TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room
Monday, February 23, 2015 at 5:00 P.M.

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:02 p.m. on Monday, February 23, 2015. Code Compliance Inspector Carmen Sanchez, Code Compliance Inspector Sharon Foster and Town Planner Linda Connors were present at the hearing. Also present were Assistant Town Manager Bud Bentley, Chief Plumbing Inspector Jim Bickford, and Clerk Idalia Gutierrez to record the minutes of the hearing. Special Magistrate Tom Ansbro explained the procedures for the hearing.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

A. APPROVAL OF MINUTES OF PREVIOUS CODE HEARING

January 26, 2015 Code Hearing – The minutes of 01/26/15 were not discussed.

IV. PUBLIC COMMENTS

The Special Magistrate briefly explained the new 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

Clerk Idalia Gutierrez noted the following cases were in compliance.

COMPLIED

1. C#: 15010001 4510 El Mar Dr
2. C#: 15010012 218 Pine Ave
3. C#: 15010015 259 Commercial Blvd
4. C#: 15010021 259 Commercial Blvd
8. C#: 15010003 236 E Commercial Blvd
13. C#: 15010004 1736 Bel-Air Ave

CONTINUED

5. C#: 15010017 4520 El Mar Dr

This case was continued until the April 20, 2015 Code Hearing

down for compliance. Ms. Connors said the signs are still too big. Ms. Munger stated for clarification that the awning signs need to be removed and resized. If the tenant takes down the silver building sign and installs the resized four awning signs, Pronto would be in compliance. Ms. Munger said that the work would all have to be done by a licensed contractor. Ms. Munger asked for a direct order.

For the record, Ms. Sanchez showed numerous e-mails to Ms. Munger that explained compliance and why the application was considered incomplete and not approved. Ms. Sanchez requested the e-mails be submitted into evidence. Ms. Munger answered the Special Magistrate that she understood what had to be done with the tenant. She said that a sign contractor had to submit the application with all the measurements and the silver building sign needs to be removed. Ms. Connors said they are allowed four signs. Ms. Connors said that Pronto By The Sea could keep the silver building sign and three awning signs or have four awning signs but only four signs were allowed and had to be within the square footage size limitation allowed.

The Special Magistrate ordered the fines to continue accruing until a completed application is submitted and a permit is obtained.

Ms. Munger said that as a representative of the building owner and as property manager, she will comply as soon as possible. The Special Magistrate entered the e-mails into evidence without objection as the Town's Composite Exhibit.

He reiterated the fines on both violations will accrue until 1) the submission of a complete application; and 2) the sign permit is obtained.

Ms. Sanchez said the Administrative Fee from the previous hearing was paid.

NEW BUSINESS

ITEM #V.9

Case #: 15010013 –	Building Code Violations
Property Owner:	Anglin Fam Tr % Raymond Anglin
Address/Folio:	216 E Commercial Blvd
Code Section(s):	Florida Building Code Plumbing Chapter 4 Section 403.2 Separate facilities

Code Compliance Inspector Carmen Sanchez said this property is a restaurant. The Notice of Violation was sent to both the property owner and the business owner via certified mail on January 29, 2015 and service was obtained. She explained that there was a complaint last year. There was a town-wide survey conducted. She explained that this restaurant has more than 10 seats and only one restroom. The Code calls for two restrooms when a restaurant has more than 10 seats. Ms. Sanchez said the Chief Plumbing Inspector is present to testify, if needed. The restaurant owner was also present. Ms. Sanchez has pictures and requested the Special Magistrate enter them into the record. She answered that there appears to be about 30 seats. The Special Magistrate entered the pictures into evidence without objection as the Town's Exhibit. The Chief Plumbing Inspector, Jim Bickford, said that Florida Building Code requires separate facilities for men and women except in three exceptions. One of the exceptions is a restaurant with 10 or less seats. To comply with the exception, this restaurant would have to remove the additional chairs.

Code and compliance was explained to them. This was done during the time of a town-wide survey for window signage. The business did not comply by applying and obtaining a permit. On January 12, 2015, a Notice of Violation was issued. For the record, the business owner applied for the permit but it has not been issued to date. Ms. Sanchez submitted pictures of the window that depicted the signs. She answered the Special Magistrate that the neon signs are too big. She is requesting an Administrative Fee of $75. Ms. Sanchez answered the Special Magistrate that she is in contact with both the property owner and the business owner.

The Special Magistrate ordered the Respondent to comply by March 15, 2015 or a fine of $150/day. He also imposed an Administrative Fee of $75 to be paid by March 15, 2015.

ITEM #V.11
Case #: 15010014 – Building Code Violations
Property Owner: Chaltchi, Jean-Marc
Address/Folio: 2036 Sailfish Pl
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Inspector Sharon Foster testified that she received a request to continue this case for 90 days. She explained to the Special Magistrate that in December 2014, she cited them for work done without a permit. She said they did come in to obtain permits but they did not obtain the permit for the work they were cited for. They were re-doing the roof but were also remodeling the interior of the house. They did come in last week to apply for an after-the-fact permit for the work they were cited for but they were slow on doing this. She is requesting an Administrative Fee of $150.

The Special Magistrate ordered the Respondent to comply by April 19, 2015 or a fine of $200/day. He also imposed an Administrative Fee of $150 to be paid by March 15, 2015. If they have not complied, this item will be on the April 20, 2015 agenda. The Special Magistrate wants to ensure they are actively working on compliance and completion.

ITEM #V.12
Case #: 15010023 – Permits Required Violations
Property Owner: Lovely, Michael
Address/Folio: 1431 S Ocean Blvd
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Sharon Foster said on January 13, 2015, she responded to a complaint that a door was being changed on unit #10. A Courtesy Notice was sent on January 20, 2015. On January 28, 2015, Ms. Foster observed that all the cabinets and kitchen appliances were taken out of the kitchen. There was also a hole in the wall and junction boxes were hanging. Ms. Foster sent a certified Notice of Violation and service was not obtained. The property was posted and a copy of the posting is in the file. The property is in violation of work without permit. She took pictures on January 13, 28, and 30, 2015 which accurately depict the condition of the property and she asked that they be entered into evidence. As of today, via e-mail from the Building Department, no permits were applied for the door or the interior work done. The Special Magistrate accepted the photos into evidence as Town's Composite Exhibit. She said that she has no contact with the owner. She is asking for an Administrative Fee of $150. As far as she can tell, no one has been back to the property.

The Special Magistrate ordered the Respondence to comply by March 15, 2015 or a fine of $250/day. He so imposed an Administrative Fee of $150 to be paid by March 15, 2015.

CERTIFICATION OF LIEN

ITEM #V.14

Case #: 14100013 – Zoning Violations
Property Owner: Buena Vista Oceanside LLC
Address/Folio: 4217 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-112.(f)(4)(c)(3)i-iv.

Code Compliance Inspector Carmen Sanchez presented the case to certify the fines for this property which is a hotel/motel. The property is going through bankruptcy. As per the Town Counsel's suggestion, she did not want to certify fines until everything was settled. For now, she is requesting to continue this to the April 20, 2015 hearing. If it needs to be rolled over, they will do that at that time.

The Special Magistrate ordered to continue the case to the April 20, 2015 Code Hearing.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on February 23, 2015 at approximately 5:48 p.m.

APPROVED BY:

Special Magistrate Tom Ansbro

ATTEST:

Idalia Gutierrez, Special Magistrate Clerk
Town of Lauderdale-By-The-Sea, Florida