

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, March 24, 2022 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:12 PM on Thursday, March 24, 2022 with Town Manager Linda Connors, Town Attorney Alan Gabriel, Senior Code Compliance Inspector Bethany Banyas, Code Compliance Inspector Greg Wienbarg, Building Official Simo Mansor, and Special Magistrate Clerk Megan Small to record the minutes.

II. SWEARING OF WITNESSES

The Special Magistrate administered the oath to everyone speaking today.

III. OPENING STATEMENT

Please note for the record that this is an in-person hearing with some Zoom participation.

IV. PUBLIC COMMENTS

No one from the public wished to speak now on items not on the agenda.

Cases were typed in the order they were called starting with attorneys who were in attendance.

V. CODE CASES

OLD BUSINESS

ITEM #V.35

***TAKEN OUT OF SEQUENCE**

Case #: 22010026 – Zoning Violations

Property Owner: The R Group LLC

Address/Folio: 4132 N Ocean Dr

Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-113 (f)(4)

Senior Code Compliance Inspector Banyas testified that this was for an expansion on the Sea Lord Hotel. At the last hearing, February 24, 2022, the Special Magistrate ordered a Final Order requiring detailed drawings and plans, plus a narrative explaining deviations from the approved site plan and how it tied back into the Town's Charter. This was due by March 3, 2022 or on March 4, 2022, a fine of \$250/day was to begin accruing. The March 3rd compliance date was not met. They had a Zoom Meeting with the respondent's attorney and contractor on March 11, 2022 which was helpful. Their attorney was here tonight to answer any questions. She reminded the Special Magistrate that fines were accruing and that they did not pay their \$50 Hearing Cost assessed at the February Hearing. The Town would have requested certification of lien on the property but as the Final Order was not for full compliance but rather a step toward compliance,

today the Town recommended a revised Final Order for full compliance in one week from today of the Town Code, Section 30-113 (f)(4) – deviation from the site plan, or a \$250/day fine would begin to accrue. She answered the Special Magistrate that there would be no fines for what happened so far. They have to comply with what was on the original Final Order but now for full compliance meaning complying with the approved site plan. The attorney, Graham Penn, explained what transpired and said their architect was on his way to retirement. The attorney felt that it was clear the building would require some level of administrative modification. Discussion ensued about administrative modification and the attorney spoke about standards in the code related to the changes that could be made to an approved site plan administratively and if there was a threshold met, and if you pass the threshold you need to go back to the formal process. They were confident that they could stay within that framework but they need the ability to do that. As their architect was retiring, it would be impossible for them to accomplish this in a week's timeframe. Larry (the new architect) just looked at the building for the first time today. They need additional time to get on the ground and start rolling. Inspector Banyas clarified that what was stated should not be taken as a reflection of the new team. It was just a reflection on the state of the property and that it was going on far too long. Height restrictions were a crucial part of the Town Charter and was part of the reason Lauderdale-By-The-Sea (LBTS) was unique. This was a very serious matter that needed to be addressed. There was very little "wiggle room" and very little lenience.

Town Manager Linda Connors testified that there was also another significant violation on the agenda tonight which was the pier. The Sea Lord violation regarding height was seriously against the essence of our Charter and the character of the Town. Fines were running from the beginning of March before we amended the Order. Those fines were wiped clean because of the amendment we had to make. Each of the Town Commissioners have contacted her individually about the status of this property that many residents were following closely due to the height, Town Charter, and character of LBTS. She understood that a one-week compliance date was a short period of time but remember that the wiped-out fines were already running for about three weeks. She was asking the Special Magistrate to only allow one week for the comply-by date so the Town could make sure they were moving forward quickly. Please remember that there would be an opportunity, if necessary, to remove or negotiate down any new fines before they would be certified. There needed to be a message sent that the Town Charter was important and that the height limitations were to be respected in the Code. She asked the Special Magistrate to go forward with the one-week compliance date and he was inclined to do that. If the property would make significant progress, fines could be dealt with. The Special Magistrate ordered a revised Final Order by ruling out the fines that were running for the last three weeks and ordered by March 31, 2022 full compliance, by one week from today, of Town Code's Section 30-113 (f)(4) – deviation from the site plan, or a \$250/day fine would begin to accrue thereafter plus \$50 Hearing Cost assessed at the previous Hearing and \$25 Hearing Cost for today's hearing, was due immediately but payable by April 27, 2022. He clarified that as long as he has jurisdiction, he would be willing to look at a request for mitigation.

The attorney asked for clarification from Inspector Banyas. He spoke about a modification and the direction they were going by modifying the plan accordingly, making sure it was compliant with all the relative regulations, especially the Town Charter, and submitting that as a modification. The Town Manager explained that before they asked for documentation to show how it met the Charter, for a better understanding, she said to just submit a completed application with all the necessary documentation to move forward. If a site plan amendment was required, the amendment with a narrative and plans with associated documentation would also have to be submitted. The Town could review that and bring it back to the Special Magistrate. She wanted this project to go step-by-step and with forward progress in a timely manner by both the

Respondent and Staff. She reminded the Applicant that they had a hold on the exterior of the property, but there was no such hold on the interior of the property and construction could continue. The attorney said they would get it done right and as quickly as possible but not within a week. Inspector Banyas reminded about the cost owed and the new Hearing Costs.

CASES TO BE CONTINUED

ITEM #V.25

***TAKEN OUT OF SEQUENCE**

Case #: 21090008 – Vacation Rental
Property Owner: Golden Orange Realty LLC
Address/Folio: 274 Basin Dr 1-2
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-327 (b)

Code Compliance Inspector Greg Wienbarg testified that they were to obtain permits. Currently, they have permits issued for hot water heaters and fans. He gave an engineer's letter to the Special Magistrate about steel column replacement. Mary Cheever Ortiz, who was part of Golden Orange Realty, was in attendance and the owner and property manager, David Dai, attended via Zoom. The inspector said they have half their permits but still need permits for the kitchen renovations, support beams on the patio, and air conditioning units. The Town was requesting a continuance until the May 26, 2022 Hearing with no costs for today's hearing. The Special Magistrate was answered that they were not currently renting/leasing the property for vacation rental. The Special Magistrate ordered continuance of this agenda item to the May 26, 2022 Hearing with no costs for today's hearing. He entered the engineer's letter into evidence as the Respondent's Exhibit

NEW BUSINESS

ITEM #V.44

***TAKEN OUT OF SEQUENCE**

Case #: 22020010 – Permits Required Violations
Property Owner: Sawicki, Stanley D
Address/Folio: 1439 S Ocean Blvd 217
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Compliance Inspector Banyas testified that this could be brought back later as the gentleman left and they reached an agreement. ****At approximately one hour and twenty minutes into the meeting, this agenda item was called back.**

Senior Code Compliance Inspector Banyas said the owner, Stanley Sawicki, received the Town's certified mail at his mailing address. The violation was issued on February 15, 2022 in response to a complaint from the tenant for work without permit. Per the Building Official, this was for a water heater and a water heat pump both installed without a permit. A call was received from Mr. Sawicki on March 8, 2022 and he was sent the appropriate applications. The Town recommended a Final Order to obtain the after-the-fact permit by May 25, 2022 or a fine of \$200/day would accrue thereafter plus \$50 Hearing Cost for today's hearing. His representative, Brian Cowell, was here earlier and said he agreed with what the order would be. The Special Magistrate ordered compliance by May 25, 2022 by obtaining an issued after-the-fact permit or a fine of \$200/day to accrue thereafter plus \$50 Hearing Cost for today's hearing due immediately or payable by May 25, 2022 and to return to the May 26, 2022 Hearing.

ITEM #V.51

***TAKEN OUT OF SEQUENCE**

Case #: 22010002 – Vacation Rentals Inspection

Property Owner: Kelley, Sean Kelley, Renee
Address/Folio: 238 Corsair Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-327 (d)
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Code Compliance Inspector Greg Wienbarg gave an engineer's letter to the Special Magistrate that was just given to him by the respondent's attorney, Alison Rogers. The inspector testified that the Town agreed to a continuance for sixty days that would bring it to the May 26, 2022 Hearing with no costs. The Special Magistrate ordered this agenda item continued to the May 26, 2022 Hearing with no costs for today's Hearing. He accepted the letter into evidence as the Respondent's Exhibit.

CASES TO BE CONTINUED

ITEM #V.8

***TAKEN OUT OF SEQUENCE**

Case #: 22020002 – Building Code Violations
Property Owner: FPA Holdings LLC
Address/Folio: 262 Commercial Blvd
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

Senior Code Compliance Inspector Banyas testified that the Town was recommending a continuance to the April 28, 2022 Hearing. The Special Magistrate was answered by the inspector that this was a forty-year certification. Attorney Sean Hummel said that he was representing FPA Holdings LLC and that they asked for sixty days. The inspector asked to speak with the Building Official to see if he was okay with sixty days. He was not and wanted a thirty day continuance but with sufficient progress, they would look to see if more time was warranted at the April Hearing. The Special Magistrate ordered this agenda item continued to the April 28, 2022 Hearing.

ITEM #V.20

***TAKEN OUT OF SEQUENCE**

Case #: 22010018 – BTR Inspection/Commercial
Property Owner: FPA Holdings LLC
Address/Folio: 262 Commercial Blvd
Code Section(s): Chapter 12 – Licenses Section 12-2 (a) Business Tax Receipt Required
Chapter 6 – Building and Building Regulations Section 6-36(a)
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Code Compliance Inspector Greg Wienbarg testified that the Town has agreed to a continuance to May 26, 2022. Attorney Sean Hummel agreed with this. The Special Magistrate ordered this agenda item continued to the May 26, 2022 Hearing.

ITEM #V.26

***TAKEN OUT OF SEQUENCE**

Case #: 21110002 – Permits Required Violations
Property Owner: Whittier Towers Apartments Association, Inc.
Address/Folio: 1439 S Ocean Blvd
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Code Compliance Inspector Greg Wienburg testified that the Town's position was to let the fines run and give them one more continuance to the April 28, 2022 Hearing to either produce a permit or remove the dock completely. They still need a permit for the concrete overlay/sidewalk over the seawall. He informed the Special Magistrate that there was no movement to remove the dock. Attorney John Seiler said he was just retained. Amongst other things, he has screen shots of when the permit went in and said he met with the County. He was asking for more time and not have fines run when this was being worked out. He felt it was highly prejudicial to have to remove the dock if they were entitled to having it. The inspector said that they removed the dock but put in new pilings and a new dock. Therefore, the dock could not be grandfathered in. Then they attached a floating dock which was now gone. The Special Magistrate said that the lawyer for the other property was adamant about it not being permitted and it was not their property to do this. The Special Magistrate was inclined to let the fines run knowing the fines could be negotiated or mitigated down to zero, if warranted. Inspector Wienburg said that they pulled up the permit information and it showed an application was received by the Town but not yet in review by the Town. The Special Magistrate ordered continuance to the April 28, 2022 Hearing with the fines running.

Clerk Megan Small said that there were no more cases with attorneys present but others were in attendance to speak.

ITEM #V.21

***TAKEN OUT OF SEQUENCE**

Case #: 22010025 – BTR Inspection/Commercial
Property Owner: Sea Spray Inn Florida LP
Address/Folio: 4241 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-327 (k)1.a-h Vacation Rental or Short Term Rental Dwelling
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Code Compliance Inspector Greg Wienburg testified that we agreed to a continuance to May 26, 2022. They have permits issued for the air conditioners. They were waiting to get some permits for the kitchen and bathroom. They need permits for the a/c changeouts and the Town was willing to work with them on time so the recommendation was a continuance to the May 26, 2022 Hearing. This was fine with the general contractor, Mark Lynch. The Special Magistrate ordered continuance to the May 26, 2022 Hearing.

ITEM #V.23

***TAKEN OUT OF SEQUENCE**

Case #: 21110006 – Building Code Violations
Property Owner: Miles, Robert Fleagle, Natalie
Address/Folio: 259 Lombardy Ave
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Code Compliance Inspector Greg Wienburg testified that the position of the Town was to continue this to the May 26, 2022 Hearing. They were going to have some new permits coming in for the new demo. Robert Miles was in agreement. The Special Magistrate ordered continuance to the May 26, 2022 Hearing.

ITEM #V.27

***TAKEN OUT OF SEQUENCE**

Case #: 22020007 – BTR Housing Inspection
Property Owner: Rhino Real Estate LLC

Address/Folio: 1984 Sailfish Pl
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Code Compliance Inspector Greg Wienbarg testified that the Town's position was to continue to May 26, 2022. The violation was work without permits but there was a permit with the Town on hold. The project manager, Mike Sepcaru, was fine with the May date. The Special Magistrate ordered continuance to the May 26, 2022 Hearing.

ITEM #V.16

***TAKEN OUT OF SEQUENCE**

Case #: 22010001 – BTR Inspection/Commercial
Property Owner: SHMF Escape LLC
Address/Folio: 4620 N Ocean Dr
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-28 (e)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)
Chapter 6 – Building and Building Regulations Section 6-41(b)
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Code Compliance Inspector Greg Wienbarg testified that the Town's recommendation was to continue to the May 26, 2022 Hearing. Half of the violations were in compliance. There were just some permit issues and to repaint some of the walkways. The property manager, Leo Mariano, was okay with the continuance. The Special Magistrate ordered continuance to the May 26, 2022 Hearing.

NEW BUSINESS

ITEM #V.42

***TAKEN OUT OF SEQUENCE**

Case #: 21120018 – Building Code Violations
Property Owner: Fountainhead Association, Inc.
Address/Folio: 3900 N Ocean Dr
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

Senior Code Compliance Inspector Banyas testified that this is the Fountainhead Condominium. It was currently under a repair project with the Hillman Engineering Group. At the January Hearing, they gave a plan as to what they were going to do and now we would have their status update. James Naughton testified that he is the president of the Board of Directors for the condominium. He submitted a report to Mr. Mansor on Tuesday which showed they have a signed contract with Carousel Development and Restoration, permit issued, \$5 million line of credit in place, etc. Hillman Engineering was here to do most of the talking but he wanted to assure the Town that the Board was 100% committed to this project. Henry Hillman testified that the project was moving exactly as planned. He explained the permits that were issued two days ago by the Town and that the contractor was onsite and areas were blocked off so that no one could be injured during any of the work. The contractor would be mobilized by the end of next week. The Special Magistrate was answered by the Building Official that they were okay regarding safety for the people still at the condominium. Mr. Hillman asked for 120 more days to come back and give more detail as to how the project was going. Senior Code Compliance Inspector Banyas said ninety days and Mr. Hillman was agreeable. She recommended continuance to the June 23, 2022 Hearing. The Special Magistrate ordered continuance to the June 23, 2022 Hearing.

ITEM #V.49***TAKEN OUT OF SEQUENCE**

Case #: 21120003 – Building Code Violations
Property Owner: Royal Coast Condo Association, Inc
Address/Folio: 2000 S Ocean Blvd
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

Senior Code Compliance Inspector Banyas testified that this is the Royal Coast Condominium. The Town would like to hear a status update on this building inspection safety program violation. The property manager, Bill Webster, testified that they completed all the electrical with the exception of two line items. For structural, they spoke with the engineer who said he was two weeks away from having his RFP ready for solicitation of bids. Then the Board would select a vendor for the structural repairs. He answered the Special Magistrate and Ms. Banyas about the extent of the repairs being in the garage for three columns and two eaves. The Special Magistrate asked the Building Official if shoring was needed as a stopgap. Senior Code Compliance Inspector Banyas said that she and the Building Official would like to monitor this property on a monthly basis until they have their permits, unless they have a contract and the plans ready to submit. Once the permits were issued, the Town could give them a little more leeway to do their work. The Special Magistrate's concern was safety for the people using the garage and he wanted to know if we have that. Building Official Mansor testified that he and his inspector would visit tomorrow for an initial look as to what was going on in there and make a decision. If it was drastic, they would take drastic measures immediately. Inspector Banyas said that actions could be taken immediately, if necessary, and the Town's recommendation now would be a continuance to the April 28, 2022 Hearing for further recommendations. The Special Magistrate ordered a continuance to the April 28, 2022 Hearing subject to anything the Building Official and the Town's Structural Engineer decide as to whether or not other measures were warranted.

ITEM #V.56***TAKEN OUT OF SEQUENCE**

Case #: 21100009 – Building Code Violations
Property Owner: Masias, Mirtha H Reinkendorf
Address/Folio: 1500 S Ocean Blvd, 1608
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1. Permits. Required

Code Compliance Inspector Greg Wienbarg testified that this case would be continued to April 28, 2022. He answered the Special Magistrate that this was a full interior renovation done without permits and that there were no safety issues. There was a Final Order so the fines would continue to run and if more time was needed, it would be discussed at the next hearing. The project manager, Anthony Munoz, was in attendance. The Special Magistrate ordered continuance to the April 28, 2022 Hearing with fines continuing to run.

OLD BUSINESS**ITEM #V.31**

Case #: 21070013 – 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

Daniel Goldmeiser, Capital Brokerage, introduced himself as representing management for the property. Senior Code Compliance Inspector Banyas testified that this case was before the

Special Magistrate several times regarding the forty-year inspection program. The Town thought the property would become compliant relatively quickly but additional replacements were found at the end of the repairs that were done that were not indicated on the previous report. The property's representative would be requesting lenience from the Special Magistrate tonight otherwise the Town would be requesting certification of lien. They need additional time and the respondent would explain what was going on.

The representative answered that just a few days were needed to do the work because it was the replacement of electrical meters but he was uncertain how long the permitting would take. The permits pulled were for work that was completed. This work was found after. Ms. Banyas was handed a document for an estimate and itemized quote by the respondent. It showed a deposit paid on March 15, 2022 and she read into the record the scope of electrical work needing to be done. She recommended time to get this done and said continuance to the April Hearing was fine. She handed the Special Magistrate the paperwork that was handed to her from the respondent. The respondent answered the Special Magistrate that he was fine with Ms. Banyas giving the paperwork to him. The Special Magistrate accepted it as evidence into the file as Respondent's Exhibit. The Special Magistrate ordered continuance to the April 28, 2022 Hearing. Ms. Banyas asked for clarity from the respondent about permits and he said he believed permits were being worked on. The owners signed a Notice of Commencement as well as a permit application. Inspector Banyas asked the respondent to have their vendor, Custom Electrical Solutions, contact her about the permits to help expedite any questions, etc.

The Special Magistrate asked to hear the case regarding the pier but one more forty-year inspection case was heard and then the pier.

NEW BUSINESS

ITEM #V.43

Case #: 21100051 – Building Code Violations
Property Owner: Crane-Crest Apartments, Inc.
Address/Folio: 1850 S Ocean Blvd.
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

Senior Code Compliance Inspector Banyas testified that this is Crane-Crest Apartments. The respondent, Henry Hillman, testified that they were asked two months ago for an update. He gave the update and asked for 120 more days but Senior Code Compliance Inspector Banyas recommended ninety. The Special Magistrate ordered continuance to the June 23, 2022 Hearing.

OLD BUSINESS

ITEM #V.34

***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)

Senior Code Compliance Inspector Banyas testified that this was old business regarding the pier. The last update she had to report was on March 23, 2022, she had a conference call with Terry from the construction company and with Spiro Marchelos. The underwater photography has been completed and given to the engineer. The engineer has been assessing all the photos and the reports from the underwater photography. He was creating the plan of action as to what needed to be done first. The Town would like the team to provide them in the future with how work would

continue. She would like a calendar update on a monthly basis creating a timeline as to what has been done. It did not have to be very detailed. She suggested showing which days they worked underwater and what was done plus on the days they didn't work underwater, just a brief description as to why not (like temperature was too cold or too windy, etc.). This document should be established and successful before we allow the monthly status hearing to not be needed each month. Let's see what would be produced. The Town was looking for something simple In writing that they could understand. Spiro Marchelos testified that he understood what was needed each month. It should start immediately. Town Manager Linda Connors said that she would like this agenda item back at the next hearing in April. It was a major project in Town and because it was underwater, they understandably get a lot of questions and it was hard for the community to see the progress. The calendar was a great suggestion and let's see how that worked at the next hearing. The Special Magistrate ordered continuance to the April 28, 2022 Hearing with the anticipated monthly calendar report/timeline.

CASES TO BE CONTINUED

ITEM #V.#17

***TAKEN OUT OF SEQUENCE**

Case #: 22010014 - BTR Housing Inspection
Property Owner: 2024 Ocean Mist Dr LLC
Address/Folio: 2024 Ocean Mist Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Code Compliance Inspector Greg Wienbarg testified that this case was work without permits for the interior/exterior. They did get permits for the electrical panel and the air conditioning units, but still need it for the canopy out back, etc. The manager for the property, Jeff Sumerix, testified about which permits were done or needed to be done and that the drawings were submitted yesterday. He informed that they have Peter's family coming in between April 6 through April 17, 2022. After April 17th, they should get this all done. He wanted the Town to know that the canopy was gone. Mr. Wienbarg said this could get closed out sooner than expected but for today's purposes, the Town recommended continuance to May 26, 2022. The Special Magistrate ordered continuance to the May 26, 2022 Hearing.

ITEM #V.#18

Case #: 22010015 - BTR Housing Inspection
Property Owner: Vick, William G
Address/Folio: 4542 Seagrape Dr 1-2
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(b)
Maintenance exterior of premises
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Sofia Carlsson said that she was here as a friend of the owner, William Vick. Code Compliance Inspector Greg Wienbarg testified that this was work without permits but the a/c units and tiki hut permits have been issued. They were still waiting on permits for the electrical unit, the bathrooms, and the shed. They were still waiting for the non-operational and broken windows. Ms. Carlsson thought the hurricane windows were done. Mr. Wienbarg would have to meet her at the property to check that out. He answered that the shed could be removed or try to get a permit for it while meeting setback requirements. He answered Ms. Carlsson that even though the owner did not remodel the bathrooms, they were never permitted and have to be permitted by the owner of the property. The Town agreed to a continuance to May 26, 2022 given the fact of the work that they already did and what still needed to be done. Mr. Wienbarg gave Ms. Carlsson information about

how to move forward and who she needed to contact at the Town. The Special Magistrate ordered continuance to the May 26, 2022 Hearing.

OLD BUSINESS

ITEM #V.#29

Case #: 21120001 - Building Code Violations
Property Owner: Ryan, Eric A & Audrey J
Address/Folio: 2020 Waters Edge
Code Section(s): Florida Building Code Section 105.1. Required

There was no one present for this agenda item. Senior Code Compliance Inspector Banyas said that this case was previously before the Special Magistrate for a Final Order. The Town has recently changed the way they address work without permit cases. Going forward, any Final Order that Staff requested for work without permit under Florida Building Code Section 105.1, they would request compliance to be achieved through having an issued permit required for the work observed. For cases like this where the Final Order was already issued but there was no lien, they were asking for a revised order to clarify that the permit simply must be issued for compliance. For this agenda item, they were asking for a revised Final Order not changing the daily fine or anything else but simply clarifying that compliance was to be achieved by the permit being issued and Ms. Banyas had three cases like this tonight (the other two were directly below). The Special Magistrate ordered a revised Final Order clarifying that compliance was to be achieved by having an issued permit required for the work observed and everything else in the order remained the same.

ITEM #V.30

Case #: 20100010 – Building Code Violations
Property Owner: Sauvageau, Danielle
Address/Folio: 4518 Seagrape Dr 1-2
Code Section(s): Florida Building Code Section 105.1 Required

There was no one present for this agenda item. Senior Code Compliance Inspector Banyas testified that this was the same situation as the case above. The Town was asking for a revised Final Order not changing the daily fine or anything else but simply clarifying that compliance was to be achieved by a permit being issued. The Special Magistrate ordered a revised Final Order clarifying that compliance was to be achieved by obtaining an issued permit required for the work observed and everything else in the order remained the same.

ITEM #V.32

Case #: 20100006 – Building Code Violations
Property Owner: Hotz, Rosemary Hotz Rev Liv Tr
Address/Folio: 5555 N Ocean Blvd 71
Code Section(s): Florida Building Code Section 105.1 Required

There was no one present for this agenda item. Senior Code Compliance Inspector Banyas testified that this was the same situation as the two cases above. The Town was asking for a revised Final Order not changing the daily fine or anything else but simply clarifying that compliance was to be achieved by a permit being issued. The Special Magistrate ordered a revised Final Order clarifying that compliance was to be achieved by obtaining an issued permit required for the work observed and everything else in the order remained the same.

NEW BUSINESS

ITEM #V.37

Case #: 21100012 – Building Code Violations
Property Owner: El Dorado Club AKA Delrado Inc.
Address/Folio: 1470 S Ocean Blvd.
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

There was no one present for this agenda item. Senior Code Compliance Inspector Banyas testified that the Town recommended one final continuance. This was a forty-year building safety inspection. They have a minor electrical issue to correct and they simply have to get the owners out of their units. Ms. Banyas has not heard from the property manager this month but otherwise was kept well informed. If the problem was not corrected by the next hearing, she would recommend a Final Order. The Special Magistrate ordered this agenda item continued to the April 28, 2022 Hearing.

ITEM #V.38

Case #: 21110001 – Building Code Violations
Property Owner: Ocean Place At LBTS Condo Assoc., Inc.
Address/Folio: 1900 S Ocean Blvd.
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

There was no one present for this agenda item. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to June 23, 2022. The Special Magistrate ordered continuance to the June 23, 2022 Special Magistrate Hearing.

****Agenda Item #44 was called back at approximately one hour and twenty minutes into the meeting. Please see page three of these minutes.**

Since all cases for the Building Official were heard, he was informed that he could leave. There were no more respondents in attendance and it was decided to start now at the top of the agenda.

CASES TO BE CONTINUED

ITEM #V.1

***TAKEN OUT OF SEQUENCE**

Case #: 22010010 – Permits Required Violations
Property Owner: Frisone, Anthony & Camilla A & Camila Frisone Rev Liv Tr
Address/Folio: 4626 Seagrape Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to April 28, 2022. The Special Magistrate ordered continuance to April 28, 2022.

ITEM #V.2

Case #: 22010011 – Permits Required Violations
Property Owner: L'Amie, David Richard David Richard L'Amie Tr
Address/Folio: 4624 Seagrape Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to April 28, 2022. The Special Magistrate ordered continuance to April 28, 2022.

ITEM #V.3

Case #: 22010007 – Permits Required Violations
Property Owner: Candela, Christopher P H/E Candela, Lisa M
Address/Folio: 4632 Seagrape Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to April 28, 2022. The Special Magistrate ordered continuance to April 28, 2022.

ITEM #V.4

Case #: 22010008 – Permits Required Violations
Property Owner: Poli-Firman, Lisa M
Address/Folio: 4630 Seagrape Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to April 28, 2022. The Special Magistrate ordered continuance to April 28, 2022.

ITEM #V.5

Case #: 22010009 – Permits Required Violations
Property Owner: Zemola, Frank J
Address/Folio: 4628 Seagrape Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to April 28, 2022. The Special Magistrate ordered continuance to April 28, 2022.

ITEM #V.6

***TAKEN OUT OF SEQUENCE**

Case #: 21110014 – Building Code Violations
Property Owner: Marrone-Speer, Maria Est
Address/Folio: 231 Lake Ct 1-4
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to the April 28, 2022 Hearing. The Special Magistrate ordered this agenda item continued to the April 28, 2022 Hearing.

ITEM #V.7

Case #: 21080002 – Building Code Violations

Property Owner: El Mar Beach Apartments LLC
Address/Folio: N Ocean Dr
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to the June 23, 2022 Hearing. The Special Magistrate ordered this agenda item continued to the June 23, 2022 Hearing.

ITEM #V.9

Case #: 21100017 – Building Code Violations
Property Owner: LBT Properties LLC
Address/Folio: 4564 N Ocean Dr
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to the April 28, 2022 Hearing. The Special Magistrate ordered this agenda item continued to the April 28, 2022 Hearing.

ITEM #V.10

Case #: 22010005 – Permits Required Violations
Property Owner: Chiarello, Anthony
Address/Folio: 283 S Tradewinds Ave
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this agenda item was complied.

ITEM #V.11

Case #: 22010024 – Building Code Violations
Property Owner: 4051 N Ocean Dr LLC
Address/Folio: 4109 N Ocean Dr 1-8
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to the April 28, 2022 Hearing. The Special Magistrate ordered this agenda item continued to the April 28, 2022 Hearing.

ITEM #V.12

Case #: 21100019 – Building Code Violations
Property Owner: Myatt, Frank C Jr
Address/Folio: 4201 El Mar Dr
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this could be skipped (as no action required - complied).

ITEM #V.13

Case #: 21120008 – Vacation Rental
Property Owner: Sherman, Marina Sokolovsky, Gene
Address/Folio: 1960 Coral Reef Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-327 (b) Vacation Rentals

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to the May 26, 2022 Hearing. The Special Magistrate ordered this agenda item continued to the May 26, 2022 Hearing.

ITEM #V.14

Case #: 21120007 - Building Code Violations
Property Owner: Serafini, Silvio & Ana E
Address/Folio: 217 E Commercial Blvd
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to the April 28, 2022 Hearing. The Special Magistrate ordered this agenda item continued to the April 28, 2022 Hearing.

ITEM #V.#19

Case #: 22010017 - BTR Housing Inspection
Property Owner: Peluso, Valerie Sciarra, Vincent & Walynetz, P
Address/Folio: 1937 Ocean Mist Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

There was no one in attendance to represent the property owner. Code Compliance Inspector Wienburg testified that the Town recommended continuance to the May 26, 2022 Hearing. The Special Magistrate ordered this agenda item continued to the May 26, 2022 Hearing.

ITEM #V.22

Case #: 21080006 – Building Code Violations
Property Owner: Isla Bella LLC
Address/Folio: 4324 Seagrape Dr 1-4
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1. Permits. Required

There was no one in attendance to represent the property owner. Code Compliance Inspector Wienburg testified that the Town recommended continuance to the May 26, 2022 Hearing. The Special Magistrate ordered this agenda item continued to the May 26, 2022 Hearing.

ITEM #V.#24

Case #: 21100052 - BTR Housing Inspection
Property Owner: Pulso Miami LLC
Address/Folio: 4655 Bougainvilla Dr
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-28 (e)
Chapter 30 – Unified Land Development Regulations – Section 30-480 (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 6-41(a)(18)
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)
Chapter 6 – Building and Building Regulations Section 6-41(b)
Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

There was no one in attendance to represent the property owner. Code Compliance Inspector Wienbarg testified that the Town recommended continuance to the April 28, 2022 Hearing. The Special Magistrate ordered this agenda item continued to the April 28, 2022 Hearing.

OLD BUSINESS

ITEM #V.33

Case #: 21110003 – No Garbage/Trash Service
Property Owner: Karia Global LLC
Address/Folio: 223 Commercial Blvd
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27 (a)(1)

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to the April 28, 2022 Hearing. The Special Magistrate ordered this agenda item continued to the April 28, 2022 Hearing.

ITEM #V.36

Case #: 21100050 – Sidewalk Café Violations
Property Owner: NLV Inc.
Address/Folio: 238 Commercial Blvd
Code Section(s): Chapter 17 – Streets, Sidewalks & Other Public Places Section 17-86(a)(1-7)
Chapter 30 – Unified Land Development Regulations – Section 30-261 (h)(1)

There was no one in attendance to represent the property owner. Code Compliance Inspector Wienbarg testified that the Town was recommending a revised Final Order to extend the comply-by date to April 27, 2022 and returning to the April 28, 2022 Hearing. The Special Magistrate ordered a revised Final Order with a new comply-by date of April 27, 2022 and return to the April 28, 2022 Hearing.

NEW BUSINESS

ITEM #V.39

Case #: 21100015 – Building Code Violations
Property Owner: 4146 Seagrape Dr LLC
Address/Folio: 4146 Seagrape Dr
Code Section(s): Florida Building Code Section 110.15. Building Safety Inspection Program

There was no one present for this agenda item. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to April 28, 2022. The Special Magistrate ordered continuance to the April 28, 2022 Special Magistrate Hearing.

ITEM #V.41

Case #: 21100021 – Building Code Violations
Property Owner: Sea Ranch Club Condo C
Address/Folio: 4900 N Ocean Blvd
Code Section(s): Florida Building Code Section 110.15. Building Safety Inspection
Program 110.15. Building Safety.

There was no one present for this agenda item. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to May 26, 2022. The Special Magistrate ordered continuance to the May 26, 2022 Special Magistrate Hearing.

ITEM #V.46

Case #: 22010012 – Property Maintenance
Property Owner: Colaner, Joseph A
Address/Folio: 4507 W Tradewinds Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to the April 28, 2022 Hearing. The Special Magistrate ordered this agenda item continued to the April 28, 2022 Hearing.

Inspector Banyas requested that agenda item #45 be called.

ITEM #V.45

Case #: 22020011 – Zoning Violations
Property Owner: Balzer, Sascha
Address/Folio: 4524 Seagrape Dr 1-2
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(1)
Chapter 30 – Unified Land Development Regulations – Section 30-137 (d)(2)a
Chapter 30 – Unified Land Development Regulations – Section 30-505 (b)

There was no one present for this agenda item. Senior Code Compliance Inspector Banyas testified that this property just changed hands. She called the new property owner who said that one of the violations was complied and working on the other one. Ms. Banyas was hoping that this agenda item would not have to go on another agenda under the new property owner's name. That was why she did not present this agenda item tonight.

ITEM #V.47

Case #: 22010004 – Permits Required Violations
Property Owner: Esteves, John P
Address/Folio: 2011 Coral Reef Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to the April 28, 2022 Hearing. The Special Magistrate ordered this agenda item continued to the April 28, 2022 Hearing.

ITEM #V.48

Case #: 21060005 – Building Code Violations
Property Owner: D'Angelo, Michael S Harris, Jonathan & Ameueiras, Mar
Address/Folio: 3210 Oleander Way
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to the April 28, 2022 Hearing. The Special Magistrate ordered this agenda item continued to the April 28, 2022 Hearing.

ITEM #V.50

Case #: 22030008 – Permits Required Violations
Property Owner: Yedid, Daniel & Suzy Fetaya
Address/Folio: 1541 S Ocean Blvd 409
Code Section(s): Florida Building Code Section 105.1 Required

There was no one present for this agenda item. Senior Code Compliance Inspector Banyas testified that this was complied.

ITEM #V.#52

Case #: 22010003 - BTR Inspection/Commercial
Property Owner: MJB Chelsea LLC
Address/Folio: 235 E Commercial Blvd
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without
Permits. Permits. Required

There was no one in attendance to represent the property owner. Code Compliance Inspector Wienbarg testified that the Town was recommending a Final Order with a Hearing Date of April 28, 2022 and an April 27, 2022 comply-by date or \$100/day/violation fine for work without permits for interior work not limited to bathroom renovations, tankless water heater, spliced electrical wires, duct work, etc. with \$50 Hearing Cost for today's hearing. Compliance meant issued permits. There was no contact with the owner or the tenant. The Special Magistrate ordered compliance meaning issued permits by April 27, 2022 or \$100/day/violation for work without permits plus \$50 Hearing Cost due immediately or payable by April 27, 2022 and return to the April 28, 2022 Hearing.

ITEM #V.#53

Case #: 22010016 - BTR Housing Inspection
Property Owner: Rais, Gilles
Address/Folio: 2013 Coco Palm Pl
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without
Permits. Permits. Required

There was no one in attendance to represent the property owner. Code Compliance Inspector Wienbarg testified that Town was recommending a Final Order with a Hearing Date of May 26, 2022 and a May 25, 2022 comply-by date or \$100/day/violation fine for interior and exterior work done without permits plus \$50 Hearing Cost for today's hearing. Compliance meant issued permits. The Special Magistrate ordered compliance meaning issued permits by May 25, 2022 or \$100/day/violation for work without permits plus \$50 Hearing Cost due immediately or payable by May 25, 2022 and return to the May 26, 2022 Hearing.

ITEM #V.54

Case #: 21080007 – Building Code Violations
Property Owner: Conway Echarte Turnbridge Etal % Garden By The Sea N
Address/Folio: 1501 S Ocean Blvd
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

Code Compliance Inspector Wienbarg said that the Town recommended a ninety-day continuance to the June 23, 2022 hearing. The Special Magistrate ordered a continuance to the June 23, 2022 hearing.

ITEM #V.55

Case #: 21090007 – Vacation Rental
Property Owner: 245 Algiers LLC
Address/Folio: 245 Algiers Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-327 (b) Vacation Rentals

There was no one in attendance to represent the property owner. Code Compliance Inspector Wienbarg testified that the Town recommended a Final Order for compliance by May 25, 2022 by obtaining a Business Tax Receipt (BTR) or \$100/day/violation and to return to the May 26, 2022 Hearing plus \$50 Hearing Cost for today's hearing. The Special Magistrate ordered compliance by obtaining a BTR by May 25, 2022 or a fine of \$100/day/violation and return back to the May 26, 2022 Hearing plus \$50 Hearing Cost for today's hearing due immediately but payable by May 25, 2022.

SPECIAL SETS (NOT ON THE ORIGINAL AGENDA)**SPECIAL SET A**

Case #: 21-1336
Property Owner: Stephen A Calder Trust, Hort A. Soper Trustee Review
Address/Folio: 224 Hibiscus Ave

This case was called but it was requested to hear Special Set B first and then this case would be recalled. After hearing Special Set B below, this agenda item was recalled. Senior Code Compliance Inspector Banyas testified that Town Attorney Alan Gabriel was previously dismissed to go home and the Respondent's attorney was not here either. She said that both parties were asking the Special Magistrate to enter an order to dismiss Hort Soper from the case. In order to dismiss him, Ms. Banyas said the Town had to dismiss his parcel. We need to make clear on the record that the order would be re-written clarifying that Mr. Soper and his parcel were no longer subject to the code violation. They have been dismissed. We would clarify that the violation was upon the condominium, South Leisure By The Sea, and provide the description of that property as recorded in the Broward County Public Record (not including Mr. Soper's parcel) and she would give the Special Magistrate the first page as an exhibit. The Special Magistrate accepted it into the record as evidence as the Town's Exhibit. The Special Magistrate ordered that the previously named respondent and his previously named parcel of property which were objected to as being part of this case by him and his attorney and the Town agreed to dismiss them from this case and correct the record to establish the correct respondent and the correct legal description of the land upon which the violation existed. The appeal would be dismissed. However, the verbiage and the intent of the forty-year inspection order would not change.

SPECIAL SET B

Case #: 22030018
Property Owner: 827 NW 114th St LLC
Address/Folio: 230 Pine Ave

There was no one in attendance to represent the property owner. Code Compliance Inspector Wienburg testified that this was an emergency case that he opened up two days ago, on March 22, 2022 when the violations were observed. Notice of Hearing and Notice of Violation were sent to the property owner. Service was obtained by posting the property and Inspector Wienburg also sent notice via certified mail. He also left a voice message. The violations were Chapter 6 – Building and Building Regulations Section 6-36(a) (to secure all entrances into this abandoned building which was a health and safety issue) and Chapter 6 – Building and Building Regulations Section 6-41(a)(18) (for the overgrown grass also a health and safety issue). The Town was requesting a Final Order to return to the April 28, 2022 Hearing and to comply by March 31, 2022. If the property was not in compliance by March 31, 2022, a fine of \$250/violation/day plus the Town was requesting an order to enter the property to abate the violations (board opened/non-secured windows and doors and cutting grass) and charge all of the Town's expenses to the property as well as letting the fines run plus \$50 Hearing Cost for today's hearing due immediately but payable by April 27, 2022. The Special Magistrate ordered compliance of Section 6-36(a) (safeguarding opened/non-secured windows and doors (any opening/entrance into the abandoned building)) and Section 6-41(a)(18) (cutting/mowing the overgrown grass) by March 31, 2022 or \$250/day/violation fine to accrue thereafter plus an order for the Town to enter the property to abate the non-compliant violations and charge all of the Town's expenses to the property as well as letting the fines run plus \$50 Hearing Cost for today's hearing due immediately but payable by April 27, 2022 and return to the April 28, 2022 Hearing.

The following three agenda items (#15, #28 and #40) were listed on the agenda but did not need any action as they were complied.

CASES TO BE CONTINUED

ITEM #V.15

Case #: 21120021– Building Code Violations
Property Owner: White Cap of Florida Inc.
Address/Folio: 4353 N Ocean Dr
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

ITEM #V.#28

Case #: 21120002 - BTR Housing Inspection
Property Owner: Tropicaire By The Sea LLC
Address/Folio: 4553 Bougainvilla Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

NEW BUSINESS

ITEM #V.#40

Case #: 21120020 – Permits Required Violations
Property Owner: White Cap of FL Inc.
Address/Folio: 4325 N Ocean Dr
Code Section(s): Florida Building Code Section 105.1 Required

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on March 24, 2022 at approximately 6:58 PM.

APPROVED BY:

Thomas J.
Ansbro

Digitally signed by Thomas J. Ansbro
DN: cn=Thomas J. Ansbro, o=ou,
email=tansbro@danlabeachfl.gov,
c=US
Date: 2022.04.11 07:44:57 -04'00'

Special Magistrate Tom Ansbro

ATTEST:



Special Magistrate Clerk Megan Small
Town of Lauderdale-By-The-Sea, Florida