

APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA**  
**CODE COMPLIANCE HEARING MINUTES**  
*Town Commission Meeting Room (Jarvis Hall)*  
*Thursday, February 27, 2020 at 5:00 PM*

**I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO**

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:15 PM on Thursday, February 27, 2020 with Building Official Randal Clutter, Code Inspector Bethany Banyas, Code Inspector Terry-Ann Boyd-Reynolds, and Planning Technician/Special Magistrate Clerk Sydney Ramirez to record the minutes.

**II. SWEARING OF WITNESSES**

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

**III. OPENING STATEMENT**

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

**IV. PUBLIC COMMENTS**

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

*Cases were typed in the order they were called starting with if someone was present at the hearing.*

**V. CODE CASES**  
**CERTIFICATION OF LIEN**

**ITEM #V.9**

**\*TAKEN OUT OF SEQUENCE**

Case #: 18030025 – Property Maintenance

Property Owner: Wens Holding LLC

Address/Folio: 4329 El Mar Dr

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

Section 30-477(a)

Chapter 6 – Building and Building Regulations Section 6-36(f)

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

Inspector Bethany Banyas testified that this agenda item was here for certification of the fine. She had photos for evidence that were taken today. She showed them to David Meeks and then gave them to the Special Magistrate. Inspector Banyas said that this property was previously Eastward Strand. The violations were from March 2018 and it has been approximately two years since the Notice of Violation was first served. Two violations were still not complied from the issued final order for vegetation maintenance and maintenance of the exterior of the building. She reminded the Special Magistrate that the Town had an agreement with Wens Holding to use their front parking spaces. The Town Planner informed Ms. Banyas

that there was one item left in order to have the approved site plan recorded and then the contractor, Mr. Meeks, would be able to begin. The completed, approved drawings were needed. The Town felt that the time the property owner was granted was more than enough and recommended certification of the lien. David Meeks, representing the owner, had no objection to the pictures which the Special Magistrate entered into the record as Town Composite Exhibit without objection. Mr. Meeks explained that they did things like clearing and cleaning the property, maintaining the trees, etc. The Special Magistrate explained that they had ample time to get things done. Mr. Meeks said that in order to get the exterior done, he applied for a permit for the windows and doors. They would be purchased and that would need a six to eight week lead time. In three to four weeks, he would prepare the openings for the windows. The Special Magistrate encouraged him to keep going forward but there would be a lien to deal with the Town Commission. The Special Magistrate ordered certification of the lien plus he assessed a \$200 certification cost to be added to the lien.

**CONTINUED**

**ITEM #V.2**

**\*TAKEN OUT OF SEQUENCE**

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

For the record, there was no one in attendance to represent the property owner. Inspector Banyas testified that the Town recommended this be continued to the March 26, 2020 Hearing. The Special Magistrate ordered this agenda item continued to the March 26, 2020 Special Magistrate Hearing.

**CERTIFICATION OF LIEN**

**ITEM #V.7**

**\*TAKEN OUT OF SEQUENCE**

Case #: 19110002 – Property Maintenance  
Property Owner: Deutsche Bank Natl Tr Co Trstee % Ocwen Loan Servicing LLC  
Address/Folio: 1724 Bel-Air Ave  
Code Section(s): Chapter 30 – Unified Land Development Regulations  
Section 30-477(a)  
Chapter 6 – Building and Building Regulations Section 6-36(f)  
Chapter 6 – Building and Building Regulations Section 6-41(a)(13)

For the record, there was no one in attendance to represent the property owner. Inspector Banyas testified that the Town recommended this be continued to the March 26, 2020 Hearing. The Special Magistrate ordered this agenda item continued to the March 26, 2020 Special Magistrate Hearing.

**ITEM #V.8**

Case #: 19040009 – Zoning Violations  
Property Owner: Brandt, Yann  
Address/Folio: 267 Capril Ave  
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(a)

For the record, there was no one in attendance to represent the property owner. Inspector Terry-Ann Boyd-Reynolds testified that the Town recommended this be continued to the March 26, 2020 Hearing. The Special Magistrate ordered this agenda item continued to the March 26, 2020 Special Magistrate Hearing.

**OLD BUSINESS****ITEM #V.3****\*TAKEN OUT OF SEQUENCE**

Case #: 19040010 – Permits Required Violations  
Property Owner: Gilchrist, Rael M Gilchrist, Lourdes L  
Address/Folio: 1931 Waters Edge  
Code Section(s): Florida Building Code Section 105.1. Required

For the record, there was no one in attendance to represent the property owner. Inspector Banyas testified that this property was previously given a final order and then an extension to comply by today. She said that Building Official Randal Clutter and the Town both agreed to a recommendation of an extension to April 22, 2020 with a hearing on April 23, 2020 for a Status Hearing. Ms. Banyas testified that there was no Hearing Cost for today's hearing but she put on the record that there was an outstanding \$25 Hearing Cost and she would tell Dr. Gilchrist. The Special Magistrate ordered an extension to April 22, 2020 with a hearing on April 23, 2020 for a Status Hearing and the previously assessed \$25 Hearing Cost was still outstanding and to be paid by April 22, 2020.

**ITEM #V.4**

Case #: 19050007 – Building Code Violations  
Property Owner: Amaturro, Joseph C and Winifred  
Address/Folio: 3900 N Ocean Drive, 17GH  
Code Section(s): Florida Building Code 6<sup>h</sup> Edition (2017) BCA Section 105.3.2.1  
Permits. Time Limitation

For the record, there was no one in attendance to represent the property owner. Inspector Boyd-Reynolds testified that the Town recommended an extension to March 25, 2020, the day before the next hearing. She said that for background information, they had permits in the system that expired and they were just giving them time to renew those permits and have the final inspections done by March 25, 2020. There was a \$50 Hearing Cost that was outstanding. The owner was aware and would handle the cost. The Special Magistrate ordered an extension to March 25 2020 with a hearing on March 26, 2020 (if necessary) and a previously assessed \$50 Hearing Cost was still outstanding and to be paid by March 25, 2020.

**ITEM #V.5**

Case #: 19080002 – Permits Required Violations  
Property Owner: 4552 Poinciana St LLC  
Address/Folio: 4552 Poinciana St. 1-2  
Code Section(s): Florida Building Code Section 105.1. Required

For the record, there was no one in attendance to represent the property owner. Inspector Banyas testified that the Town spoke with the respondent today and was recommending an extension to March 25, 2020. This agenda item would reconvene at the March 26, 2020 hearing for a Status Hearing. There was also a previous \$50 Hearing Cost still outstanding and she would speak with the owner about this. No Hearing Cost will be assessed for today's hearing. The Special Magistrate ordered an extension for this agenda item to March 25, 2020 and that this agenda item would be heard at the March 26, 2020 Special Magistrate Hearing for a Status Hearing plus a previous \$50 Hearing Cost was to be paid by March 25, 2020.

**ITEM #V.6**

Case #: 19080004 – Permits Required Violations  
Property Owner: 4648 Investments LLC

Address/Folio: 4648 Poinciana St. 1-4  
Code Section(s): Florida Building Code Section 105.1. Required

For the record, there was no one in attendance to represent the property owner. Inspector Banyas testified that the Town spoke with the respondent today and was recommending an extension to March 25, 2020. This agenda item would reconvene at the March 26, 2020 hearing for a Status Hearing. There was also a previous \$50 Hearing Cost still outstanding and she would speak with the owner about this. No Hearing Cost for today's hearing. The Special Magistrate ordered an extension for this agenda item to March 25, 2020 and that this agenda item would be heard at the March 26, 2020 Special Magistrate Hearing for a Status Hearing plus a previous \$50 Hearing Cost to be paid by March 25, 2020.

**SPECIAL SET**  
**ITEM #V.10**

Case #: 18080009 – Vacation Rental  
Property Owner: Nguyen, Dung K Quach, Dung A  
Address/Folio: 235 Hibiscus Ave 1-2  
Code Section(s): Chapter 30 – Unified Land Development Regulations  
Section 30-327(e)

For the record, there was no one in attendance to represent the property owners. Inspector Banyas testified that this case was a little bit old. It was back in front of the Special Magistrate today because the owners applied for a mitigation of fines. This was a lien that was recorded. She explained that the owners brought this property into compliance and applied for and obtained Short Term Rental Certificates that were required for this duplex in order to be compliant. At that time, she gave them the payoff amount and they applied for the mitigation. During the mitigation review, Ms. Banyas found that service had not been provided per Statute 162. The Final Order was not mailed to the correct address and she confirmed with the Broward County Property Appraiser the date that the mailing address for the owner had changed. The Town found that service was not met. She said that the Special Magistrate might wish to revoke the final order as well as the certification of lien. If the Special Magistrate did this, then the Town would request that an Order of Revocation be signed and recorded in the Broward County records. The Special Magistrate ordered that both the Final Order and the Certification of Lien were revoked due to the fact that service was not provided to the property owner.

**COMPLIED**  
**ITEM #V.1**

**\*TAKEN OUT OF SEQUENCE**

Case #: 19090001 – Building Code Violations  
Property Owner: Ciccarello, Rosa Correia, Horacio  
Address/Folio: 4137 Seagrape Dr  
Code Section(s): Florida Building Code Section 105.1. Required

Sydney Ramirez, Special Magistrate Clerk, said that this case was complied.

*Inspector Boyd-Reynolds said for the record that for last month's hearing, Whittier Towers was on the agenda. Per the Special Magistrate's orders, they should have received a six-month extension but on the orders, it was incorreced stated thirty-day extension. The orders have been fixed with the correct date for the six-month extension and the corrected orders were here. The Special Magistrate signed them.*

**SPECIAL SET**

**ITEM #V.11**

Case #: 18120007 – Permits Required Violations  
Property Owner: Marchetti, Steven Mercante, Robert  
Address/Folio: 4422 Seagrape Dr 1-2  
Code Section(s): Florida Building Code Section 105.1. Required

*Removed From Agenda To Be Heard At A Future Hearing.*

**VI. ADJOURNMENT**

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on February 27, 2020 at approximately 5:35 PM.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:

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Sydney Ramirez, Planning Technician/Special Magistrate Clerk  
Town of Lauderdale-By-The-Sea, Florida