

APPROVED

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

*Town Commission Meeting Room
Thursday, December 8, 2016 at 5:00 PM*

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the Hearing to order at 5:05p.m. on Thursday, December 8, 2016. Building Official Jack Morrell, Code Compliance Inspector Bethany Banyas, and Code Compliance Inspector Sharon Foster 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.

IV. PUBLIC COMMENTS

The Special Magistrate briefly explained State law and asked for 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 said that she was calling cases first that were either in compliance or continued.

COMPLIED

- | | | |
|---------|----------|---------------------------|
| 1. C#: | 16070027 | 276 Commercial Blvd |
| 2. C#: | 16090010 | 218 Pine Avenue |
| 3. C#: | 16110005 | 4552 N Ocean Drive #1 - 3 |
| 4. C#: | 16100005 | 1541 S Ocean Blvd #218 |
| 5. C#: | 16100010 | 1900 S Ocean Blvd #3B |
| 6. C#: | 16100020 | 3221 Spanish River Drive |
| 7. C#: | 16030030 | 2072 Sailfish Place |
| 8. C#: | 16080033 | 3271 Fiesta Way |
| 15. C#: | 16100014 | 4112 El Mar Drive |
| 32. C#: | 16090003 | 255 Shore Court |
| 14. C#: | 16090001 | 4513 Poinciana Street |
| 27. C#: | 16070017 | 1541 S Ocean Blvd #203 |
| 34. C#: | 16100002 | 4900 N Ocean Blvd #817 |
| 26. C#: | 16060025 | 4340 Seagrape Drive |
| 17. C#: | 16100017 | 3900 N Ocean Drive #1-E |

Finding of Fact (see page 7)

CONTINUED

9. C#: 16090016 1541 S Ocean Blvd #412
10. C#: 16110003 1501 S Ocean Blvd #320
20. C#: 16100022 4645 Bougainvilla Drive #1 – 3
25. C#: 16050009 2011 Coral Reef Drive
24. C#: 16100021 2121 S Ocean Blvd #203

HEARING DATE

Continue to January 26, 2017
Continue to January 26, 2017
Continue to January 26, 2017
Continue to January 26, 2017
Continue to January 26, 2017

Ms. Campbell then called the agenda items that the Building Official plans to present at the meeting.

NEW BUSINESS**ITEM #V.16*****TAKEN OUT OF SEQUENCE**

Case #: 16100016 – Building Code Violations
Property Owner: Terluzzi Julie & Stephen
Address/Folio: 4239 W Tradewinds Ave
Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Inspector Bethany Banyas testified that certified mail was sent on 10/22/2016 to the property owner of record at the mailing address of record. The green card was not received so she posted the property on 11/23/2016. The violation is for a permit for a travertine driveway that expired on 8/9/2016 for lack of progress. She said that the Building Department notified her regarding the expired permit. After the Notice of Violation was sent on November 8, 2016, Ms. Banyas received a call from property owner Steve Terluzzi but has not heard back from him again. She believes that the permit has not been renewed and the Building Official is here to speak about that. Mr. Morrell said there was an inspection on the permit on May 6, 2016. The permit subsequently expired in August 2016. They had some repairs to do to the swale and they have not re-scheduled an inspection. He said that an expired letter was sent out with no response from the property owners. Mr. Morrell testified that the problem is not the driveway but rather the swale. Mr. Morrell answered the Special Magistrate that this is a single-family home. He suggested twenty days to come into compliance and Ms. Banyas requested \$150 Administrative Fee. The Special Magistrate ordered twenty days to come into compliance, by December 28, 2016, or a fine of \$100/day plus \$150 Administrative Fee due by December 28, 2016.

ITEM #V.18

Case #: 16100018 – Building Code Violations
Property Owner: Cox, Daniel E & Holly
Address/Folio: 4117 Bougainvilla Drive #107
Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Inspector Bethany Banyas testified that she was requesting to withdraw this case for today because a violation exists but notice was not properly served. This case will be brought back at the next hearing.

ITEM #V.19

Case #: 16100019 – Building Code Violations
Property Owner: Bayview Enterprises, Inc.
Address/Folio: 234 E Commercial Blvd
Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Inspector Bethany Banyas testified that certified mail was sent to the property owner of record at the mailing address of record on 10/22/2016. The green card is in the file. The violation is for an expired permit for an air conditioner change out. The permit expired on 6/29/2016 for lack of progress. She said that the Building Department notified her regarding the expired permit and she sent a Notice of Violation. Ms. Banyas received a call from the pharmacy where the air conditioner was installed. The pharmacy manager said she would make some calls to rectify the situation but Ms. Banyas has not heard back from anyone. She said that the Building Official is here to speak about this agenda item. Mr. Morrell testified that April 2015 was the original date for the permit which expired and was renewed on 12/29/2015. It has subsequently expired again. As this is the second time it expired, he felt that enough is enough. He suggested twenty days to come into compliance and \$150 Administrative Fee. The Special Magistrate ordered twenty days to come into compliance, by December 28, 2016, or a fine of \$100/day plus \$150 Administrative Fee due by December 28, 2016.

OLD BUSINESS

ITEM #V.11

***TAKEN OUT OF SEQUENCE**

Case #:	16090015 – Building Code Violations
Property Owner:	Anglin Fam Tr % Raymond Anglin
Address/Folio:	216 E Commercial Blvd
Code Section(s):	Chapter 30 – Unified Land Development Regulations Section 30-313(v)(2)a. 1-5 & b. 4&c Chapter 30 – Unified Land Development Regulations Section 30-505(p) Chapter 6 – Building and Building Regulations Section 6-36(a) Chapter 6 – Building and Building Regulations Section 6-36(e) Chapter 6 – Building and Building Regulations Section 6-6(a) Florida Building Code Section 105 Section 105.1 Required Florida Building Code Section 116.1 General

Code Compliance Inspector Bethany Banyas testified that this is a vacant commercial property, formerly Jo-Jo's Tacos. Certified mail was sent on September 23, 2016 to the property owner of record at the mailing address of record. The signed and dated green card is in the file. Certified mail was also sent to the owner of the building. She said that the building and land are owned separately. The green card was received from the building owner. At the November 17, 2016 hearing, this case was continued due to the building owner's request. The case regards property damage that the previous tenant did to the property. She spoke about the violations in compliance. However, Chapter 6 – Building and Building Regulations Section 6-36(a) for extensive damage to the interior and exterior of the property, Chapter 6 – Building and Building Regulations Section 6-36(e) for extensive damage to the electrical, and Florida Building Code Section 105 Section 105.1 for extensive work done without permits are not in compliance. For Florida Building Code Section 116.1, Ms. Banyas said the property is no longer unsafe and has been abated temporarily since the water and electricity have been shut off. She would like a finding of fact so that should it re-occur in the future during or when repairs are being done, we may be able to regard it as a repeat violation. She said that the Building Official is here to speak about this.

Mr. Morrell testified that the former tenant stripped the air conditioners from the roof, stripped the equipment from inside the building, and took light fixtures from the outside leaving bare wires. The Town stopped the utilities (water was shut off due to lack of payment). Since there are no utilities and the broken window is boarded up, the property is no longer unsafe. Mr.

Morrell answered the Special Magistrate that this is a standalone building so no one else is affected. It is a little bit of an eyesore due to the windows.

Spiro Marchelos testified that there was a disgruntled tenant. Mr. Marchelos spoke about the vandalism. He said that he filed an insurance claim and has a letter from the insurance company. He needs to settle the claim and then re-rent the property. Mr. Marchelos gave a copy of the insurance letter to the Special Magistrate who accepted it into evidence as Respondent's Item #1. Mr. Marchelos is negotiating with new tenants to start collecting some income. Discussion ensued between Mr. Morrell and the Special Magistrate. It was thought that perhaps sixty days would be enough time to come into compliance. There would be no fees or fines now but a status hearing was requested. The Special Magistrate ordered a continuance to the January 26, 2017 hearing for a status hearing and for a finding of fact for the violation of Florida Building Code Section 116.1.

Ms. Campbell then called the agenda items from the Sign-In Sheet and then went back to the order of the agenda.

CERTIFICATION OF LIEN

ITEM #V.31

***TAKEN OUT OF SEQUENCE**

Case #: 16080021 – Citizen Complaint
Property Owner: Holekamp, Stark
Address/Folio: 4421 Seagrape Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(8)

Code Compliance Inspector Bethany Banyas testified that the case number is 16120005 (associated case number) for 4421 Seagrape Drive. The property is currently a non-homestead single-family property. Certified mail was sent on December 1, 2016 to Susan Loggans and Denis Watson to their mailing address of record. Service was waived by the owners. The Town has documentation regarding this. Ms. Banyas explained that this was previously before the Special Magistrate at the October 2016 hearing. Compliance was ordered by 11/26/2016. On 11/26/2016, the property was inspected and found to be partially compliant with one remaining violation. Ms. Banyas met with Mr. Watson and Ms. Loggans who informed her that they had a pending sale on the property to purchase it. Ms. Banyas met with Bud Bentley, Town Manager, and Susan Trevarthen, Assistant Town Attorney, and drafted an agreement between the Town and the Purchasers. She explained that the Town's protocol is to close a case once the property has transferred hands. The intent was to advise them about closing the case should they close on the sale on the date intended. Then the case would be re-opened with the remaining violation. Ms. Banyas has photos of the property as of today as well as a copy of all the documentation which they can review before it is given to the Special Magistrate.

The violation remaining for compliance by the new owners is for landscape maintenance for loss and deterioration of ground cover. Ms. Loggans and Mr. Watson had no objection and the Special Magistrate entered Ms. Banyas' documentation and photos into evidence as Town's Composite Exhibit. Ms. Banyas said that the respondents told the Town that they plan to live on the property. They are going to perform extension renovations to the interior of the property and to the landscaping. They are requesting a reasonable time for compliance with the landscaping. They have brought in plans for the renovations to show the Special Magistrate.

Ms. Loggans answered the Special Magistrate that they own the property as they closed last week. Ms. Loggans said she is an attorney but does not practice code enforcement. Mr. Watson gave a copy of the renovations to the Special Magistrate as Ms. Watson explained the renovations. She said it would probably take a year to finish the project. The Special Magistrate said that this project would have to be brought back periodically to ensure progress is being made and suggested the April 2017 hearing. Ms. Banyas asked for a final order based on the belief that this project will move along with substantial progress and the Town would be willing to work with the new owners if substantial progress is made. She suggested a hypothetical fine now as a safeguard for the Town plus \$150 Administrative Fee. The Special Magistrate ordered one hundred twenty days, by April 7, 2016, to come into compliance or a fine of \$100/day plus \$150 Administrative Fee due by January 7, 2017. Per Ms. Loggans' inquiry, the Special Magistrate explained that his order is motivation to keep progress going and not to impose a fine. Ms. Loggans said that she is against an order on the property that is physically impossible to accomplish and likes the idea of just a status hearing in April. The Special Magistrate understands her opinion but his ruling stands.

ITEM #V.29

***TAKEN OUT OF SEQUENCE**

Case #: 16060021 – Building Code Violations
Property Owner: Brown, Ryan W & Brown, Tiffany L
Address/Folio: 4900 N Ocean Blvd (not 4900 N Commercial as on agenda) #305
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Bethany Banyas said that this is a non-homestead vacant condo property. Certified mail was sent on 9/30/2016 to the property owners of record at their mailing address of record. A notice was also sent to their current residence in Ohio. The green card was received. The violation is for work without permit and it is not currently in compliance. She said that this case was previously brought before the Special Magistrate on September 22, 2016 with compliance to be by November 22, 2016 by finishing all work and closing out all permits. The interior of the unit has been stripped entirely. The \$100/day fine has begun to accrue. The \$100 Administrative Fee has not been paid but Ms. Banyas was told that it would be paid by Monday. The total amount due today is \$1,700 which the Town is requesting to certify the lien on the property. She said that Robert Johns is here to speak on the owners' behalf. The Special Magistrate read the narrative that these violations are hazardous conditions and a threat to life safety. Ms. Banyas said that she has not inspected the property but was told that it is not in that life safety state now as they are nearing the end of the project.

Mr. Johns said that he is the general contractor hired by the family. He explained that FP&L pulled the meter and there were other delays. The final electric inspection is next week. The final plumbing should be the following week and then the final building. He has a photo showing the unit is pretty much back together. He answered the Special Magistrate that the project should be complete by the January hearing. The Special Magistrate ordered the case continued to the January 26, 2017 hearing. He explained to Mr. Johns that he could mitigate the fine at the next hearing if it is in compliance but to remember that this was a problem for a number of months. Ms. Banyas said that there is no Administrative Fee for tonight's hearing and if they are in compliance by the January 26, 2017 hearing, she would not be against mitigating the fine to zero. Mr. Johns was reminded about the \$100 Administrative Fee still outstanding.

ITEM #V.35

***TAKEN OUT OF SEQUENCE**

Case #: 16060031 – Building Code Violations
Property Owner: Vantage Holding Corp

Address/Folio: 267 Bombay Ave
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that they are here today to certify fines. Fines started running on August 28, 2016 at \$100/day for one violation and at the October 27, 2016 hearing the fines were suspended. The total fines from August 28, 2016 to October 27, 2016 for 61 days are \$6,100 plus \$150 Administrative Fee totaling \$6,250. The property was brought into compliance on November 16, 2016. She said that the owner, Michael George, is in attendance tonight. Mr. George explained the obstacles encountered and about the owner/builder permit. He stated that the permit is closed out. Ms. Foster answered the Special Magistrate that Mr. George has been diligent getting this project done. The Special Magistrate ordered abating the fine from \$6,100 to \$100 payable in thirty days by January 7, 2017

OLD BUSINESS

ITEM #V.13

***TAKEN OUT OF SEQUENCE**

Case #: 16080018 – Business Tax
Property Owner: Lurie, Anthony & Teresa
Address/Folio: 4443 W Tradewinds Avenue
Code Section(s): Chapter 12 – Licenses Section 12-2(a) Required.

Code Compliance Inspector Bethany Banyas said that this is currently a non-homestead single-family property. Ms. Lurie said it is a homestead property but Ms. Banyas said that homestead was rejected for the year based on a letter she received in August from the Broward County Property Appraiser. Ms. Banyas said the violation is a repeat violation of not having a business tax receipt. She said that there was in the past five years a final order #13020001 dated March 18, 2013.

Ms. Banyas said that the violation is in compliance now because a sign and rental ads were all removed. Ms. Banyas read a portion of the code into the record. She explained that she provided notice of the current violation on August 17, 2016 and it was brought into compliance on October 3, 2016 by removing the sign and the online website ads. Ms. Banyas said that Ms. Lurie told her that no one rented the property and Ms. Banyas does not disagree. Ms. Banyas said the fines ran 47 days from August 17, 2016 to October 3, 2016 at \$500/day totaling \$23,500 and she was also requesting Administrative Fee for tonight's hearing. Ms. Lurie showed her proof of homestead to Ms. Banyas. Ms. Banyas said that was dated 2/16/2016 but her letter was dated subsequent to that. However, as the violation is now in compliance, it is not relevant to this case.

As the Town cannot prove anyone rented the property, the Special Magistrate would not levy a fine but would charge Administrative Fee. He ordered \$150 Administrative Fee to be paid within three months by March 8, 2017. Ms. Banyas asked the Special Magistrate for a finding of fact stating that the repeat violation did occur between the dates of August 17, 2016 through October 3, 2016 and if it re-occurs, the Town could be requesting higher fines. The Special Magistrate ordered the finding of fact that the repeat violation did exist but is in compliance now and if this repeat violation should re-occur in the future, the property may be deemed a repeat violator again and may be subject to immediate fines.

NEW BUSINESS

ITEM #V.28

***TAKEN OUT OF SEQUENCE**

Case #: 16110004 – Building Code Violations
Property Owner: Pennymac Corp

Address/Folio: 1615 Blue Water Terrace North
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that she would like to withdraw this case. She said that the wrong section was cited. She would be re-citing the case under the proper code section. The Special Magistrate was in agreement.

OLD BUSINESS

ITEM #V.12

***TAKEN OUT OF SEQUENCE**

Case #: 16080025 – Building Code Violations
Property Owner: Silver Shores Yacht Basin Inc.
Address/Folio: 230 Basin Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-311(c)(2)b

Code Compliance Inspector Bethany Banyas testified that this is for both parcels as both are running fines (case #16080024 and case #16080025). Without objection, case #16080024 was heard now for both parcels.

ITEM #33

Case #: 16080024 – Building Code Violations
Property Owner: Richard Barrie Jr Inc.
Address/Folio: 226 Basin Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-311(c)(2)b

Code Compliance Inspector Bethany Banyas said that fines were imposed at the November hearing. It was stated on the record that David Garmizo from Joseph Roles & Assoc Inc. had submitted an application as required for the marina mooring area and revised amended site plan. However, they were not valid as they were not completed in full, etc. The certified fines started to run on November 17, 2016 and the Special Magistrate set up a status hearing for today. The Town advised Mr. Garmizo that we would re-set this status hearing without asking to change the fines but simply to change the status hearing from today to January 26, 2017 for both cases (case #16080024 and case #16080025). Ms. Banyas answered the Special Magistrate that fines are running daily on both cases and will continue to run daily on both cases. Ms. Banyas read David Garmizo's e-mail into the record. The Special Magistrate was in agreement with setting a new status hearing date for both cases to the January 26, 2017 hearing and that there would be no Administrative Fee for both cases for tonight's hearing.

COMPLIED (obtain finding of fact)

ITEM #V.15

***TAKEN OUT OF SEQUENCE**

Case #: 16100014 – Landscape Violations
Property Owner: Allegiant Equities LLC
Address/Folio: 4112 El Mar Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-477(a)

Code Compliance Inspector Bethany Banyas testified that this is a vacant lot. Certified mail was sent to the property owner of record at the address of record on October 19, 2016. After thirty days, compliance was not met. The green card was received. The violation of dead grass came into compliance this week. The Town was requesting a finding of fact stating that the property was in violation and that it came into compliance prior to the hearing. Should the violation re-occur in the future at this property under this owner's name she requested that it may be deemed a repeat violator and fines may be immediately assessed. The Town was not

requesting fees or fines for today's hearing. She has photos of the violation which she gave to the Special Magistrate. He accepted them into evidence as Town's Composite Exhibit. The Special Magistrate ordered the finding of fact that the violation did exist but is in compliance now and if this violation should re-occur in the future, the property may be deemed a repeat violator and may be subject to immediate fines.

NEW BUSINESS

ITEM #V.21

Case #: 16100024 – Nuisance/overgrowth weeds & grass
Property Owner: Carlsson, Anna Carlsson, Christian
Address/Folio: 287 Codrington Drive
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-10(c)
Florida Building Code Section 105.11.2.1

Code Compliance Inspector Bethany Banyas testified that this is a non-homestead vacant lot that had a building that was recently demolished. Certified mail was sent to the property owner of record to their mailing address of record overseas on October 29, 2016 and also to the contractor. The green card was returned from the contractor and the pink card from the owner overseas. Ms. Banyas spoke to the contractor and owner via e-mail multiple times. Ms. Banyas said that the demolition site was not sodded within 90 days as required by code. It is still not in compliance even though the owner and contractor said it would be completed prior to the hearing. They were in violation of expired permits also but those have been renewed and due to expire on 12/11/2016. The Town was requesting a final order for sodding the property in all bare areas within 30 days or a fine of \$100/day to accrue thereafter if compliance is not reached by January 7, 2017. She was also requesting \$150 Administrative Fee due by January 7, 2017. She has photos for evidence of the lot as it is today plus a letter the owner signed at the beginning of the permitting process to seed/sod after demolition and to maintain the grass alive. The Special Magistrate accepted her documentation into evidence as the Town's Composite Exhibit. The Special Magistrate ordered sodding the property in all bare areas within 30 days, by January 7, 2017 or a fine of \$100/day plus \$150 Administrative Fee due by January 7, 2017. Ms. Banyas requested a stipulation that if the grass does not stay in a healthy condition by January 7, 2017, it would not be deemed compliant. The Special Magistrate added the stipulation to his order that if the grass does not stay in a healthy condition through January 7, 2017, it would not be deemed compliant.

ITEM #V.22

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

Code Compliance Inspector Bethany Banyas testified that the Town was requesting a continuance to the January 26, 2017 hearing due to progress made on the property. The Special Magistrate ordered continuance to the January 26, 2017 hearing.

ITEM #V.23

Case #: 16090016 – Building Code Violations
Property Owner: Kobe, Lynne & Kobe, Murray
Address/Folio: 1541 S Ocean Blvd
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that she would like to continue this case to the January 26, 2016 hearing. The Special Magistrate ordered continuance to the January 26, 2017 hearing.

CERTIFICATION OF LIEN

ITEM #V.30

Case #: 16080015 – Property Maintenance
Property Owner: 230 Tropical Shores Dev LLC
Address/Folio: Garden Court Construction Site
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-8(d)1-4
Chapter 6 – Building and Building Regulations Section 6-10(c)
Chapter 6 – Building and Building Regulations Section 6-3
Chapter 6 – Building and Building Regulations Section 6-41(a)(11)
Chapter 6 – Building and Building Regulations Section 6-41(a)(12)
Chapter 6 – Building and Building Regulations Section 6-8(a)

Code Inspector Bethany Banyas testified that the site is the Garden Court Construction Site and the case is here for certification of fines. She read the folio number into the record. Certified mail was sent to the owner and the managers. There are three green cards in the file. Two violations did not come into compliance as required. The construction container requirement (Section 6-8(d)1-4) is not in compliance. The construction site maintenance (Section 6-8 (a)) is not in compliance. The four other violations were closed. The Town was requesting certification of fines at \$150/day/violation. There is also unpaid \$150 Administrative Fee owing. There is also \$100 Administrative Fee for today's hearing. As of today, \$3,750 is owed for the fines and the unpaid \$150 Administrative Fee plus \$100 Administrative Fee for today's hearing. The fines will continue to run. She has photos to submit into evidence of the site on November 29, 2016. The Special Magistrate accepted the photos into evidence as the Town's Composite Exhibit. He ordered the certification of the \$3,750 fine and previous Administrative Fee plus \$100 Administrative Fee for today's hearing.

ITEM #V.36

Case #: 16100009 – Building Code Violations
Property Owner: Tollis, Sabino & Ivana
Address/Folio: 1481 S Ocean Blvd #203E
Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Inspector Sharon Foster testified that we are here to certify the fines. Fines started running on December 8, 2016 at \$150/day for one violation. The property is not in compliance. As of today, it is out of compliance for one day for a fine of \$150 plus the previous \$150 Administrative Fee. There is \$100 Administrative Fee for today's hearing for a total to certify of \$400. The Special Magistrate ordered \$400 certification of fine.

ITEM #V.37

Case #: 16090017 – Nuisance/overgrowth weeds & grass
Property Owner: Johnson, Danielle
Address/Folio: 1724 Bel Air Avenue
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Code Compliance Inspector Sharon Foster testified that fines started running on September 28, 2016 at \$500/day for one violation. The property was brought into compliance on October 27, 2016. The fines ran for thirty days for a total of \$15,000 plus \$150 Administrative Fee for a total to certify of \$15,150. We are requesting to certify the fines based upon the issued final order.

However, the Town is requesting to modify that final order tonight to reflect the intent of the order which was stated on record at the October 27, 2016 hearing. The Town requested an order at the October hearing that would allow the Town to cut the lawn and abate the nuisance on a continuous basis while the property is in the possession of Danielle Johnson. Every time the grass exceeds the height requirement of code, the property owner will be responsible for the cost incurred by the Town to abate and the Town would record the lien for that amount. The Town has to correct the order because the printed order did not reflect the continuous order for the Town to abate and the property owner, Danielle Johnson, will be responsible for costs. Even though the violation has come into compliance now, this order will stand for any future violations of this nature while the property is owned by Danielle Johnson. The Special Magistrate ordered certification of fines in the amount of \$15,150. He further ordered revision of his final order of October 27, 2016 to include his intent that every time the grass is proven to exceed the height requirement of code and while the property is owned by Danielle Johnson, the Town can abate the nuisance and levy the costs to Danielle Johnson by recording a lien for that amount.

Special Set "A"

Re: Town Requesting to Vacate 10/27/16 Order of Imposition and Continue case to the 1/26/17 hearing.
Site Address: 4900 N Ocean Blvd #1210
Property Description: 494307CA1850
Legal Description: SEA RANCH CLUB C CONDO UNIT 1210

Case Number: 16030005
Violation: FBC Section 105.1 (work without permit)

Code Compliance Officer Sharon Foster was requesting, on the Town's behalf, that for code case #16030005 the Order of Imposition from the 10/27/16 hearing certifying fines in the amount of \$15,750 is vacated and requesting to continue the case to the next hearing on 1/26/2017 for Imposition of Fines. The owners, Raymond & Barbara Motto, had a meeting with the Town Manager, Assistant Town Manager and the Building Official on 12/7/16, to discuss the hardship that they were having coming into compliance. Ms. Foster said that the Order of Imposition has not yet been recorded with the County and that the fines will continue to accrue until compliance is met. The Special Magistrate ordered vacating the Order of Imposition from the 10/27/16 hearing and continuing the case to the next hearing on 1/26/17 for Imposition of Fines as the fines continue to accrue until compliance is met.

Ms. Campbell announced that there was another Special Set Case which would be an addition to the agenda for case #16090006. This was scheduled for certification of fines for non-compliance today but did not make it onto the agenda.

Special Set

Case #: 16090006 – Building Code Violations
Property Owner: Garana International Inc.
Address/Folio: 4140 El Mar Drive
Code Section(s): Florida Building Code Section 110.15 – Building Safety Inspection Program 110.15

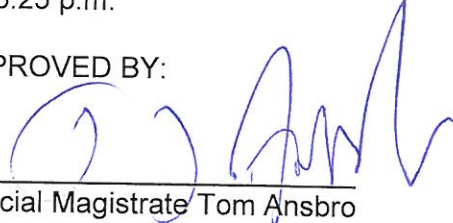
Code Compliance Inspector Bethany Banyas testified that Notice has been served properly. The respondent has been notified. She said that this is the Sea Lord Hotel and they have been very close to compliance. The \$300 fee due to the Building Department and documentation

for approval. There is also a \$50 Administrative Fee for tonight's hearing. The Special Magistrate ordered a revised Final Order extending the compliance date from December 7, 2016 to December 9, 2016 for submittal of \$300 check and documentation for approval. He further ordered payment of \$50 Administrative Fee for tonight's hearing.

VI. ADJOURNMENT

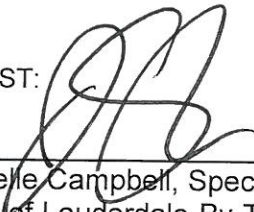
Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on December 8, 2016 at approximately 6:25 p.m.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:



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