

APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES**

*Town Commission Meeting Room
Thursday, March 22, 2018 at 5:00 PM*

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:00PM on Thursday, March 22, 2018. Town Attorney Alan Gabriel, Building Official Jack Morell, Development Services Director Linda Connors, Code Compliance Inspector Bethany Banyas, and Code Compliance Inspector Angelica Morales were present as well as Special Magistrate Clerk Jhanelle Campbell 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 spoke now.

V. CODE CASES

Special Magistrate Clerk Jhanelle Campbell called code cases for which the Town Attorney would speak (agenda items 41 through 44).

NEW BUSINESS

ITEM #V.41

***TAKEN OUT OF SEQUENCE**

Case #: 18010001 – Vacation Rental

Property Owner: Oefelein, Felicitas

Address/Folio: 4616 Bougainvillea Drive #1-3

Code Section(s): Chapter 12 – Licenses Section 12-2(e)(1)

Chapter 30 – Unified Land Development Regulations
Section 30-327(c)

Chapter 30 – Unified Land Development Regulations
Section 30-327(e)

Inspector Banyas testified that on January 2, 2018, service was provided to the owner by certified mail at the mailing address of record in New York. The signed green card is in the file. The Town was requesting a Final Order for the three violations which she explained related to Business Tax Receipt (BTR), rental violations related to Short-Term Rental Certificate and to cease allowing occupancy until everything for this property is in compliance. She showed her

evidence of advertisement printouts for short-term rental (less than thirty days) to the respondents. The Special Magistrate entered them into evidence without objection as the Town's Composite Exhibit. She mentioned that four cases on the agenda intermingle and it was decided to hear the cases together.

ITEM #V.42

Case #: 18010003 – Zoning Violations
Property Owner: Oefelein, Felicitas B
Address/Folio: 4616 Bougainvilla Drive #1-3
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-242(a)(1) – RM-25 district

Inspector Banyas testified that service is the same on this one as the agenda item above. The Town has a signed green card in the file from the owner. Ms. Banyas said that this property was originally built as a duplex but was converted to hold three dwelling units. She testified that a fourth unit may be rented. There are no permits on file for these changes. It is a violation of allowed density. Ms. Banyas answered the Special Magistrate that the Town did not know when the conversion took place. She showed her photos to the respondent and then the Special Magistrate entered them into evidence without objection as the Town's Composite Exhibit.

ITEM #V.43

Case #: 18010004 – Building Code Violations
Property Owner: Oefelein, Felicitas B
Address/Folio: 4616 Bougainvilla Drive #1-3
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Inspector Banyas testified that service is the same on this one as the one above. The Town has a signed green card in the file from the owner. She said that the Building Official is here to speak about this violation regarding work without permit which occurred on this property. It includes the previously discussed conversion of a duplex into a triplex and the installation of a knee-high wall, etc. She showed her photos to the respondent and the Special Magistrate entered them into evidence without objection as the Town's Composite Exhibit. Ms. Banyas answered that she was in the unit on February 9, 2018 with Building Official Jack Morell and Fire Marshall Stephen Paine due to a call from a tenant. The tenant was leaving and wanted them to see the condition of unit #3. Mr. Morell answered the Special Magistrate that he had no idea when the unit was converted but he guessed within the last decade.

ITEM #V.44

Case #: 18010005 – Zoning Violations
Property Owner: Oefelein, Felicitas B
Address/Folio: 4616 Bougainvilla Drive #1-3
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-137(c)(3)

Inspector Banyas testified that service is the same on this one as the one above. The Town has a signed green card in the file from the owner. She said that this is for the parking lot which was resurfaced and striped without review and approval from the Zoning Department which is required for non-conforming parking lots. This case replaces case #17030001 which was previously before the Special Magistrate who issued a Final Order that she explained. They

were attempting to figure out compliance for the sealing and striping. This violation, as issued, was not adequate to address all of the violations on this property. The Town was now asking to revoke that case and replace it with this case. She answered the Special Magistrate that it is the same property owner. She showed her evidence for the sealing and striping to the respondents and the Special Magistrate entered it into evidence as the Town's Exhibit without objection.

Town Attorney Alan Gabriel said that this property was built in 1950 as a single-family home. In 1979, plans were submitted to make it into a duplex. This is the last information other than some minor permitting. The Town would not have known, if not for the condition of the parking lot. The parking lot at the time it was permitted as a duplex, showed three spaces with a tree to the south side of the lot. It is now five spaces. There is no permitting justifying the condition of the property today. In 2000, the Town adopted a new ordinance that limited duplexes for this size property. The density just does not fit on this site. There is no other information except in 2015, there was a request for electrical.

The Special Magistrate called Inspector Banyas to go back to the first case #18010001 for the BTR, Short-Term Vacation Rental Certificate, and renting while under other code violations. Development Services Director Linda Connors was sworn in. She testified that they have been working with the owner for about one year trying to figure this out. The end result is that the property needs to be converted back into a duplex. The property owner has to get the proper permits and go through the Building Department and get the work done and permits closed out. The driveway would also have to come into compliance and get the BTR and the Short-Term Rental Certificate. She suggested taking the last two cases first and then the first two so that timelines could be derived. There has been a lot of talking and no action.

Felicitas Oefelein and her attorney, Brian Kowal, were present. Attorney Kowal said that to do what the Town wants through a Final Order would take a long time and cost a lot of money. His client bought this property as three units in 2015. Ms. Oefelein testified that in 2015, it was sold to her as a three-unit building. She replaced the items in disrepair (windows and electrical) by hiring licensed contractors. There were three meters there and she replaced them with three new meters. She has pictures from 2006 that show three meters. When she started renting, she could not get the certificates because of the status of the building. She also spoke with the Fire Marshal who assured her everything was safe and sound. Ms. Oefelein has photos of what the building looked like when she purchased it. She hired an architect who drew plans depicting how it could be turned back into a duplex. She explained that she has short-term rentals now, so when the time comes, a construction crew could go into an empty building. The Special Magistrate accepted the photos into evidence as the Respondent's Composite Exhibit. She answered Mr. Gabriel that she had yearly leases for all three units when this started. When a tenant moved out of the studio apartment, she turned it into a short-term rental. She explained about another short-term rental and a tenant in the remaining unit in the front.

Mr. Gabriel said that the Town does not believe that the property owner is responsible for the conversion. That is not the issue. The issue is that the building cannot be three units. It could only be two units. The Town requests a Final Order so that they are under the Special Magistrate's jurisdiction and timelines. We are not worried about the parking lot at the present time. The Town is concerned now about the zoning and the condition of the property as presently rented. Mr. Morell answered the Special Magistrate that in his opinion, the rear unit is unsafe. There were extension cords for the refrigerator, etc. The Special Magistrate said that he wants the Town to terminate the electricity and water service to the rear unit so no one can be in there. Frank Smith, architect and general contractor, testified that he inspected the entire

facility as well as the documentation on the previous permitting. The paperwork includes the rear unit which was permitted and inspected. Mr. Smith brought his paperwork to the Special Magistrate and explained it. He spoke about how they were going to convert this back into a duplex. Mr. Gabriel said that they have no idea what Mr. Smith is talking about and what he is presenting to the Special Magistrate. He is objecting to this. The Special Magistrate would like this consolidated into one case and to have Mr. Gabriel and Staff meet with the respondent and her people to negotiate a Stipulated Settlement. Mr. Gabriel suggested continuing the case until next month to have the architect meet with them. They would like access to the unit to verify conditions and not have to worry about health and safety. For the record, Ms. Oefelein testified that the apartment in the front has a long-term lease. She answered Mr. Gabriel that the unit in the front has a kitchen, the rear unit has a kitchen, and the studio has a kitchen but not a full range. The architect said that there are only two kitchens in the building. Mr. Gabriel recommends that the Special Magistrate continue all the cases and they will meet and if they can, they will bring something back. If not, then they will ask the Special Magistrate to do something. The Special Magistrate accepted into evidence everything given to him by the architect as an Additional Composite Exhibit - Respondent. He ordered all four cases continued until the next hearing on April 26, 2018. Ms. Oefelein testified that she will be in Europe on April 26, 2018. It was decided to move forward with the plan to meet and on April 26, 2018 Attorney Kowal and Architect Smith would act as Ms. Oefelein's agents.

Ms. Campbell stated for the record that agenda item #41 (18010001), agenda item #42 (18010003), agenda item #43 (18010004) and agenda item #44 (18010005) all for 4616 Bougainville Drive #1-3 will be continued to the April 26, 2018 Hearing.

Special Magistrate Clerk Jhanelle Campbell called the Florida Development Group (agenda items 47 through 49).

ITEM #V.47

***TAKEN OUT OF SEQUENCE**

Case #: 18010022 – Property Maintenance

Property Owner: FDG South LLC

Address/Folio: 4116 N Ocean Drive

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(f)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Inspector Banyas testified that there are two violations. Hearing Notice was sent on January 22, 2018 to FDG South LLC at their mailing address of record. Service was obtained by posting to the property on March 12, 2018. She explained that the fence around the pool is in very poor condition and the exterior of the premises is not in good condition. This was previously addressed in 2016 and they corrected that violation. They did some repairs and she just wants to ensure it gets done in a timely manner. She has photos of the property and put them in one packet for all three properties. The photos were entered into evidence by the Special Magistrate without objection as the Town's Composite Exhibit. Ms. Banyas said that this property used to be the Holiday Inn.

Attorney Nectaria Chakas said that the owner's representative, Marc Ferrara, was also here this evening. She explained that work was done and they are continuing to fix what the hurricane damaged. Mr. Ferrara said that they would patch and re-paint and do their best to make the property presentable. Ms. Chakas asked to re-set this to the April Hearing. Development Services Director Linda Connors testified that the Town is not in agreement for a delay because of their history with FDG. Mr. Morell testified that there is cleanup after Hurricane Irma that they still have not done. They have permits to remove the loose and hanging items. There is

another storm season coming up and the cleanup cannot be delayed. Ms. Banyas clarified that Mr. Morell's report reflected all three properties. Ms. Banyas said that the Town was seeking a reasonable amount of time to comply the painting and the cosmetic patching. For the record, fines are running for the structural deficiencies of the building. Today is in regard to the appearance of the property. The Special Magistrate accepts Ms. Banyas' request and ordered thirty-two days to comply, by April 23, 2018 or \$50/day/violation if not in compliance plus \$150 Administrative Fee due by April 23, 2018. This case is to be brought back to the April 26, 2018 Hearing.

ITEM #V.48

Case #: 18010033 – Property Maintenance
Property Owner: FDG South LLC
Address/Folio: 4110 El Mar Drive
Code Section(s): 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 6-37(a)(2)

ITEM #V.49

Case #: 18010034 – Property Maintenance
Property Owner: FDG South LLC
Address/Folio: 4108 El Mar Drive
Code Section(s): 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 6-37(a)(2)

Inspector Banyas testified that the fence around the perimeter of both properties are in poor condition with missing screening, the exterior walls on both properties have areas that deteriorated and need boarding, and the roofs are discolored and need to be cleaned and re-painted. There is a tarp on the roofs and the roofs themselves are not in good condition. (Same violations for 4108 and 4110 El Mar Drive.) Attorney Chakas would prefer no fines but if it has to be fined, then just \$100/case/day and just re-set this matter. The Special Magistrate ordered thirty-two days to comply for case #18010033, by April 23, 2018 or \$50/day/violation plus \$150 Administrative Fee due by April 23, 2018 for case #18010033. The case is to be brought back to the April 26, 2018 Hearing. The Special Magistrate issued an identical order for case #18010034 with thirty-two days to comply, by April 23, 2018 or \$50/day/violation plus \$150 Administrative Fee due by April 23, 2018 for case #18010034. The case is to be brought back to the April 26, 2018 Hearing. For the record, Ms. Banyas said that one of the violations, paint on the exterior walls, is a repeat violation for all three cases. The Special Magistrate said that the storm caused it and he does not want to treat it as a repeat violation because it was something out of their control.

Special Magistrate Clerk Jhanelle Campbell called code cases for which the Building Official would speak.

OLD BUSINESS

ITEM #V.10

***TAKEN OUT OF SEQUENCE**

Case #: 18010012 – Permits Required Violations
Property Owner: Copher, Daniel
Address/Folio: 2040 Coral Reef Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Ms. Campbell said that this case #10 is complied per the Code Officer.

ITEM #V.13

***TAKEN OUT OF SEQUENCE**

Case #: 17070003 – Property Maintenance
Property Owner: Seva Florida Tropicair LLC
Address/Folio: 4553 Bougainvillea Drive
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(2)
Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 –
Permits. Required

Inspector Banyas testified that this case was before the Special Magistrate previously. It is for work without a permit. There were a couple of sheds on the property that needed to be removed requiring a demolition permit. Also, the kitchen's electrical permit was not closed. The permit was issued February 15, 2018 and no inspections have been scheduled. Robert Dewey is the manager. He said that the sheds have been torn down. Discussion ensued about how the debris would be removed and that there needs to be a plan. Mr. Morell said that the debris would have to be removed prior to the final inspection. Ms. Banyas would give the property manager the phone number to Waste Pro and gave him 48 hours to get it removed. The Special Magistrate recommended to the property manager that within 48 hours, he is to call Waste Pro and get the removal done. The Special Magistrate said that the issue before them is building permits. Ms. Banyas said that the two permits need to have inspections called in. Then she would have to go out to the property to ensure everything is fine. Mr. Morell answered the Special Magistrate that one permit is for the removal of the shed (demolition) and the other permit is for electrical. The property manager was told that the person who did the electrical work has to call for an inspection. The Special Magistrate ordered the call for inspections must be by April 6, 2018. Ms. Banyas testified that all permits must be closed and the inspections had to be completed. She recommends the property is required to have all final inspections completed by April 6, 2018, or a fine of \$100/day. The Special Magistrate amended his order to read to call for inspections so that the inspections are completed by April 6, 2018, or a fine of \$100/day plus \$100 Administrative Fee due by April 23, 201 and to have a status hearing on April 26, 2018, if not in compliance.

NEW BUSINESS

ITEM #V.39

***TAKEN OUT OF SEQUENCE**

Case #: 17120002 – Building Code Violations
Property Owner: Seva Florida Tropicair LLC
Address/Folio: 4553 Bougainvillea Drive
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection
Program 110.15

Inspector Banyas testified that the respondent is in violation of the 40-year inspection that was not submitted to the Town. Ms. Banyas and Mr. Morell spoke with the building owner who said that the sealed plans should have been with the Town already. As it is not, the Town was requesting a Final Order. Mr. Morell said for the record, the notice was sent out in June 2017 and the response was to be in within 90 days of notice. They are six months beyond the due date. The Special Magistrate ordered that by April 6, 2018 they have to submit the report or a fine of \$100/day plus a \$100 Administrative Fee due by April 23, 2018.

Mr. Morell said that the repairs were to be done 100 days after the response was submitted. All that time is gone. If the building has repairs, they must be done immediately. The Special

Magistrate ordered that if there are any repairs needed, that has to be brought back in front of him at the April 26, 2018 Hearing. Ms. Banyas will send an e-mail to both the property owner and the property manager with a bulleted list of what has to be done and the fines associated.

OLD BUSINESS

ITEM #V.17

***TAKEN OUT OF SEQUENCE**

Case #: 17110014 – Building Code Violations
Property Owner: 4312 Holdings LLC
Address/Folio: 4312 Seagrape Drive #1-5
Code Section(s): Florida Building Code Section 105.1 Required

Inspector Banyas testified that the hearing notice was sent on November 20, 2017 to the property owner at the address of record. The service was obtained by posting. The Town would like to hear from the property owner as to what they did and what is planned to be done. There is already a Final Order on this property. The last time they were here, this was continued to give them more time to comply due to extenuating circumstances. The fine is running and the Town wants to determine certifying the fine or allow the respondent's extension request. Mr. Morell described the interior work done without a permit. Juan Morales testified that he is with the contractor J&R Construction. They have architectural plans from Trey Lottie, owner. They found discrepancies with the plans and revised them. They applied for permits on March 12, 2018 but could not do it online. They contacted environmental services for an asbestos report for the five units but was advised because of the size of each unit, it was not needed. They went to Broward County and came today with a document to show they did not need an asbestos report. They are ready with subcontractors and to have their plans reviewed. They will start construction after the permits are issued. Ms. Banyas answered the Special Magistrate that fines are running because they needed to comply by February 4, 2018. The Special Magistrate ordered this agenda item continued to the April 26, 2018 Hearing with fines still running. Discussion ensued about possible abatement of fines once this property was in compliance.

ITEM #V.18

Case #: 17110022 – Building Code Violations
Property Owner: DeGroff, June R
Address/Folio: 1431 S Ocean Blvd #79
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation

Inspector Banyas testified that this is in compliance. She explained the situation and that the owner requested a retroactive extension until March 9, 2018 to cover all fees. The owner will pay all Administrative Fees within a week. The Town was okay with this. The Special Magistrate ordered a retroactive extension date for compliance of March 9, 2018 and that all Administrative Fees are to be paid by March 30, 2018 predicated on the timely payment of the Administrative Fees or the compliance date reverts back to the original compliance date and fines would be due.

NEW BUSINESS

ITEM #V.19

Case #: 18010009 – Building Code Violations
Property Owner: Ram Stampede Realty Holdings LLC
Address/Folio: 1461 S Ocean Blvd #322

Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation

Inspector Morales testified that this case #19 is in compliance.

ITEM #V.20

Case #: 18010011 – Building Code Violations
Property Owner: Jaeger, Scott Jaeger, Kristen
Address/Folio: 4050 N Ocean Drive #210
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation

Inspector Morales testified that this case was opened on January 10, 2018 for an expired permit. The Town was requesting a Final Order as the permit is still expired. Mr. Morell testified that the pre-expiration notice was sent out and the permit was not renewed. It just needs to be renewed and obtain final structural, plumbing and fire inspections. Kristen Jaeger, owner, testified that she has issues with the contractors to get them to finish the work. She had to hire attorneys. No other contractors want to pick up her contractor's work. Mr. Morell said that the Town cannot get involved between her and her contractor and spoke about filing a complaint against the contractor. The Special Magistrate informed Ms. Jaeger that she has to do something to finish the work and get the permit renewed and closed out. The Special Magistrate suggested that the case could be continued to the April 26, 2018 Hearing. Ms. Jaeger explained why she would need more time and the Special Magistrate asked Mr. Morell who suggested a Finding of Fact and a Final Order in a sixty day period. The Special Magistrate ordered a Finding of Fact that the violation exists and must be rectified and if it is not complied within sixty days, by May 21, 2018, a fine of \$100/day would commence plus \$150 Administrative Fee due by May 21, 2018. This case would come before the Special Magistrate on May 24, 2018, if it is not resolved.

ITEM #V.21

Case #: 18010013 – Building Code Violations
Property Owner: Carey, Chad L
Address/Folio: 2121 S. Ocean Blvd. #604
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Inspector Morales testified that this is a work without permit case. Service was obtained by certified mail. The Town received the signed green card. The work being done was installing flooring without getting a soundproofing permit. Mr. Morell answered the Special Magistrate that they have not heard from the owner. Ms. Morales said that the Town was requesting \$100/day violation and \$150 Administrative Fee. The Special Magistrate ordered compliance by April 23, 2018 or \$100/day fine plus \$150 Administrative Fee due by April 23, 2018.

ITEM #V.22

Case #: 18010014 – Building Code Violations
Property Owner: Gariepy, Lynne
Address/Folio: 2000 S. Ocean Blvd. #6M
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Inspector Morales testified that service was obtained via green card. Building Official Jack Morell said that the work without permit was a kitchen renovation. They were properly tagged and notice was sent and Mr. Morell said that as of today, there were no permit applications for the work. They have not heard from the owner. Ms. Morales said that the Town was requesting a Final Order for compliance by April 23, 2018 or \$100/day fine plus \$150 Administrative Fee due April 23, 2018. The Special Magistrate ordered compliance by April 23, 2018 or \$100/day fine plus \$150 Administrative Fee due by April 23, 2018.

ITEM #V.23

Case #: 18010020 – Building Code Violations
Property Owner: Bevilacqua, Ryann
Address/Folio: 1620 S Ocean Blvd #5-M
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section
105.3.2.1 – Permits. Time Limitation

Inspector Morales testified that the property was posted on March 12, 2018. Building Official Jack Morell testified that their permit expired December 25, 2017. The expiration notice was sent but the Town has not received a renewal request. Ms. Morales said that Town was requesting thirty days to comply or \$100/day fine plus \$150 Administrative Fee due April 23, 2018. The Special Magistrate ordered compliance by April 23, 2018 or \$100/day fine plus \$150 Administrative Fee due by April 23, 2018.

ITEM #V.24

Case #: 18010016 – Building Code Violations
Property Owner: Shryane, Angela Mary
Address/Folio: 4629 Poinciana Street #214
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section
105.3.2.1 – Permits. Time Limitation

Inspector Morales testified and Ms. Campbell announced that this case #24 is in compliance.

ITEM #V.25

Case #: 18010019 – Building Code Violations
Property Owner: Cohn, Alan W & Robin A
Address/Folio: 1700 S Ocean Blvd #15D
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section
105.3.2.1 – Permits. Time Limitation

Inspector Morales testified and Ms. Campbell announced that this case #25 is in compliance.

ITEM #V.26

Case #: 18010017 – Building Code Violations
Property Owner: Danese, John J & White, Karen Mary
Address/Folio: 1480 S Ocean Blvd #204
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section
105.3.2.1 – Permits. Time Limitation

Inspector Morales testified and Ms. Campbell announced that this case #26 is in compliance.

ITEM #V.34

***TAKEN OUT OF SEQUENCE**

Case #: 17110002 – Building Code Violations

Property Owner: LBTS Properties LLC
Address/Folio: 4561 El Mar Dr
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program 110.15

Inspector Banyas testified that this case #34 needs to be continued to the April 26, 2018 Hearing due to lack of service.

CERTIFICATION OF LIEN

ITEM #V.56

***TAKEN OUT OF SEQUENCE**

Case #: 17100013 – Building Code Violations
Property Owner: Karakaya Inc
Address/Folio: 4601 El Mar Drive
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program 110.15

Inspector Banyas testified that the Special Magistrate found that the lack of compliance for Section 110.15 Building Safety Inspection Program existed on the property at the previous Hearing. They were ordered to comply by March 21, 2018. The Building Official said that they have not complied and a fine began to run today at \$100/day. The \$150 Administrative Fee has not been paid. The Town requested certification of lien to include today's \$100 Administrative Fee for a total certification of \$350. The Special Magistrate ordered \$100 Administrative Fee for today's hearing and to include it in the certification of lien (\$100 Fine plus \$150 Fee) today in the amount of \$350.

ITEM #V.57

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

Inspector Banyas testified that this is a violation of the building safety program which was found at the last Hearing. They had to comply by March 21, 2018 or a fine of \$100/day so the \$100 fine started today. The \$150 Administrative Fee from the previous hearing was paid today. The Town spoke with Nelson (Mertell), the representative of the property, who is also here to speak. Property Manager Nelson testified that they hired an engineering company for the safety inspection. They made inspections and some repairs have to be made. They will present the full report to the Town next week and will apply to the Town for permits to do the work. He was requesting a ten-day extension.

Building Official Jack Morell testified that this was noticed in June 2017. The report was due in 90 days and they are 180 days out of compliance. The Special Magistrate suggested giving them fifteen days to have the engineers get the sealed report done. Ms. Banyas recommended a continuance to April 26, 2018 with no Administrative Fee for today. Mr. Morell explained that the report comes first and then if any repairs have to be done, they would have to apply for permits. The Special Magistrate explained to Nelson that the property owner has to give the sealed report to Mr. Morell before April 26, 2018. He told him not to do any repairs until after the Building Department had time to review the sealed report. The Special Magistrate ordered continuance to the April 26, 2018 Hearing with the condition that the sealed report must be submitted prior to April 26, 2018 plus there are no Administrative Fees assessed for today's

hearing. The Special Magistrate warned Nelson that fines started running today but the Special Magistrate would try to help with the fines when the property is in compliance.
Ms. Campbell called from the sign-in sheet.

Case: Construction Extension Request
Property Owner: Louis Barbara and Jamette M., Barbara Family Rev Tr.
Address/Folio: 4430 W Tradewinds Avenue

Inspector Banyas testified that this is not a code violation case. The property owners were asking for an extension of the construction time limit. The site address is 262 Oceanic Avenue and the property came up to its time limit to complete the construction which is separate from the building code timeline which has to do with the expiration of permits. They are here to ask for an extension to complete their construction. She said the Special Magistrate has the authority to extend it (through a Town Ordinance). Mr. Morell testified that their contractor was not getting the work done. The Town issued a change in contractor on February 1st but they are running up against the Town's time limit of 18 months for construction. Mr. Morell answered the Special Magistrate that the work is on a new single-family home and the work is nearly completed. Louis Barbara and Jamette Barbara were sworn in. Mr. Barbara answered the Special Magistrate that he was seeking a six-month extension. Since this is a new practice of bringing these cases to the Special Magistrate instead of to the Town Commission, Inspector Banyas suggested tabling this to the next Hearing but allow the Barbara's to speak this month. The Town is not opposed to an extension which the Special Magistrate could grant up to one-year for one time. There are no fines running. The Special Magistrate asked Mr. and Mrs. Barbara to ensure that Mr. Morell has access to the new house so that the Town could ascertain if a six-month extension is reasonable. The Special Magistrate ordered continuance until the April 26, 2018 Hearing.

Later on in the Hearing (about 7:11PM), Inspector Banyas testified for the record that Mr. and Mrs. Barbara confirmed that the Town was right about their request for construction extension but we called them wrongly to the podium to hear their case tonight because it was not scheduled for tonight and they were aware of this. They will be called at the April 26, 2018 Hearing to request their construction extension. They were not here to be heard, only to observe.

NEW BUSINESS

ITEM #V.29

***TAKEN OUT OF SEQUENCE**

Case #: 17110005 – Permits Required Violations
Property Owner: Martenson, Jack M Jack M Mortenson Tr
Address/Folio: 5000 N Ocean Blvd Unit 1511
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Inspector Morales testified that this case is for work without permits. The Town was requesting a Final Order. This case was continued before in February 2018. Building Official Jack Morell said that they have a demolition permit that needs final inspections that have not been done. At the last hearing, they were promised build-out plans within two weeks but have not received anything. The demolition permit expires today. Tyrone Po of ServPro of Fort Lauderdale North testified that they were engaged to do mold remediation by Mr. Mortenson originally. His company gets the notices forwarded to them. He went to Town Hall and was told that another contractor has been hired and they applied for the demolition permit. He reached out to the new contractor to see if they could do the mold remediation but have not heard back. Mr. Morell said

that it was demolished down to studs and there does not seem to be any more mold. He said that the contractor who spoke the last two times is not here today and so he suggests moving forward with the fines.

Ms. Morales testified that they were given a daily fine of \$100/day at the last Hearing. The Town was requesting to certify the lien. Ms. Campbell was answered by Ms. Morales that there would be a \$150 Administrative Fee for today's hearing to be added into the certification. The Special Magistrate certified the lien.

ITEM #V.36

***TAKEN OUT OF SEQUENCE**

Case #: 17110017 – Vacation Rental
Property Owner: Barazi, Miranda
Address/Folio: 4548 Seagrape Drive #1-2
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(e)

Inspector Banyas testified that this case is about a Short Term Rental Certificate that needs to be obtained for the duplex. It was applied for and the inspection showed the fence around the property enclosing the pool was found to be not adequate. A portion on the back is missing. Ms. Barazi fixed the safety issue temporarily with screening but the fence needs to be replaced with permanent fencing. The property is being rented. Ms. Barazi said she signed a contract with a company. They did not apply for a permit yet because there is an easement and they have to make sure everything is okay. Ms. Banyas recommends thirty days to comply (obtaining a permit and getting it closed) or \$100/day fine. This case would be brought back to the April 26, 2018 Hearing, if not in compliance. There is \$150 Administrative Fee for today's Hearing. The Special Magistrate ordered compliance by April 23, 2018 or a fine of \$100/day plus \$150 Administrative Fee due by April 23, 2018.

ITEM #V.28

***TAKEN OUT OF SEQUENCE**

Case #: 17120023 – Building Code Violations
Property Owner: 3221 Seaward Drive LLC
Address/Folio: 3221 Seaward Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Inspector Banyas testified and Ms. Campbell announced that this case #28 is in compliance.

Ms. Campbell called agenda item #53 and agenda item #54. Ms. Banyas started with #54.

EMERGENCY HEARING

ITEM #V.54

***TAKEN OUT OF SEQUENCE**

Case #: 18030011 – Building Code Violations
Property Owner: 230 Tropical Shores Development LLC
Address/Folio: 227 Shore Court
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Inspector Banyas testified that on March 15, 2018, an Emergency Notice of Violation and Notice of Hearing was sent to the owner of record at the address of record. Service was obtained by both posting on March 16, 2018 and the signed green card. The Town was requesting a Final Order providing reasonable time to correct the violations in that there are two propane tanks on

the side of the home. The Building Official inspected the files and found that there were no permits in the file for this. She said that Mr. Morell and the registered agent for the property are both here to speak. The propane tanks on the side of the building are underneath windows which is a direct violation of the National Fire Prevention Code. It is a life safety hazard. They have been told to get a permit to move and install the tanks properly. The Special Magistrate told the registered agent that he read his email. He asked Mr. Morell about the tanks being grandfathered and Mr. Morell said that a violation cannot be grandfathered. This is work done without a permit. The registered agent explained the new development with AmeriGas. The registered agent testified that the application for permit is in process but Mr. Morell said that he has not seen it at the end of business today. This is a rental property and Mr. Morell felt that this situation is dangerous. He recommended that the order include that the property cannot be leased until this violation is cured. The Special Magistrate expressed concern about an explosion when tanks are moved. The registered agent testified that this is a vacation rental property and that AmeriGas said their tanks are safe. The tanks will be moved safely. Mr. Morell testified that on 3/15/18, they inspected the building and no one was in the building. They told the owner not to lease this property until this violation was cured. If it was leased, then it is in violation of the order of the Building Official. The registered agent explained what rentals they have. The Special Magistrate said that he cannot allow people on that property and it has to be vacated until the tanks are moved and meet the permit requirements of the Town. Mr. Morell testified that the National Fire Prevention Code must be followed for the installation of the tanks which AmeriGas knows. Any people in the building must vacate until the violation is in compliance. The Special Magistrate suggested people out of the building within twenty-four hours and the property vacated; if this is not in compliance, he wants the power pulled. Upon discussion, he answered the property agent that if AmeriGas meets with Mr. Morell with a plan that Mr. Morell feels meets the code and the Fire Marshal agrees, he is okay with that. Mr. Morell stated that if AmeriGas comes in tomorrow morning for a permit to remove the tanks and then if they want to relocate them later, we will deal with the relocation then. Those tanks have got to go by disconnecting them and hauling them off tomorrow, then people can remain in the building. Because the property agent was concerned about the rentals, three options were discussed. One of the three options must be complied or a fine would start. The Special Magistrate ordered compliance by March 23, 2018 by 5:00PM by either (1) people out of the building and the vacated building must be confirmed by either Staff or BSO by 5:00PM on March 23, 2018 or (2) power cut after 5:00PM on March 23, 2018 if people remain in the building or (3) AmeriGas to come to Town Hall at 8:00AM tomorrow to obtain a permit okayed by the Fire Marshal to cap off and remove the tanks by 5:00PM on March 23, 2018 while no one is in the building but when the tanks are safely capped and removed by 5:00PM on March 23, 2018, people can come back into the building. The Special Magistrate said as part of his order that one of the three options must be done or a fine of \$250/day would begin and the power would be cut plus \$150 Administrative Fee is to be paid by April 23, 2018.

ITEM #V.53

***TAKEN OUT OF SEQUENCE**

Case #: 18030006 – Vacation Rentals
 Property Owner: 230 Tropical Shores Development LLC
 Address/Folio: 227 Shore Court
 Code Section(s): Chapter 30 – Unified Land Development Regulations
 Section 30-327(c)
 Chapter 30 – Unified Land Development Regulations
 Section 30-327(l)1
 Chapter 30 – Unified Land Development Regulations
 Section 30-327(k)1.g
 Chapter 30 – Unified Land Development Regulations

Section 30-327(k)1.h

Inspector Banyas testified that the Hearing Notice was sent via certified mail and the property was posted on March 12, 2018. She explained the four violations of which three are in compliance. The Town was requesting a Finding of Fact for the compliant violations. The Town was requesting a Final Order regarding the occupancy which would request compliance in five days and a fine thereafter to run at \$250/day until compliance is reached. Compliance can be reached by having no one in the property or resolving all of the previously observed code violations for property maintenance as well as the building code violation from tonight. The Town was requesting \$150 Administrative Fee for tonight's hearing. The agent for the property said that everything has been fixed. The last remaining thing to be fixed is the propane tanks. Ms. Banyas said she drove by this morning and because the fascia is open from pressure cleaning and renovations it would not pass. The agent for the property said everything was fixed today. The Special Magistrate ordered a Finding of Fact for the complied cases and should the complied violation(s) re-occur in the future, the property may be deemed a repeat violator and fines may be assessed, a Final Order for the case not in compliance is to be issued ordering compliance within five days, by March 27, 2018 or a fine of \$250/day, plus \$150 Administrative Fee due by April 26, 2018.

NEW BUSINESS

ITEM #V.30

***TAKEN OUT OF SEQUENCE**

Case #: 17080018 – Permits Required Violations
Property Owner: 258 N Tradewinds Ave
Address/Folio: 258 N Tradewinds LLC
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Inspector Banyas explained that there is a tiki hut on the property in the backyard that was observed during a vacation rental application. This was not exempt because of what was done to the tiki hut. She spoke to the property manager today who told her that he forgot about tonight's hearing. She told him that she would discuss April 23, 2018 as the date to come into compliance. She suggested to the Special Magistrate \$150/day fine. She gave her photo to the Special Magistrate who entered it into evidence as the Town's Composite Exhibit. Mr. Morell explained about the Zoning Permit required and why this tiki hut also required a Florida Building Code Permit. The Special Magistrate ordered compliance by April 23, 2018 or a fine of \$150/day plus \$150 Administrative Fee due by April 23, 2018.

CERTIFICATION OF LIEN

ITEM #V.58

***TAKEN OUT OF SEQUENCE**

Case #: 17120014– Building Code Violations
Property Owner: Alfonso, John M H/E Kowalska, Aneta Katarzyna
Address/Folio: 254 Tropic Drive
Code Section(s): Florida Building Code Section 105.11.2.1 Time Limitation

Inspector Banyas testified that this was classified incorrectly. The violation was for an expired permit but due to a discovered clerical error, Mr. Morell and Ms. Banyas recommend to revoke the original Final Order and to refund the Administrative Fee. The Special Magistrate ordered revocation of the Final Order and refund of the \$150 Administrative Fee.

OLD BUSINESS

ITEM #V.14

***TAKEN OUT OF SEQUENCE**

Case #: 17080003 – Recreational Vehicles & Boats Violations

Property Owner: Fleurant, Guy
Address/Folio: 1 Sunset Lane
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-311(d)(1)(a-c)

The respondent, Guy Fleurant, was sworn in. Inspector Banyas testified that this was heard previously about a large board encroaching two property lines. It was supposed to be offsite by today and Ms. Banyas testified that she saw that the boat was gone. Mr. Fleurant testified that it is a permanent move because the boat is by his new residence. This file will be closed but the respondent was warned not to bring this boat back because then it would be a problem again.

Going back to the cases that were not called yet starting on page 2 of the agenda.

ITEM #V.9

***TAKEN OUT OF SEQUENCE**

Case #: 17060004 – Landscape Violations
Property Owner: Chernyakhovsky, Igor & Vita Igor & V Chernyakhovsky Rev Tr
Address/Folio: 1821 W Terra Mar Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)

Inspector Banyas testified and Ms. Campbell announced that this item #9 would be continued to the April 26, 2018 Hearing.

ITEM #V.11

Case #: 17030001 – Permits Required Violations
Property Owner: Oefelein, Felicitas B
Address/Folio: 4616 Bougainvillea Drive #1-3
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-137(c)(3) a-b
Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 –
Permits. Required

Inspector Banyas testified and Ms. Campbell announced that this was already discussed. (See page 2 agenda item #44.)

ITEM #V.12

Case #: 17060002 – Landscape Violations
Property Owner: Malkoon, Rosalie Y Malkoon, Edmund F
Address/Folio: 2073 Ocean Mist Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)

Inspector Banyas testified that this is a request for an extension of time to comply and the Town has no objection to April 23, 2018. She said that their Administrative Fee has been paid and the Town was requesting \$50 Administrative Fee for today's hearing. The Special Magistrate ordered an extension of time to comply to April 23, 2018 plus \$50 Administrative Fee due by April 23, 2018.

ITEM #V.15

***TAKEN OUT OF SEQUENCE**

Case #: 17100002 – Zoning Violations
Property Owner: Marina-By-The-Sea LLC

Address/Folio: 226 Basin Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-311(c)(2)d.1
Chapter 30 – Unified Land Development Regulations
Section 30-311(d)

ITEM #V.16

Case #: 17100004 – Zoning Violations
Property Owner: Marina-By-The-Sea LLC
Address/Folio: 230 Basin Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-311(c)(2)d.1
Chapter 30 – Unified Land Development Regulations
Section 30-311(d)

Ms. Campbell announced that these two agenda items #15 and #16 are the marina cases which have been continued to the April 26, 2018 Hearing.

NEW BUSINESS

ITEM #V.27

Case #: 17080030 – Property Maintenance
Property Owner: Wallin, Anders G
Address/Folio: 1961 Windward Drive
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Inspector Morales testified that this has been going on since August 2017 for a discolored roof and peeling fascia. The Town was requesting a Final Order with 46 days to comply by May 7, 2018 or \$100/day fine plus \$150 Administrative Fee for today's Hearing. The Special Magistrate ordered 46 days to comply by May 7, 2018 or \$100/day fine plus \$150 Administrative Fee for today's Hearing due by May 7, 2018.

ITEM #V.31

Case #: 17080020 – Zoning Violations
Property Owner: Macek, Tom Otero, Samaret
Address/Folio: 268 Imperial Lane
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Ms. Campbell announced that this agenda item #31 is continued to the August 23, 2018 Hearing.

ITEM #V.32

Case #: 17080027 – Property Maintenance
Property Owner: Michael, Hriczo
Address/Folio: 230 Pine Avenue
Code Section(s): Chapter 10 – Garbage and Refuse Section 20-28 (e)
Chapter 30 – Unified Land Development Regulations
Section 30-313(i)(I)(f)
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)

Inspector Banyas testified that the Notice was sent to the owner of record and the property was also posted on March 12, 2018. She explained the two violations from Chapter 30 and asked

for compliance by April 23, 2018 or a fine of \$100/day or \$50/violation/day plus \$100 Administrative Fee. She said that the trash violation was in compliance. The Special Magistrate ordered compliance by April 23, 2018 or a fine of \$50/day/violation plus \$100 Administrative Fee due by April 23, 2018.

ITEM #V.33

Case #: 17100008 – Vacation Rental
Property Owner: WCA USA
Address/Folio: 4641 Bougainvillea Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(c)

Inspector Banyas testified that the violation is that the property is being advertised for rent for less than seven consecutive days. It has to be rented for at least seven consecutive days. Service was obtained by posting. They complied on March 3, 2018. The Town was requesting a Finding of Fact showing that the violation existed and complied before the Hearing. If the violation occurs in the future, it could be deemed a repeat violator with a possible fine of \$500/day. No Administrative Fee for this Hearing is sought. The Special Magistrate ordered a Finding of Fact that should this violation re-occur in the future, it may be deemed a repeat violator subject to a \$500 immediate daily fine per noticed occurrence.

ITEM #V.35

Case #: 17110013 – Business Tax
Property Owner: MCISF V LLC
Address/Folio: 4612 Poinciana Street #1-4
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Ms. Campbell announced that this agenda item #35 is complied.

ITEM #V.37

Case #: 17110018 – Business Tax
Property Owner: Atlantic Beach Harbor & Resorts LLC
Address/Folio: 4220 Seagrape Dr #1-2
Code Section(s): Chapter 12 – Licenses Section 12-2(d)(1)
Chapter 30 – Unified Land Development Regulations
Section 30-327(e)

Ms. Campbell announced that this agenda item #37 is complied.

ITEM #V.38

Case #: 17110032 – Vacation Rental
Property Owner: Mikozaur Properties LLC
Address/Folio: 267 Corsaire Avenue
Code Section(s): Chapter 12 – Licenses Section 12-2(d)(1)
Chapter 30 – Unified Land Development Regulations
Section 30-327(e)

Inspector Banyas testified that the property received service by posting the property and the signed pink card from Canada. The violations are in compliance and the Town was requesting a Finding of Fact showing that the violations existed and complied before the Hearing. If the violations occur in the future, it could be deemed a repeat violator with a possible fine of

\$500/day. No Administrative Fee for this Hearing is sought. The Special Magistrate ordered a Finding of Fact that should this violation(s) re-occur in the future, it may be deemed a repeat violator subject to \$500 immediate fine per noticed occurrence.

ITEM #V.40

Case #: 17120008 – Vacation Rental
Property Owner: Rudock, Karen
Address/Folio: 4325 Bougainvillea Dr #1-2
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(e)

Ms. Campbell announced that this agenda item #40 is continued.

ITEM #V.45

Case #: 18010023 – Vacation Rental
Property Owner: Naylor, Sandra E
Address/Folio: 220 Pine Avenue
Code Section(s): Chapter 19 – Traffic and Motor Vehicles Section 19-21(b)(4)

Inspector Banyas testified that service was obtained by green card to the owner of record. The violation was parking of commercial vehicles in a residential area overnight. The violation is complied and the Town was requesting a Finding of Fact showing that the violation existed and complied before the Hearing. If the violation occurs in the future, it could be deemed a repeat violator with a possible fine of \$500/day. No Administrative Fee for this Hearing is sought. The Special Magistrate ordered a Finding of Fact that should this violation re-occur in the future, it may be deemed a repeat violator subject to \$500 immediate daily fine per noticed occurrence.

ITEM #V.46

Case #: 18010027 – Nuisance
Property Owner: Genova, Fayalle Marie H/E Polakoski, Joseph A
Address/Folio: 4243 Bougainvillea Drive
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 6-37(a)(2)
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)

Inspector Banyas testified that this is a property maintenance violation. She submitted her photos to the Special Magistrate who entered them into evidence as the Town's Composite Exhibit. Since the green card was not returned, service was obtained by posting the property. She met with the owner today who agreed to a Final Order to comply by April 23, 2018 or a fine of \$100/day/violation plus \$150 Administrative Fee due by April 23, 2018. They obtained a demolition permit. They should be able to demo the property and all violations complied by April 23, 2018. She requested \$150 Administrative Fee for today's Hearing. The Special Magistrate ordered compliance by April 23, 2018 or a fine of \$100/day/violation plus \$150 Administrative Fee for today's Hearing due by April 23, 2018.

ITEM #V.50

Case #: 18010028 – Vacation Rental
Property Owner: Elgarrahy, Andree Maranda

Address/Folio: 274 Miramar Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(h)(2)(i)

Inspector Banyas testified that service was obtained by posting on March 12, 2018. She has the violation as submitted by BSO. She submitted the e-mail as evidence. The vacation rental agent did not respond to BSO as required by Ordinance on emergency calls twice on the same night. It is in compliance now and Ms. Banyas spoke with the owner who made arrangements for a second phone number in case there was no answer at the first number. She said that the Town was requesting a Finding of Fact showing that the violation existed and complied before the Hearing. If the violation occurs in the future, it could be deemed a repeat violator with a possible fine of \$500/day. No Administrative Fee for this Hearing. The Special Magistrate ordered a Finding of Fact that should this violation re-occur in the future, it may be deemed a repeat violator subject to \$500 immediate daily fine per noticed occurrence.

ITEM #V.51

Case #: 18010030 – Nuisance
Property Owner: The R Group LLC
Address/Folio: 4132 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-8(c)(1)

Inspector Banyas testified that this is a construction site. The construction fencing is in disrepair on and off for a very long time. It must be secure and the screening secure. This came into compliance again on February 2, 2018 and the Town was asking for a Finding of Fact that this violation existed. If the violation occurs in the future, it could be deemed a repeat violator with a possible fine of \$500/day. No Administrative Fee for this Hearing is sought. The Special Magistrate ordered a Finding of Fact that should this violation re-occur in the future, it may be deemed a repeat violator subject to \$500 immediate daily fine per noticed occurrence.

ITEM #V.52

Case #: 18020016 – Nuisance
Property Owner: Maller, Michael
Address/Folio: 2011 Coral Reef Dr
Code Section(s): Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(f)

Inspector Banyas testified that this is a vacant, single-family home in foreclosure currently owned by Michael Maller. Discussion ensued that the bank agreed to the possibility of taking title within 90 days. In the meantime, there is green, stagnant water in the pool. Both the bank and the owner of the property have been notified. This is an immediate and emergency hazard to public health, safety and welfare. She said that the Town requests compliance within five days or authorization to abate the pool but if the Town could not abate at that time, she was requesting \$250/day fine and authorization to assess the cost of abatement of the pool to the property. She also would like to be allowed continuous abatement of this violation as a repeat violation, if it re-occurs. The Town would abate the property and then come in for certification of fine. She also requested \$150 Administrative Fee. She answered the Special Magistrate that at this time, the pool is not accessible to children. The Special Magistrate ordered compliance within five days, by March 27, 2018, or he authorized the Town to abate the pool and if they could not go out at that time, \$250/day fine until compliance and the cost of the abatement would be assessed to the property plus \$150 Administrative Fee for this Hearing due within five days. If the violation occurs in the future, the Special Magistrate ordered that the Town has

authorization to abate the property as a repeat violator and then come in for certification of fine for the cost of the abatement.

CERTIFICATION OF LIEN

ITEM #V.55

Case #: 17080022 – Landscape Violations
Property Owner: Stengel, Robert E
Address/Folio: 6 Sunset Lane
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-37(a)(2)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)

Inspector Morales testified and Ms. Campbell announced that this agenda item #55 would be continued to the April 26, 2018 Hearing.

ITEM #V.59

Case #: 18020011 – Nuisance/overgrowth weeds & grass
Property Owner: Johnson, Danielle
Address/Folio: 1724 Bel-Air Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Inspector Banyas testified that this is a repeat violation of overgrowth on the property. The violation re-occurred for twelve days from 2/15/18 and was abated on 2/26/18. The Town was requesting certification of lien at \$500/day for twelve days totaling \$6,000 plus \$150 Administrative Fee for today's Hearing. Service was obtained by posting the property as the green card did not come back to the Town. The Special Magistrate ordered certification of lien.

ITEM #V.60

Case #: 18020012 – Nuisance/overgrowth weeds & grass
Property Owner: Maller, Michael
Address/Folio: 2011 Coral Reef Drive
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Inspector Banyas testified that this is a repeat violation of overgrowth on the property. The violation re-occurred for twelve days from 2/15/18 and was abated on 2/26/18. The Town was requesting certification of fine at \$500/day for twelve days totaling \$6,000 plus \$150 Administrative Fee for today's Hearing. Service was obtained by posting the property as the green card did not come back to the Town. The Special Magistrate ordered certification of lien.

ITEM #V.61

Case: MUNI-022618BE
Address/Folio: 1724 Bel-Air Ave
EXHIBIT A

Inspector Banyas testified that the Town abated overgrown grass on February 26, 2018 via a continuous order. The cost was \$624.00. The Town was requesting certifying this amount plus \$100 Administrative Fee for a total of \$724.00. The Special Magistrate ordered certification of \$724.00 as a lien on the property.

ITEM #V.62

Case: MUNI-022618CR
 Address/Folio: 2011 Coral Reef Drive
 EXHIBIT B

Inspector Banyas testified that the Town abated overgrown grass on February 26, 2018 via a continuous order. The cost was \$624.00. The Town was requesting certification this amount plus \$100 Administrative Fee for a total of \$724.00. The Special Magistrate ordered certification of \$724.00 as a lien on the property.

ITEM #V.63

Case: MUNI-092917CR
 Address/Folio: 2011 Coral Reef Drive
 EXHIBIT C

Inspector Banyas testified that the Town abated the pool screening on September 29, 2017. The subject property and Town Hall were posted regarding this continuous abatement on March 12, 2018. The cost was \$191.97. The Town was requesting certifying this amount plus \$100 Administrative Fee for a total of \$291.97. The Special Magistrate ordered certification of \$291.97 as a lien on the property.

Ms. Campbell announced Special Set #1.

Case: MUNI-022318CR
 Address/Folio: 2011 Coral Reef Drive
 SPECIAL SET #1

Inspector Banyas testified that the Town abated the pool screening a second time on this property on February 23, 2018. The subject property and Town Hall were posted for Notice of This Hearing on March 12, 2018. The Town requests certifying the costs of \$191.97 plus \$100 Administrative Fee for a total of \$291.97. The Special Magistrate ordered certification of \$291.97 as a lien on the property.

Ms. Campbell read into the record cases listed on the agenda as either complied or continued.

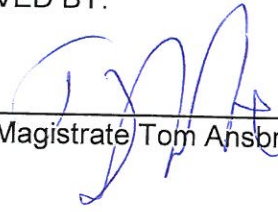
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2.	C#:	18010008	4900 N Ocean Blvd #1512	
3.	C#:	18010010	1620 S Ocean Blvd #8-D	
4.	C#:	18010021	218 Commercial Blvd	
5.	C#:	18010015	4621 Bougainvillea Drive	
CONTINUED				To Date:
6.	C#:	17060017	256 E Commercial Blvd	5/24/2018
7.	C#:	17110006	4400 N Ocean Drive	4/26/2018
8.	C#:	18010018	2031 Coco Palm Place	4/26/2018

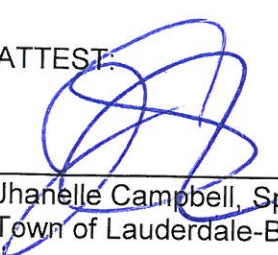
VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on March 22, 2018 at approximately 7:37 PM.

APPROVED BY:

ATTEST:


Special Magistrate Tom Ansbro


Jhanelle Campbell, Special Magistrate Clerk
Town of Lauderdale-By-The-Sea, Florida