

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, March 23, 2023 at 5:00PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:15PM on Thursday, March 23, 2023 with Senior Code Compliance Inspector Bethany Banyas, Code Compliance Inspector Eric Villanueva, Development Services Director Jhanelle Campbell, Building Official Simo Mansor, Fire Marshal Steve Paine and Special Magistrate Clerk Megan Small to record the minutes.

II. SWEARING OF WITNESSES

The Special Magistrate administered the oath to everyone speaking today, other than lawyers.

III. OPENING STATEMENT

Please note for the record that this is an in-person hearing.

IV. PUBLIC COMMENTS

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

V. CODE CASES

The cases were heard in the order they were typed. All discussions in the matters were not limited to the case summaries typed below.

SPECIAL SET

ITEM #V.23

Case #:	22-1351 (called into the record) (22080022 incorrect on agenda)
Property Owner:	Empress Estates LLC
Address/Folio:	1900 S Ocean Blvd #16L

***TAKEN OUT OF SEQUENCE**

Fire Marshal Stephen Paine testified that this was an old case. He reported that Unit 16L was sold (from the high rise condo Ocean Place) and gave a brief history of the case. He stated that there was work being done in the unit without a permit. The bathroom was gutted and water was leaking down. Rick Loden then testified that he lives in Unit 14L. He is a real estate agent and also on the board. He was not here as a board member but for full disclosure, he mentioned that fact. His wife was originally handling this but took sick and he came in her place. He gave a brief timeline starting with August 2022 when work was being done in the bathroom for Unit 16L without a permit. There was a leak and the Fire Department and Code Department came and no occupancy signs were posted on that unit. There was a hearing on August 25, 2022 and on September 22, 2022, Lauderdale-By-The-Sea started to assess \$250/day fines. As of today, the fines were in excess of \$40,000. Mr. Loden has a Contract and a Bill of Sale from a buyer who

wanted to buy Unit 16L for \$310,000. He has pictures and said that in order to put the unit back in the condition it should be, it could cost in the neighborhood of \$30,000 to \$40,000. Between the fines and the cost to bring the unit back to the condition it should be, it would be impossible for the buyer to purchase the unit. He was asking today for the fines to be stayed and to come up with an amount that the fines could be; so they could go back to the buyer and try to close the sale.

The Special Magistrate asked the Fire Marshal for his thoughts. The Fire Marshal inquired if the sale would go through. He was answered in the affirmative by Mr. Loden who stated that there was \$60,000 in escrow. However, the buyer could not afford the fines for the unpermitted work which was not of his doing. The Special Magistrate informed that this was the seller's problem. Mr. Loden said that the seller could not pay the fine plus everything else. The unit has been vacant since August 22, 2022 and the air conditioning has been turned off in the unit since then. There was mold in there as well as decay, etc. The sellers have no money and the unit would be going into foreclosure. The Special Magistrate clarified that if the owner sold the property, she would have money. He was not inclined to stop the fines until this property closed and there was a new owner who would be responsible. At that time, the Town could consider looking at the fines. Mr. Loden said that he had a signed document from the buyer that he would get the proper permits done immediately with the Town.

Development Services Director Campbell testified that if the sale was completed, the Town was open to reduction of the fine with the Special Magistrate's authorization. The Special Magistrate explained that the sale would have to be closed. Someone had to have purchased that unit and then the Town was open to a fine reduction when working with a new owner who was not responsible for what happened. Mr. Loden asked to stop the clock on the fines today, in other words, to stay the fines. The Special Magistrate was answered by both the Fire Marshal and the Development Services Director that the unit was unoccupied. He then felt that the fines could be stayed as of today and whatever the accrued amount of fine would be, would remain there until after the closing. Then if the Town recommended it, he would possibly reduce the fine substantially because the new owner had nothing to do with it. He would not reduce it now, as the current owner did not deserve that due to being less than forthright in dealing with the Town.

Development Services Director Campbell testified that the Town was open to a substantial reduction in the fine after the closing. Director Campbell clarified for the record that the fine would be stayed as of today. Then this case would be brought back to the next hearing, once the sale was closed with the new owner having title. At that time, they would take a look at what the Town thought was equitable under the circumstances. Inspector Banyas said she spoke with Mrs. Loden who told her that Mr. Loden would bring a copy of the documents signed by the sellers to show that the sellers have committed in full to the sale. Mr. Loden then gave a signed copy of the Purchase and Sale Agreement plus the Promissory Note that the new owners would get the permits immediately after closing. This was given to the Special Magistrate who accepted all the documents into the record without objection as Respondent Composite Exhibit. The Special Magistrate said the order was to stay the fines as of today and the accrued amount of fine would remain until after the closing and brought back to the next hearing to possibly reduce the fine substantially, if the Town recommended it, once the sale was closed with the new owner having title.

CERTIFICATION OF LIEN

ITEM #V.17***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)
Maintenance appearance standards

David Atkinson was sworn in. Senior Code Compliance Inspector Banyas testified that today was an update on the pier. She turned it over to David Atkinson who introduced himself as the owner's representative for Fisherman's Pier, Inc. He answered the Special Magistrate that he is a contractor but not here in that capacity tonight. Mr. Atkinson said that since the last update, they have removed almost a ton of debris with each board weighing about 85 pounds. The last mandate from the Building Department, from Simo Mansor, was to have everything fastened or it was to be removed. They removed everything that was not fastened on the surface and put some of the very heavy planks in a position that they would normally be in. The pier looked aesthetically better. The planks still needed to be fastened and a crew would be coming out to fasten them in order to meet the Building Department requirement. There was a canopy tent that was loose on the east side of the gap in the pier and assured that everything would be fastened or removed by the next meeting.

The Special Magistrate asked the Building Official if he was okay with the temporary measure. Mr. Atkinson reminded that the removal took nine days which was a longer process than expected. Development Services Director Campbell clarified that the additional boards would begin to be secured next week. Mr. Atkinson reminded that it was about one hundred additional boards which should be fastened by the next meeting. Director Campbell asked for a letter when everything was completed. She then asked about the survey that was just completed. Mr. Atkinson answered that it was completed by divers but the findings were not back yet. She wanted to know when permits for the pier would be secured in the near future. He answered that the Benthic Survey was part of the submittal but they have a more intensive survey with soundings of the pier coming up which would be done by McLaughlin. That survey would take about thirty or forty days to complete commencing in a week or so. The amount of paperwork involved was quite intensive.

Director Campbell asked the Special Magistrate for another update in sixty days and to have the letter confirming the boards have been fastened by the end of next week weather permitting. Mr. Atkinson testified that weather permitting, he would have a signed and sealed letter from the engineer before the next meeting. Ideally, Director Campbell would like the letter by the end of next week and was told that if there was a delay, Mr. Atkinson would let her know. Special Magistrate Clerk Small said that the May 25, 2023 Hearing would be in 63 days. The Special Magistrate's order was to reconvene for another update at the May 25, 2023 Hearing and the engineer's letter regarding everything being secured was due by the end of next week if the weather was permitting, if not inform Director Campbell.

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

Case #: 23010010 – Vacation Rental

Property Owner: JJTA Real Properties LLC

Address/Folio: 260 Allenwood Dr

Code Section(s): Chapter 30 – Unified Land Development Regulations – Section
30-327(b) Vacation Rentals and Short Term Rentals

Senior Code Compliance Inspector Banyas testified that on January 10, 2023, a Notice of Violation was issued to the owner of record. For service, a signed and dated green card was in the file. The property was operating as a vacation rental without the appropriate Town approvals (Rental Certificate and Business Tax Receipt). The agent of record at the time, Oscar, did submit an application for the Rental Certificate and BTR. The inspection was scheduled for early next week. The site was still active on *Vrbo* as of today and the Town requested a Final Order for compliance by April 26, 2023 or a fine of \$200/day to accrue thereafter. She answered the Special Magistrate that this would not allow them to operate in the meantime.

The Town would like to stipulate that the advertisement be removed or closed/hidden from the site and no one should occupy the property. The Special Magistrate explained that if the ad remained or people still occupied the property, the first-offense fine would be at \$250/day for each violation if one or both of the violations did exist. This was not to be used as a vacation rental until it was authorized to be used as a vacation rental. Reynaldo Silva testified that he was the manager. The Special Magistrate asked him to let the owners know what transpired today. Inspector Banyas said that they received a complaint last week regarding people jumping off the roof into the pool but Reynaldo told her today there was no pool at the property. As she did not get to see the back of the property, it turned out that there was no validity to that complaint. The Special Magistrate ordered a Final Order for compliance by April 26, 2023 which was to obtain the appropriate Town approvals (Rental Certificate and BTR) and there would not be any use or occupancy of the property and no advertisements, until Town approvals were obtained or a fine of \$250/day to accrue thereafter per violation plus \$50 Hearing Cost for today's hearing due immediately but payable by April 26, 2023 and to reconvene if necessary at the April 27, 2023 Hearing.

OLD BUSINESS

ITEM #V.6

***TAKEN OUT OF SEQUENCE**

Case #: 23010011 – Permits Required Violations
Property Owner: Chestone, Gary W
Address/Folio: 233 Garden Ct
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits

Special Magistrate Clerk Small testified that this was continued to the April 27, 2023 Hearing.

CERTIFICATION OF LIEN

ITEM #V.21

***TAKEN OUT OF SEQUENCE**

Case #: 22030004 – Permits Required Violations
Property Owner: APCE Acquisitions LLC Arnold, Joan G
Address/Folio: 4420 E Tradewinds Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-313 (d)(1)(h)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required
Florida Building Code FBC R4501.17.1.9 Residential Pool Barriers

Josh Arnold was sworn in. David Atkinson testified that he was the owner's representative for APCE Acquisitions LLC. He said that the owner was from out-of-state and had this ongoing case and needed assistance. He further stated that he would like the Town to let him know where this case was and he would try to get someone to assist him. Senior Code Compliance Inspector

Banyas testified that there were four violations on the property and now there was one violation for the work without permits violation. There was a current active permit under review with a failure to rectify some of the issues brought out in the plan reviewer's comments. The Town was still waiting on plans and a couple of other things and an asbestos certificate application. The Building Official was here in case there were technical questions. Fines were scheduled to accrue today at \$100/day for the violation of FBC 105.1.

Building Official Mansor testified that somehow the architect, engineer or both were not following up. It was a simple case but it has to be followed up. The owner needed to detail the comments from electrical, get some plans for plumbing, and he needed details for the wall. The Building Official answered the Special Magistrate that all the work was done and this was about an after-the-fact permit. Mr. Atkinson asked for the fines to be stayed so he could contact the architect and resolve the minor issues. He promised to have everything done by the next meeting.

Inspector Banyas said that the Town requested to continue this case and come back to the next hearing with the fines running at \$100/day. If everything was done, then at that point they would be able to support a recommendation for mitigation. Mr. Atkinson said the owner seemed motivated to get everything done and the Special Magistrate explained that the fine could be mitigated down to zero at the next hearing, if everything was compliant.

Josh Arnold spoke about purchasing the home and that the work was already done and new to his understanding. Hopefully, there would be help now to get this taken care of. The Special Magistrate explained that the fines would run. If everything was complete by the next hearing, the fines could be reduced or even removed. He spoke about substantial progress in obtaining the permits. There would be no costs for today's hearing. The Special Magistrate ordered the fines to run and continue this case to the April 27, 2023 Hearing with no costs assessed for today's hearing.

Special Magistrate Clerk Megan Small read into the record cases to be continued:

CONTINUED CASES			
Item #	Case #	Property Address	Continued To:
1	21080007	1501 S Ocean Blvd	06/22/23
2	23010007	1530 S Ocean Blvd	04/27/23
3	21100022	1620 S Ocean Blvd	04/27/23
4	21100021	4900 N Ocean Blvd	05/25/23
8	22050002	229 E Commercial Blvd	04/27/23
11	21120003	2000 S Ocean Blvd	04/27/23

NEW BUSINESS

ITEM #V.15

***TAKEN OUT OF SEQUENCE**

Case #: 23020005 – Permits Required Violations

Property Owner: Gil, Hilda

Address/Folio: 4444 Bougainvillea Dr

Code Section(s): Florida Building Code FBC BCA Section 105.1 Work Without Permits

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this was a case of work without permits for two

windows that were installed. A Notice of Violation / Notice of Hearing was issued on February 3, 2023 and hand delivered to Hilda Gil, the owner, while on site. The owner did submit an application for an after-the-fact permit and paid the fee. The comments came back twice and said basically the same thing. They were still waiting for a product approval for those windows. The inspector submitted a copy of her photos and a screen shot from the permit screen. She said that the Town was recommending a Final Order giving until April 26, 2023 to obtain the after-the-fact permit or a fine of \$250/day to accrue thereafter plus \$50 Hearing Cost for today's hearing. The Special Magistrate accepted the exhibits into the record as Town Composite Exhibit. The Special Magistrate ordered compliance by April 26, 2023 by obtaining an approved after-the-fact permit or a fine of \$250/day to accrue thereafter plus \$50 Hearing Cost for today's hearing due immediately or payable by April 26, 2023 and return to the April 27, 2023 Hearing, if needed.

CERTIFICATION OF LIEN

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 22040002 – Permits Required Violations

Property Owner: Sun & Sea Villas LLC

Address/Folio: 4213 El Mar Dr 1-6

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a)
Florida Building Code FBC BCA Section 105.1. Work Without
Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town was requesting a continuance to the April 27, 2023 Hearing as the contractor was not in attendance and she expected him to be here. However, at the last hearing there was a statement regarding additional work without permits on two units which was quickly resolved. She just wanted to clarify that the statement was for the building next door and had nothing to do with this case. This case was just for the existing work and not any additional work. She answered the Special Magistrate that fines would continue to run as the permit has not been approved. The Special Magistrate ordered this case continued to the April 27, 2023 Hearing with the fines running and no Hearing Cost for today's Hearing.

Special Magistrate Clerk Small advised at approximately 5:51PM that this was the last agenda item for the Building Official.

OLD BUSINESS

ITEM #V.5

***TAKEN OUT OF SEQUENCE**

Case #: 21080006 – Permits Required 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

For the record, there was no one in attendance to represent the property owners. Senior Code Compliance Inspector Banyas said that the Town recommended an extension to April 26, 2023 with \$25 Hearing Cost for today's hearing and reconvene at the April 27, 2022 Hearing. For the record, this would be the last voluntary extension the Town was willing to support and the owner was aware of this. He planned to attend the next hearing. The Special Magistrate ordered a revised Final Order with the comply-by date on the Final Order extended to April 26, 2023 and a \$25 Hearing Cost for today's hearing due immediately but payable by April 26, 2023 and reconvene at the April 27, 2023 Hearing.

Special Magistrate Clerk Megan Small read into the record cases that were complied:

COMPLIED CASES			
Item #	Case #	Property Address	Owner
7	23010001	267 Capri Ave	Brandt, Yann
9	22100011	226 Basin Dr	Marina-By-the-Sea LLC
10	21100012	1470 S Ocean Blvd	Common Area

NEW BUSINESS

ITEM #V.12

Case #: 23020003 – Property Maintenance
 Property Owner: Senouci, Carl
 Address/Folio: 4652 Poinciana St #1
 Code Section(s): Chapter 12 – Licenses Section 12-2(c)(1) Business Tax Receipt Required
 Chapter 6 – Building and Building Regulations – Section 6-36 (a)

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this was being operated as a vacation rental without proper approvals from the Town. The owner lived in Canada. He did send someone over to let Inspector Banyas into the unit for an inspection and there were two violations. The windows and doors were not in good operating condition which was complied and the other violation regarding not having a Business Tax Receipt still existed. He needed approval from the HOA which was required for any condominium. Inspector Banyas met three individuals who said they would be staying in the unit for the week. She observed postings in the house that stated welcome to our rental, etc. The Town was recommending a Final Order giving until April 26, 2023 to obtain the appropriate rental license (BTR) or a fine of \$250/day to accrue thereafter with the stipulation that the property may not be occupied by anyone other than the owner, his family or both and there shall not be any rental advertising without the appropriate rental license plus \$50 Hearing Cost for today's Hearing. Inspector Banyas submitted evidence which was accepted by the Special Magistrate as Town Composite Exhibit. The Special Magistrate ordered a Final Order for compliance by April 26, 2023 by obtaining the appropriate rental license (BTR) and the stipulation that the property may not be used or occupied by anyone other than the owner, his family or both and no rental advertising without the appropriate rental license in place or a fine of \$250/day to accrue thereafter for the violation and/or for one or both of the items stipulated plus \$50 Hearing Cost for today's Hearing due immediately but payable by April 26, 2023 and reconvene at the April 27, 2023 Hearing. She said that service was achieved by posting the property on the eleventh.

ITEM #V.14

Case #: 23020006 – Sidewalk Café Violation
 Property Owner: MJB Chelsea LLC
 Address/Folio: 237 E Commercial Blvd
 Code Section(s): Chapter 17 – Streets, Sidewalks, and other Public Places Section 17-89 (c)(4)1.
 Chapter 17 – Streets, Sidewalks, and other Public Places Section 17-89 (e)(1)
 Chapter 17 – Streets, Sidewalks, and other Public Places Section 17-89 (j)(12)b.

Chapter 17 – Streets, Sidewalks, and other Public Places Section 17-89 (j)(12)c.

Chapter 17 – Streets, Sidewalks, and other Public Places Section 17-89 (j)(5)

Chapter 17 – Streets, Sidewalks, and other Public Places Section 17-1

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas said that she would hand in the evidence now so that it could be gone over quickly. The café, Frenchy's, was not compliant with their approved configuration. The violator was the proprietor of the café. Service was achieved by hand delivery to the place of business. She went over the six violations and Section 17-89 (e)(1) was the only violation in compliance. The Town recommended a seven-day Final Order requiring that they submit a valid and complete application to amend their sidewalk café plan with all of the required items as described in the Town's Ordinances within seven days or a fine of \$100/day to accrue thereafter. The Town would like to come back to the April 27, 2023 Hearing plus \$50 Hearing Cost for today's Hearing. She answered the Special Magistrate that ultimately the Town's penalties would go to the property owner. She understood that he addressed them privately with his tenants. The Special Magistrate ordered a seven-day Final Order requiring that they submit a valid and complete application to amend their sidewalk café plan with all of the required items as described in the Town's Ordinances within seven days, by March 30th, or a fine of \$100/day to accrue thereafter and to come back to the April 27, 2023 Hearing plus \$50 Hearing Cost for today's Hearing due immediately but payable by April 26, 2023.

CERTIFICATION OF LIEN

ITEM #V.16

Case #: 23010005 – Property Maintenance

Property Owner: 827 NW 114 St LLC

Address/Folio: 230 Pine Ave

Code Section(s): Chapter 6 – Building and Building Regulations – Section 6-36 (a)

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

For the record, there was no one present to represent the property owner. Senior Code Compliance Inspector Banyas testified that this property did not comply with the Final Order issued on February 23, 2023. They did not fix the deteriorated exterior parts of the building and have not repainted. She had photos to submit which were accepted by the Special Magistrate as Town Composite Exhibit. The Town recommended certification of lien plus \$200 Hearing Cost for today's Hearing. The Special Magistrate ordered certification of lien plus \$200 Hearing Cost for today's Hearing due immediately but payable within thirty days.

ITEM #V.19

Case #: 23010015 – Building Code Violations

Property Owner: South Leisure By The Sea Association

Address/Folio: 234 Hibiscus Ave

Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

For the record, there was no one present to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended an extension of the comply-by date to April 26, 2023 and reconvene at the April 27, 2023 Hearing with no hearing cost for today's hearing. The Special Magistrate ordered a revised Final Order with an extended comply-

by date to April 26, 2023 and to return to the April 27, 2023 Hearing with no Hearing Cost for today's Hearing.

ITEM #V.20

Case #: 23010009 – Building Code Violations
Property Owner: ACS 218 LLC
Address/Folio: 218 E Commercial Blvd
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

For the record, there was no one present to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended an extension of the comply-by date to April 26, 2023 and reconvene at the April 27, 2023 Hearing with no Hearing Cost for today's Hearing. The Special Magistrate ordered a revised Final Order with an extended comply-by date to April 26, 2023 and to return to the April 27, 2023 Hearing with no Hearing Cost for today's hearing.

ITEM #V.22

Case #: 22100004 – Permits Required Violations
Property Owner: Iliakis, Cleopatra LE
Address/Folio: 1480 S Ocean Blvd 222
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that they were moving along and the owner's son requested an extension of time from the Building Official. The property was still unoccupied and the Town had no objection to an extension of time to April 26, 2023 and \$25 Hearing Cost for today's Hearing. The Special Magistrate ordered a revised Final Order with an extended comply-by date to April 26, 2023 and to return to the April 27, 2023 Hearing plus \$25 hearing cost for today's hearing.

SPECIAL SET – (LATE ADDITION)

ITEM #V.24

Case #: 22030010 – Building Code Violations
Property Owner: Leisure By The Sea Association Inc. C/O Exclusive Property Management
Address/Folio: 226 Hibiscus Ave
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

For the record, no one was in attendance to represent the property owner. Inspector Villanueva testified that Leisure By The Sea was requesting an extended comply-by date to April 26, 2023. The Town was okay with the extension and no Hearing Cost was requested for today's Hearing. The Special Magistrate ordered a revised Final Order with an extended comply-by date to April 26, 2023 and to return to the April 27, 2023 Hearing with no Hearing Cost assessed for today's hearing.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the Hearing on March 23, 2023 at approximately 6:05PM.

APPROVED BY:



ATTEST:

Special Magistrate Tom Ansbro



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