Owner: Baker, Marlene S
Address/Folio: 1751 S Ocean Boulevard #104W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.36

Case #: 18070017 – Property Maintenance

Property Owner: Arrieta Myriam LE Garay, Javier & Garay, Custodio

Address/Folio: 1751 S Ocean Boulevard #101W

Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)

Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

Inspector Robert Harrison testified that this is a multi-family property cited for the stucco and the railings in disrepair for all the cases listed above. This was before the Special Magistrate previously and they did secure their property, however, there are fines running on the property. The Town has been updated regarding the repairs. Building Official Randall Clutter testified that they (including Inspector Harrison and Fire Marshall Paine) followed the Special Magistrate's instructions by visiting the property. He said that the building was safe and they are satisfied with the railings.

Property owner Kevin Enright testified that the Board of Directors asked him to be the owners' representative at tonight's meeting. There are two other residents here tonight, an owner and a past owner who is now a renter. They also have their contractor who is installing the railings, William, here this evening. Mr. Enright does not live there but he took pictures today on his phone. He explained what was installed and what remains to be done. They took longer to manufacture, so that is why they are behind schedule. He spoke about the fines and explained about the problem with their first contractor who they fired. He wanted on the record that the fines running are a hardship. The Special Magistrate explained what could be done with the fines. Mr. Clutter testified that the Town has an engineer's letter that states that the railings do meet the code and that the job is progressing. The owners want to pursue a complaint for the original contractor who took their money and did not do the job. Mr. Harrison suggested continuing this to the June 27th Hearing in hopes that the project would be complete. The Special Magistrate ordered this continued to the June 27, 2019 Hearing.

NEW BUSINESS**ITEM #V.44*****TAKEN OUT OF SEQUENCE**

Case #: 19020004 – Vacation Rental

Property Owner: Bryzoalova, Marina Mitkov, Dorde

Address/Folio: 4324 Seagrape Drive

Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(b)

The respondent asked to recall this agenda item later on. After hearing the case below (#18090005), this case was re-called. Inspector Robert Harrison testified that this is a vacation rental operating without a Vacation Rental Certificate (VRC). He suggested having a VRC by April 23, 2019 or \$100/day fine plus \$50 Administrative Costs. One of the owners, Marina Bryzoalova, testified to what happened. Ms. Bryzoalova said that this is not a single-family use. She does not understand what they are breaking/doing wrong. She asked how the building was supposed to be used? They live in one of the units and the others are being used by their families or friends. Some pay and some do not pay. Mr. Harrison suggested continuing this case to review the facts and help her understand the use of the building. The Special Magistrate ordered this agenda item continued to the April 25, 2019 Hearing.

OLD BUSINESS**ITEM #V.13*****TAKEN OUT OF SEQUENCE**

Case #: 18090005 – Property Maintenance
Property Owner: Neptune Garden Shop
Address/Folio: 254 Neptune Ave 1-2
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)

Inspector Harrison testified that this is a vacant duplex previously brought in front of the Special Magistrate who ordered compliance by March 28th by planting sod where grass needed to be replaced or \$100/day fine plus an outstanding \$50 Administrative Fee which Dominick Savastana, representative of the property, said that he paid. The representative explained what he has done so far. He gave a copy of letters to Mr. Harrison who gave them to the Special Magistrate. He accepted them into evidence as Respondent's Exhibit depicting that they retained a contractor and architect. Mr. Harrison suggested continuing this to the April 25, 2019 Hearing so he could meet the respondent on the property. The respondent showed Mr. Harrison pictures of the property. The Special Magistrate ordered continuance to the April 25, 2019 Hearing.

ITEM #V.12

Case #: 18030014 – Zoning Violations
Property Owner: Breza, Thomas S
Address/Folio: 4303 Bougainvillea Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-113(f)(4)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)

The Special Magistrate called for a break at approximately 6:27PM and the hearing reconvened at approximately 6:31PM.

There was no one in attendance to represent the property owner. Inspector Harrison testified that this was brought before the Special Magistrate before regarding removal of trees without a permit. The owner had to go through a site plan modification which was issued a few days ago and now can apply for the landscape permit. The Town was requesting to continue for 90 days to get a landscape permit and get everything done. The Special Magistrate ordered this continued to the June 27, 2019 Hearing.

ITEM #V.14

Case #: 18050057 – Permits Required Violations
Property Owner: Gilchrist, Rael M Gilchrist, Lourdes L
Address/Folio: 1931 Waters Edge
Code Section(s): Florida Building Code 107.4
Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required
Florida Building Code 5th Edition (2014) FBC BCA Section 116.116.1

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that this was presented to the Special Magistrate before. They did an interior

demolition of this single-family home and took all the walls out. There were concerns for safety. The permit expired but they just paid to renew it. The Town recommends continuing to the May 23, 2019 Hearing. The Special Magistrate ordered this agenda item continued to the May 23, 2019 Hearing.

ITEM #V.16

Case #: 18050061 – Zoning Violations
Property Owner: Seva Florida Tropicair LLC
Address/Folio: 4553 Bougainville Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-241(k)(5)

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that he spoke to the attorney, Dwayne Dickerson, before the hearing today. They had nine units approved and converted them into additional units not permitted by the Town. They went in front of the Planning and Zoning Board. They submitted permits to do the alterations to get approved for twelve units. The Town was requesting a new comply-by date ninety days out, June 26, 2019, reflected in a revised Final Order for obtaining and closing out all permits or \$100/day fine. The Special Magistrate ordered a revised Final Order with a new comply-by date of June 26, 2019 to come into compliance by obtaining and closing out all permits or \$100/day fine. This agenda item would be on the June 27, 2019 Hearing agenda.

ITEM #V.17

Case #: 18120005 – Permits Required Violations
Property Owner: Chia, Michele % Greenberg Law Group PA
Address/Folio: 238 Corsair Avenue
Code Section(s): Florida Building Code Section 105.1 Required.

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that work was done without obtaining a permit. They did submit a permit application and obtained the permit but the zoning inspection is still outstanding. Their attorney, Gieselle, contacted him prior to the hearing. The Town is waiting for the zoning inspection to close the permit and satisfy the code case. The Town was asking for a continuance to the April 25, 2019 Hearing giving them time to call for the final inspection. The Special Magistrate ordered continuance to the April 25, 2019 Hearing.

ITEM #V.18

Case #: 18110003 – Property Maintenance
Property Owner: Damico, Michael
Address/Folio: 1725 Blue Water Ter N
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-3
Chapter 6 – Building and Building Regulations Section 6-41(a)(13)
Chapter 6 – Building and Building Regulations Section 6-41(b)

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that this is a single-family home operated as a vacation rental. The Town did a Vacation Rental Certification (VRC) inspection and they found property maintenance violations. The owner stopped the vacation rental and submitted for a demolition permit which is still being

reviewed by the Town. The Town was requesting continuance to the April 25, 2019 Hearing. The Special Magistrate ordered this agenda item continued to the April 25, 2019 Hearing.

ITEM #V.19

Case #: 19010001 – Zoning Violations
Property Owner: The R Group LLC
Address/Folio: 4132 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-314(b)(1)

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that this was cited for use as a vacant lot for a construction site which has a parking lot on site. It was being used as a stand-alone parking lot. There was an administrative error when the notices went out. The wrong code section was cited. They would be technically in compliance with the code section that was cited. He was requesting to withdraw this case and he stated that a new case was cited with the correct code section. The Special Magistrate ordered this case withdrawn.

ITEM #V.38

Case #: 18120007 – Permits Required Violations
Property Owner: Marchetti, Steven Mercante, Robert
Address/Folio: 4422 Seagrape Drive
Code Section(s): Florida Building Code Section 105.1 Required.

There was no one in attendance to represent the property owners. Inspector Robert Harrison testified that he and the Building Official did an inspection on the property and found there was work done without first obtaining a permit for the interior remodel. He gave his photos to the Special Magistrate which depicted work completed and the Building Department's system documentation that would show if there is a permit in the system. The Town was asking for an order for compliance by May 21, by closing out permits and passing final inspections for the interior alterations, or \$100/day fine plus \$50 Administrative Fee for today's hearing. The Special Magistrate ordered compliance by obtaining and closing out permits for the interior work to be done by May 21, 2019 or a fine of \$100/day plus \$50 Administrative Fee for today's hearing.

ITEM #V.39

Case #: 18040035 – Zoning Violations
Property Owner: Ostrokolowicz, Todd
Address/Folio: 297 Tropic Drive
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(a)

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that this is a new single-family home that was built past the time allowed for construction (exceeded 180 day limit). It has been running fines after the order expired. A zoning final inspection, which was to take place today, is holding this up. The Town's Zoning Compliance Inspector for the Building Department was absent today. When the inspection gets done, Inspector Harrison would backdate to the date when the inspection was supposed to be done. Then the property owner would have to try to mitigate the fines. Inspector Harrison requested continuance to the April 25, 2019 Hearing. The Special Magistrate ordered continuance to the April 25, 2019 Hearing.

ITEM #V.41

Case #: 18110019 – Building Code Violations
Property Owner: LBTS Properties LLC
Address/Folio: 4564 N Ocean Drive
Code Section(s): Florida Building Code Section 105.11.2.1

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that this is a violation for an expired permit and an order was issued to renew the permit. Inspector Harrison spoke with the contractor who said they had to go in front of the Architectural Review Board. The contractor said that he already did and because David Lee was not here today, Mr. Harrison could not check this out. He would like to talk with the contractor and the Town's Permit Administrator so he was asking for continuance to the April 25, 2019 Hearing. The Special Magistrate ordered continuance to the April 25, 2019 Hearing.

ITEM #V.42

Case #: 16110001 – Landscape Violations
Property Owner: Brandt, Yann (Previously ULVIC Properties)
Address/Folio: 267 Capri Avenue
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-480(a)

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that Mr. Brandt was present at our February Hearing when the Special Magistrate ordered a landscape plan submitted and approved by March 25, 2019 and to return to the March 28, 2019 Special Magistrate Hearing. Mr. Brandt did speak with the Town and should be here at the Town. Whether he submitted the plans or not, Inspector Harrison would like this continued to the April 25, 2019 Hearing where either there could be a certification of lien or if the plans are in and approved, then the Final Order could be revised with a new compliance date. The Special Magistrate ordered continuance of this agenda item to the April 25, 2019 Hearing.

NEW BUSINESS**ITEM #V.43**

Case #: 19010005 – Landscape Inspections
Property Owner: Bromberg, Yakov Bromberg, Zlata
Address/Folio: 290 Tropic Drive
Code Section(s): Chapter 21 – Vegetation Section 21-26(c)
Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-39(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(13)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)
Chapter 6 – Building and Building Regulations Section 6-41(a)(3)

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that this is a single-family home that he believes to be vacant. From his inspections, he has not seen anyone on the property. He explained the violation regarding the trees growing into an electrical utility facility. He met with Empire Landscaping and walked the property to point out what needs to be done. He never heard back after that inspection. He has photos that he gave the Special Magistrate that depict the violations. Inspector Harrison recommends that the property be brought into compliance by April 23, 2019 or a fine of \$100/day plus \$100

Administrative Fee for today's hearing. He would also like this brought back to the April 25, 2019 Hearing. The Special Magistrate ordered compliance by April 23, 2019 or a fine of \$100/day and \$100 Administrative Fee for today's hearing plus bringing this agenda item back to the April 25, 2019 Hearing.

ITEM #V.45

Case #: 19020002 – Property Maintenance
Property Owner: Mistro, Nancy J
Address/Folio: 4561 Poinciana Street
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-36(d)
Chapter 6 – Building and Building Regulations Section 6-36(e)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that this code case is in compliance.

ITEM #V.46

Case #: 19020008 – Sign Violations
Property Owner: Fems Venture
Address/Folio: 4305 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that this is a commercial property for Rent-A-Car. They were cited for the maintenance of signs. The tenant, who is the owner of the business, contacted the Town and said the sign letters were repaired. There was an inspection today and the code case is in compliance.

ITEM #V.47

Case #: 19020007– Zoning Violations
Property Owner: Pollack, Robert W & Kathryn H c/o Camera Clinic
Address/Folio: 250 Commercial Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-271(2)(h) – B-1 district - Business

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that this code case is in compliance.

ITEM #V.48

Case #: 19020012 – Landscape Violations
Property Owner: Neubauer, Winnie I TR Winnie I Neubauer TRSTE
Address/Folio: 2036 Windward Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-480(a)

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that this is a single-family home with a tree in the backyard that fell down due to the hurricane. The Town asked to have it removed. There was an inspection today and the tree was removed. The code case is in compliance.

ITEM #V.49

Case #: 19020013 – Vacation Rental
Property Owner: Glasser, Eli J Burns, Sara M
Address/Folio: 4543 Poinciana St
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(d)

There was no one in attendance to represent the property owners. Inspector Robert Harrison testified that this property was acting as vacation rental but operating without a vacation rental certificate. The owner contacted the Town that they would be selling the property as they are taking a new job in a different state. All listings have been removed from the VRBO website. The code violation is now in compliance.

ITEM #V.51

Case #: 19020014 – BTR Housing Inspection
Property Owner: Commercial A1A LLC
Address/Folio: 4405 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(7)
Chapter 6 – Building and Building Regulations Section 6-41(b)

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that there is commercial on the bottom floor and rentals on the second floor. A tenant contacted the Town because there is an infestation of insects inside the unit. The tenant said that something on top of the building could fall and be a life safety issue if it fell on someone. Inspector Harrison has photos of the exterior of the building that he gave to the Special Magistrate. The Town received an exterminator's letter from the owner that insects are not a problem anymore. Building Official Randall Clutter testified that what they are talking about on the top of the building is EFIS (construction material) made out of styrofoam. It is in disrepair and the Town would like this aesthetic nuisance repaired by April 23, 2019 or a fine of \$100/day plus \$50 Administrative Fee for today's hearing. The Special Magistrate ordered the construction material made out of styrofoam (EFIS) repaired by April 23, 2019 or a fine of \$100/day plus \$50 Administrative Fee for today's hearing.

ITEM #V.52

Case #: 19020018 – Vacation Rental
Property Owner: Silver, Michael
Address/Folio: 1800 E Terra Mar Dr
Code Section(s): Chapter 19 – Traffic and Motor Vehicles Section 19-21(b)(4)
Chapter 30 – Unified Land Development Regulations
Section 30-327(d)

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that the Town is requesting a continuance to the April 25, 2019 Hearing. The Special Magistrate ordered this case continued to the April 25, 2019 Hearing.

ITEM #V.53

Case #: 19020021 – Vision Hazards
Property Owner: Gallagher, Christopher & Louise
Address/Folio: 251 Algiers Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations

Section 30-477(b)

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that this is a single-family home with an obstruction of visibility violation for landscaping on an intersection. The Broward Sheriff's Office brought this to the Town's attention. The landscaping on the southeast corner of the property blocks a driver's clear visibility and needs to be trimmed. He gave the Special Magistrate photos taken today that show obstruction of the driver's clear visibility. Notice was sent out certified mail and they did sign the green card. Other than that, there was no other contact. He said that the property owner must maintain that swale. Inspector Harrison suggested fourteen days, by April 11th, to comply or a fine of \$100/day plus \$50 Administrative Fee for today's hearing. The Special Magistrate ordered compliance by April 11, 2019 or a fine of \$100/day plus \$50 Administrative Fee for today's hearing.

CERTIFICATION OF LIEN

ITEM #V.54

Case #: 18110017 – Building Code Violations
Property Owner: Oconto Investments Corp % Moreno, Martha
Address/Folio: 4900 N Ocean Blvd #1512
Code Section(s): Florida Building Code Section 105.11.2.1

There was no one in attendance to represent the property owner. Inspector Harrison testified that this is a multi-family building with work done inside the unit but the permit expired. Notice was sent to renew the permit but the Town has not received a renewal. He was requesting certification of fines. The Special Magistrate ordered certification of fines.

ITEM #V.56

Case #: 18110015 – Building Code Violations
Property Owner: Celenza, Joseph & Rhonda
Address/Folio: 4537 Bougainvillea Dr #1-2
Code Section(s): Florida Building Code Section 105.11.2.1

There was no one in attendance when this case was called to represent the property owner. Inspector Harrison testified that there was a permit issued for work done but it expired. The owner told him that he did renew the permit before the compliance date. This case is complied.

ITEM #V.57

Case #: 18110014 – Building Code Violations
Property Owner: Serafini, Silvio & Ana E
Address/Folio: 217 E Commercial Blvd.
Code Section(s): Florida Building Code Section 105.11.2.1

There was no one in attendance to represent the property owners. Inspector Harrison testified that this is a commercial building. They did work on the property but the permit expired. It was ordered to renew by March 26, 2019. They did not do that so he was asking for certification today. The Special Magistrate ordered certification of fines.

ITEM #V.62

Case #: 18070013 – Property Maintenance
Property Owner: 4605 N Ocean Dr LLC
Address/Folio: 4605 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations

Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-36(e)
Chapter 6 – Building and Building Regulations Section 6-37(a)(2)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)

ITEM #V.63

Case #: 18070012 – Property Maintenance
Property Owner: 4605 N Ocean Dr LLC
Address/Folio: 4609 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-36(d)
Chapter 6 – Building and Building Regulations Section 6-36(e)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-37(a)(2)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)

There was no one in attendance to represent the property owner who owns both properties. Inspector Harrison testified that items #62 and #63 would be heard together. He said that they got permits to do the block in work and these two cases are in compliance.

ITEM #V.64

Case #: 18110005 – Permits Required Violations
Property Owner: 4326 N Ocean Dr LLC
Address/Folio: 4326 N Ocean Dr.
Code Section(s): Florida Building Code Section 105.1 Required.

There was no one in attendance to represent the property owner. Inspector Harrison testified that this is a multi-family building. This was previously before the Special Magistrate for infestation of bees. This is a roof problem and there is no submittal for a permit. Building Official Randall Clutter testified that there was a hole in the roof. The roof structure needed to be repaired. He gave the owner's friend his card but nothing came of it. No permit applications have come in. Inspector Harrison testified that compliance was to be February 25, 2019 and they are here tonight for certification of fines. He answered the Special Magistrate that it was repaired but the Town required a permit. The Special Magistrate ordered certification of fines.

ITEM #V.66

Case #: 17110007 – Building Code Violations
Property Owner: Marenas 2010 LLC
Address/Folio: 4221 Bougainvillea Dr.
Code Section(s): Florida Building Code Section 110.15 – Building Safety Inspection Program 110.15

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that this is a violation of the building code. They had to pay \$5,000 in fines and the request was to pay it out consistently in \$500/month payments beginning October 30, 2018 and continuing monthly. Once a payment was missed, it would revert back to the original certification amount. The Special Magistrate answered Inspector Harrison that the property owner would get a credit for the amount they paid so far. The total payment so far is \$650 with

\$4,500 outstanding which needs to be certified. The Special Magistrate ordered \$4,500 certified.

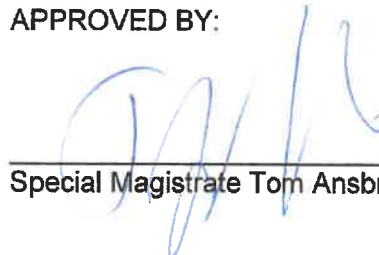
Special Magistrate Clerk Kaliah Lewis read into the record cases listed on the agenda as complied.

COMPLIED				Page #
1	C#:	19010004	284 Imperial Ln	1
2	C#:	19020006	3260 Oleander Way	2
3	C#:	18120006	3220 Cypress Creek Dr	6
4	C#:	17060017	256 E Commercial Blvd	10
5	C#:	19020005	4649 Bougainvillea Dr	3
6	C#:	19020017	220 Pine Ave	4
7	C#:	19020020	291 Imperial Ln	5
8	C#:	19020019	262 Corsair Ave	9

VI. ADJOURNMENT

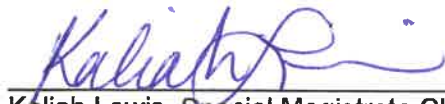
Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on March 28, 2019 at approximately 7:07 PM.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:



Kaliah Lewis, Special Magistrate Clerk
Town of Lauderdale-By-The-Sea, Florida