

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room
Monday, January 27, 2014 at 5:00 P.M.

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at 5:03 p.m. on Monday, January 27, 2014. Town Planner Linda Connors and Code Compliance Officer Tuchette Torres were present at the hearing. Also present was 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. 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.

IV. CODE CASES

1. APPROVAL OF MINUTES OF PREVIOUS HEARING

December 16, 2013 Code Compliance Hearing – The minutes of 12/16/2013 were not discussed.

V. CODE CASES

Clerk Idalia Gutierrez noted the following cases were either in compliance or continued:

COMPLIED

- | | | |
|---------|----------|-----------------------|
| 1. C#: | 13110021 | 1700 S Ocean Blvd 18D |
| 2. C#: | 13120024 | 2048 Coco Palm Pl |
| 3. C#: | 13120025 | 3231 Fiesta Way |
| 4. C#: | 13120019 | 2049 Sailfish Pl |
| 5. C#: | 14010010 | 2020 Coral Reef Dr |
| 6. C#: | 13120022 | 2062 Ocean Mist Dr |
| 7. C#: | 13090010 | 4140 El Mar Dr |
| 20. C#: | 14010009 | 2030 Coral Reef Dr |
| 29. C#: | 13120013 | 4609 N Ocean Dr |
| 30. C#: | 13120014 | 4605 N Ocean Dr |
| 18. C#: | 14010002 | 6 Sunset Ln |

CONTINUED until the February 24, 2014 Hearing

- 8. C#: 13110015 2 E Commercial Blvd
- 9. C#: 13120005 3230 Seaward Dr
- 10. C#: 14010001 4308 Seagrape Dr
- 11. C#: 13120015 254 Avalon Ave
- 35. C#: 13120021 1972 Coco Palm Pl
- 19. C#: 14010004 1961 Coral Reef Dr.
- 36. C#: 13020001 4443 W Tradewinds Ave
- 37. C#: 13040007 4443 W Tradewinds Ave
- 23. C#: 13110013 255 Hibiscus Ave
- 25. C#: 13120004 4149 Seagrape Dr

Idalia Gutierrez announced the first case to be heard.

CODE CASES

ITEM #V.40

Case #: 13050020 – Building Code Violations

Property Owner: Piocosta Enterprises LP

Address/Folio: 4209 Seagrape Dr.

Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-313(K)(I) General Provisions
Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that the Special Magistrate gave the owner time until November 18, 2013 to meet with Town Planner Linda Connors. Ms. Connors testified for the record that they met but there was no resolution. Ms. Torres said that fines started running on September 17, 2013 at \$200/day for 2 violations in reference to paving a driveway with asphalt material (not approved by the Town) and not having a permit. The property is out of compliance 133 days. As of today (01/27/14), the fine is \$53,200 plus \$250 Administrative Costs. The Town is asking for certification of lien. Mr. Anthony Pio Costa said his attorney represented him at the last hearing. Mr. Pio Costa stated that the cost of an application for a variance is more than he wanted to spend. His position was stated last time that he did not exceed more than 50% according to the Code of the value of the project. He further stated that Michael Torres, who formerly worked for the Town, confirmed this in a letter dated June 2013 and Mr. Pio Costa sent him all pertinent information. Since then, the Town took a different position by using surface area and not dollars spent. The Special Magistrate explained to Mr. Pio Costa what he could do but that he had to certify the lien today. Town Planner Linda Connors said that the Town just wanted the driveway done properly. The Town would be willing to delay one more month (until the February 24th hearing). If it is completed, Mr. Pio Costa could state his case to the Special Magistrate. If it is not completed, the Special Magistrate would ask for an update and see how it goes from there. Mr. Pio Costa said he would hire a contractor and get the driveway done as soon as possible. **The Special Magistrate ordered this item back on the next hearing's agenda. If the work is not done, the fine continues to accrue.** It was pointed out that the Town only wanted compliance, not the money from the fine and was willing to give him another month. Town Planner Linda Connors and Code Compliance Officer Torres explained to Mr. Pio Costa what had to be done.

ITEM #V.17***TAKEN OUT OF SEQUENCE**

Case #: 13110019 – Permits Required Violations
Property Owner: Mattuchio, Jacqueline McCormick, Nicolas
Address/Folio: 1900 S Ocean Blvd
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that she was filling in for Code Compliance Officer Sharon Foster. On November 16, 2013 Ms. Foster received an anonymous complaint of work being done without a permit. She inspected Unit 3A and it was apparent that the kitchen was completely gutted. Notice was sent certified mail and service was not obtained. The property was posted and the Affidavit is in the file. There is no permit for the work that was done. Pictures were taken of the property during the inspection which accurately depict the condition of the property and Ms. Torres requested that they be added into evidence. The case was continued at the December hearing. The permit application was submitted today but it is incomplete. It needed the plumbing portion. The Town was requesting \$100 Administrative Costs. Mr. McCormick testified that he removed the kitchen himself and he did not know he needed a permit. It took 3.5 months to find a contractor who would do the work. The contractor is meeting with his plumber tonight and would bring him the plumbing portion tomorrow. He has been checking in with Sharon Foster. **The Special Magistrate gave Mr. McCormick until the next meeting, February 24, 2014, to get the permit issued for all the disciplines. Otherwise a fine of \$200/day would begin and Administrative Costs of \$100 were assessed.** Ms. Torres explained that this is an after-the-fact permit and the fees were automatically doubled by the Building Department.

ITEM #V.14***TAKEN OUT OF SEQUENCE**

Case #: 13090026 – Citizen Complaints
Property Owner: Oceantime LLC
Address/Folio: 4200 El Mar Dr.
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-37(1)(a)
Florida Building Code Section 105 Section 105.1 Required.

ITEM #V.15

Case #: 13090029 – Citizen Complaints
Property Owner: Ocean Treasure LLC
Address/Folio: 4308 El Mar Dr.
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-36(4)
Chapter 6 – Building and Building Regulations Section 6-37(1)(a)
Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that Mr. Dobrofsky is in compliance and no fines accrued. He did pay Administrative Costs for both cases. He wanted to present a Motion for Reconsideration and Relief of the Order. Town Planner Linda Connors gave a brief description of the case coming in as a complaint for code violations on the site. She said this had to be brought in front of the Special Magistrate because Mr. Dobrofsky would not allow for inspections. The reported code violations did not exist but there were other issues that needed to be resolved. Mr. Dobrofsky brought everything into compliance but there was a significant amount of time and effort on Staff's part to get to where we are today. Ms. Connors said that at the last hearing, the Special Magistrate was asked to waive the Administrative Costs for the violator. They were reduced by the Special Magistrate. She said that tonight Mr. Dobrofsky

was back to ask for no Administrative Costs. However, Town Staff felt Administrative Costs were warranted because of all the time and effort that went into this case.

Mr. Dobrofsky asked the Special Magistrate if he read his Motion for Reconsideration and the Special Magistrate answered that he just received it. The Special Magistrate informed Mr. Dobrofsky that he could either listen to his presentation or he could continue this until the next hearing giving the Special Magistrate time to read the Motion for Reconsideration. The Special Magistrate did not want to judge this until he knew all the facts. Mr. Dobrofsky proceeded to go through the facts chronologically. He stated that the Fire Marshall inspected 4200 Ocean Drive on August 9, 2013 and the 4208 Building would be inspected by the Fire Marshall thereafter. Ms. Torres accompanied the Fire Marshall to the August 9th inspection. Mr. Dobrofsky said that he did not have authority to let her inspect and he was never given notice of her inspection that day. He spoke about a tenant who complained to Ms. Torres about mold and work done on the property. He answered the Special Magistrate that there was nothing in writing regarding any fire violations due to the inspections. In late August, he received an e-mail from Ms. Torres about tenant complaints regarding unsafe conditions and mold for both properties and she wanted an inspection. On August 30th, she was sent letters asking her what she based the unsafe conditions on. Since he was not answered by the Town, he did a request for public records in case there were issues that needed to be handled, attaching Ms. Torres' e-mail. There was no response from the Town for the Freedom Request For Public Records. On September 9th, he did a more detailed public records request for both properties. He further stated that he never received any complaints from tenants regarding the alleged unsafe conditions and mold. In September, he did receive some information from the Town. On September 23rd, he requested information again. He said that he determined Ms. Torres solicited information from a disgruntled tenant. There was an e-mail that did not even come from a tenant. He felt that these accusations were unsubstantiated. He sent a description of what happened to Staff members who should have answered him. He hired a licensed contractor who is also a building official for a town in Dade County. His contractor contacted Jack Morrell stating he has been at the property and wanted some information. Mr. Dobrofsky said that the Town wanted Ms. Torres to inspect and the Fire Marshall to inspect for the second time. He called quite a few members of Town Staff and no one returned his calls. At the end of September, he sent a detailed letter to Town Staff reciting the history, what transpired and asking for the information he requested to better assess what the situation is. On September 26th, Ms. Torres commenced a Notice of Violation for a Special Magistrate Hearing October 21st. He filed two Motions to Dismiss (both cases) before October 21st. He talked about a courtesy copy for Declaratory Relief in Violation of the Freedom of Information for Public Records. He felt that every attempt to communicate has fallen upon deaf ears. In order to be conciliatory, Tom Johnston, his attorney, allowed inspection of both properties which happened in early November. There was a conference in the Town's conference room. The Town gave them a written list of what they found. None of the items listed, except for work without a permit, had anything to do with the September 26th complaint. At the November 16th hearing when it was apparent that the Town wanted Administrative Costs, Mr. Dobrofsky objected. Mr. Dobrofsky said per Statutory condition set by Florida Statute, the Town had to first issue a Notice of Violation and give the owner an opportunity to resolve it within a certain amount of time. If the owner did not resolve it within the time period, then there could be Special Magistrate action. Other than the e-mail from Ms. Torres about the mold and unsafe conditions, there was no other Notice of Violations. In the Motion To Dismiss, he listed everything. He gave his argument as to why there should not have been any Administrative Costs assessed. He spoke about the Town's Ordinance 6.5-4. He said that Ms. Torres is not an employee of the Town. She was not hired by the Town. Because she is not a Town employee, the initial complaint should not be considered. He listed all reasons why the Special Magistrate should vacate his Order for

Administrative Costs of \$125 on each case. He said that the Town may have spent time on these items but it was their own fault for not answering his detailed letter sent at the end of September. There should never have been Administrative Costs because in his opinion, this matter should not have come before the Special Magistrate. The Special Magistrate asked if the Town found any violations which have subsequently been corrected. Ms. Torres answered that there was an after-the-fact permit. She further stated that she verbally told Mr. Dobrofsky about the tenant leak and mold complaint. She also said about one year before this, there was another tenant complaint at the property and since this seemed like a recurring violation, she did not have to send out a courtesy notice. She was able to send her Notice of Violation in late September 2013. That Notice contained all the complaints that were stated to her. She dropped some complaints after she was finally allowed to inspect. In regard to work without a permit, the Building Department would not charge double fees for an after-the-fact permit, unless there was work done without a permit. Mr. Dobrofsky refutes what Ms. Torres said.

The Special Magistrate listened during this nearly one-hour discussion. **The Special Magistrate denied both Motions and advised Mr. Dobrofsky that he could take this further to Circuit Court. The Special Magistrate found that there was a violation involving work without a permit.** That was the reason Mr. Dobrofsky paid double for an after-the-fact permit. Ms. Torres received a complaint about a leak and mold and she sought an inspection which Mr. Dobrofsky denied. Mr. Dobrofsky then said he did file a Notice to Appeal within thirty days, so this matter would go before the Circuit Court based upon the record.

ITEM #V.41

***TAKEN OUT OF SEQUENCE**

Case #: 13070004 – Sign Violations
Property Owner: Torfor Investments Inc % JR Laraway CPA
Address/Folio: 4552 Bougainvilla Dr.
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-509(I)

ITEM #V.42

Case #: 13080023 – Permits Required Violations
Property Owner: Torfor Investments Inc % JR Laraway CPA
Address/Folio: 4552 Bougainvilla Dr.
Code Section(s): Chapter 13 – Noise Section 13-3(II) – Prohibited Acts
Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that fines started to run on September 19, 2013 at \$150/day. The property was brought into compliance on October 21, 2013. The fine ran for 33 days for a total of \$4,950 plus \$250 Administrative Costs. This was about a sign installed without a sign permit. They complied 33 days later for the first case (Case #13070004), but the second case (Case #13080023) is not in compliance. Fines started running for the second case (Case #13080023) on October 21, 2013 at \$150/day. The property is out of compliance for 98 days. As of today, the fine on the second case (Case #13080023) is \$14,700 plus Administrative Costs of \$250. The work done in Unit 25 of the property involved cabinets installed without a permit. The permit was not issued as of January 7, 2014 which was the last time Ms. Torres checked.

Bob Bryan, property owner, testified that the work was done without a permit. He was out of the country and the property manager was to have taken care of this. All the permits were applied for and the fire and electrical inspections passed. He is just waiting for plumbing and final inspection. Regarding the sign, it has six-inch letters for the name and address and Mr. Bryan

did not know a permit was needed for plastic letters. Town Planner Linda Connors said she agreed with the property owner and remarked that he did a nice job on the home. She agreed with no penalty for the sign but the Administrative Costs would remain. **The Special Magistrate ordered for the first case (Case #13070004) that there be no fine just the \$250 Administrative Costs.**

For the second case (Case #13080023), it was agreed to give Mr. Bryan to the next meeting, February 24, 2014, to come into compliance by having the permits issued and work done with the fine on that property still accruing. At the next hearing, if the work was complete, the Special Magistrate would be willing to discuss reducing the fine or even abating it. It all depends on what is reported at the next hearing. However, both Administrative Costs have to be paid, total \$500, within five days (February 1, 2014).

ITEM #V.47

***TAKEN OUT OF SEQUENCE**

Case #: 13110005 – Permits Required Violations
Property Owner: The R Group LLC
Address/Folio: 4132 N Ocean Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that fines started to run on December 4, 2013 at \$150/day. The property was brought into compliance on January 7, 2014. The fine ran for 35 days for a total of \$5,250 plus \$150 Administrative Costs. This was about a fence being installed without a permit. Town Planner Linda Connors testified that there is a new property owner. The buildings would be demolished with a hotel being built on site. While they were waiting for this to happen, they painted the deplorable buildings and re-located a fence. Ms. Torres tried to explain what has to be done to them. Staff recommends abatement of the fines and just to pay Administrative Costs. **The Special Magistrate ordered the Administrative Costs of \$150 be paid within five days, by February 1, 2014, with no other fines owed.**

ITEM #V.43

***TAKEN OUT OF SEQUENCE**

Case #: 13070041 – Business Tax
Property Owner: Maris Properties LLC
Address/Folio: 4613 N Ocean Dr
Code Section(s): Chapter 12 – Licenses Section 12-2(d)(l)
Chapter 30 – Unified Land Development Regulations Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)
Florida Building Code Section 105 Section 105.1 Required.

ITEM #V.33

***TAKEN OUT OF SEQUENCE**

Case #: 14010005 – Permits Required Violations
Property Owner: Karakaya Inc
Address/Folio: 4608 N Ocean Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

ITEM #V.34

Case #: 14010006 – Permits Required Violations
Property Owner: Karakaya Inc
Address/Folio: 4600 N Ocean Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that fines started to run on October 22, 2013 at \$100/day. The property was brought into compliance on October 29, 2013. The fine ran for 8 days for a total of \$800 plus \$250 Administrative Costs. This was about a/c units and countertops installed without permits. The contractor did get permits but went past the date of the final order. Ms. Torres said that the only thing the Town was asking for was the \$250 Administrative Costs and to abate the \$800 fine. **The Special Magistrate agreed and so ordered the \$250 Administrative Costs to be paid within five days, February 1, 2014, for the first case (Case #13070041), and the fine was to be abated.**

Ms. Torres said that for the second case (Case #14010005), on January 19, 2014 one of the building inspectors inspected the property at 4608 N Ocean Drive. He observed work was done without a permit and posted a stop work order. Notice was sent certified mail and service was not obtained. The property was posted and the Affidavit of Posting is in the file. Renovation of this property was done without a permit. They put stucco where the a/c units were taken out and permits for this were needed. On January 10, 2014, Ms. Torres took pictures of the property which accurately depict the condition of the property and requested they be entered into evidence. She is also requesting Administrative Costs of \$150. She spoke on January 21st with the owner's representative, Mr. Vedat Cokgoren, who said he told the worker not to fill in the holes. Besides the January 10th pictures, she submitted into evidence a copy of the stop work order, permits and permit history and pictures of the property on July 22, 2013. In answer to the Special Magistrate, Ms. Torres said Mr. Cokgoren had to get after-the-fact permits for work done without permits. Town Planner Linda Connors stated that she received a complaint today that there were people on the site doing work. Mr. Cokgoren stated that more time was needed. The Town does not have blueprints. He had a survey done today. The original plan was to knock down the buildings. The stucco over the a/c holes was done without his knowledge. The Special Magistrate asked Ms. Torres if thirty days would be enough time to extend and she asked the Special Magistrate to hear the next item before he ruled.

Code Compliance Officer Tuchette Torres said that for the third case (Case #14010006), on January 9, 2014 one of the building inspectors inspected the roof at 4600 N Ocean Drive. He observed work was done without a permit and posted a stop work order. Notice was sent certified mail and service was not obtained. The property was posted and the Affidavit of Posting was in the file. Renovation inside of this property was done without a permit. Drywall was removed. The floor was dug out down to the plumbing pipe. She was told there was a leak. She is requesting Administrative Costs of \$150. She was turning in for evidence the stop work order, the history of the permits, and pictures of this property. As this case required more substantial work to be done, the Special Magistrate asked if more time could be given. **The Special Magistrate ordered for Case #14010005, that this agenda item be brought back to the next hearing of February 24, 2014. They had to be completed, inspected and approved by February 24, 2014 or a fine of \$200/day would begin. Administrative Costs of \$150 were assessed.**

The Special Magistrate ordered for Case #14010006, Administrative Costs of \$150. Also for case #14010006, sixty days were given to have the work completed, inspected and approved or a fine of \$200/day would begin. If more time is needed and Staff recommends more time, the Special Magistrate would consider doing that.

The Special Magistrate ordered that both Administrative Costs, totaling \$300, had to be paid within five days, February 1, 2014.

ITEM #V.21***TAKEN OUT OF SEQUENCE**

Case #: 13090012 – Permits Required Violations
Property Owner: Keerke, Linda
Address/Folio: 4630 Poinciana St.
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tchetti Torres testified that this case was continued twice. On August 14, 2013 she inspected the property, 4630 Poinciana St. #1G. She observed a dumpster filled with drywall. Notice was sent certified mail and service was not obtained. The property was posted and the Affidavit is in the file. She spoke to a worker from Service Master who told her the a/c leaked and the company had to remove drywall. She explained that emergency work was allowed but the owner had to hire someone to come in to replace the drywall and would need a permit. She thought the president of the association was present also. Not until now has someone come in for a permit. On August 14th and 15th, 2013 she took pictures which accurately depict the condition of the property. She requests that they be entered into evidence. She requests Administrative Costs of \$50. She spoke with Jesse Patterson from Service Master who said the daughter would hire a contractor. Ms. Torres said the daughter, Kristen Beineke, is here today with her contractor. The contractor testified that he has the proper permits and to finish everything should take about 60 days. **The Special Magistrate ordered Administrative Costs of \$50 to be paid in five days, February 1, 2014. The work is to be completed and inspected in sixty days or a fine would commence for \$200/day. If more time is needed and Staff recommends more time, the Special Magistrate would consider doing that.**

ITEM #V.46***TAKEN OUT OF SEQUENCE**

Case #: 13100033 – Citizen Complaints
Property Owner: Kiroglu, Murat H
Address/Folio: 240 Imperial Lane
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-37(1)(a)
Chapter 6 – Building and Building Regulations Section 6-38(2)

Code Compliance Officer Tchetti Torres testified that fines started to run on December 19, 2013 at \$250/day for each of two (2) violations. The property was not brought into compliance. The fine ran for 40 days as of today for a total of \$20,000 plus \$250 Administrative Costs which have not been paid. This is in reference to the seawall being in disrepair. It needs to be reinforced and there was also stagnant water in a concrete flower bed in the front of the property. The City is asking for certification of liens. Fernando Mesa testified that he represents the owner. The owner has a signed contract with a contractor who is ready to do the repairs. Town Planner Linda Connors said that this property has been a problem long before she started to work here two years ago. There are four or five other ongoing cases on this property. The Town recommends that the lien be certified. Ms. Torres said that the seawall not only affects this house, but the adjacent properties as well. This matter should have been worked on prior to getting to this point. She supports the Town Planner's request for the lien to be certified. **The Special Magistrate certified the lien. He advised that you can come back to the Town Commission and ask for an abatement or reduction of the fine, when everything is accomplished. This has been dragging on far too long. The \$250 Administrative Costs need to be paid. As far as the water fountain, it is easy enough to get it fixed right away.**

ITEM #V.38***TAKEN OUT OF SEQUENCE**

Case #: 13020009 – Business Tax
Property Owner: Kaufman, Robert E Sr
Address/Folio: 4013 N Ocean Dr
Code Section(s): Chapter 12 – Licenses Section 12-2(a) Required.

Code Compliance Officer Tuchette Torres testified that no fines were running. Property was brought into compliance before the Final Order was set. Tonight was in reference to Administrative Costs of \$50. She sent a letter and spoke to Mr. Kaufman on the phone on August 26, 2013. However, he still failed to pay the \$50. Mr. Kaufman testified that he procrastinated. He is willing to pay the \$50. **The Special Magistrate ordered the \$50 to be paid within 5 days, February 1, 2014.**

ITEM #V.39

Case #: 13040020 – Property Maintenance
Property Owner: Pryor, John
Address/Folio: 4633 Bougainvillea Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-317(d)
Chapter 30 – Unified Land Development Regulations Section 30-317(g)
Chapter 30 – Unified Land Development Regulations Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-37(1)(a)
Chapter 6 – Building and Building Regulations Section 6-40(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)
Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that fines started to run on July 9, 2013 at \$150/day. The property was brought into compliance on September 13, 2013. The fine ran for 56 days as of today for a total of \$8,400 plus \$150 Administrative Costs which have not been paid. This is in reference to the parking lot that needed to be re-striped. She is withdrawing item #7 because it is a canopy and she never got an answer if it needs a permit. She testified that she believed Mr. Pryor would have taken care of the property if the Town was not doing construction work on Bougainvillea Dr. in front of his property. Mr. Pryor finished all his work and she is just asking for \$150 Administrative Costs. **The Special Magistrate ordered the \$150 to be paid within 5 days, February 1, 2014.**

ITEM #V.12***TAKEN OUT OF SEQUENCE**

Case #: 13090019 – Permits Required Violations
Property Owner: Spring Creek Inc % Barbara Boatman
Address/Folio: 4520 N Ocean Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that there was no per diem dollar amount given the last time this case was heard. He was just asked to come back. He built a barbeque shelter without a permit. No permit has been issued to date because it was still under review. Administrative Costs of \$150 were paid. We cannot certify a lien because there was no per diem fine assessed. Mr. Hlavna testified that at the first hearing, a permit was applied for but it was not issued because certain parts did not comply with the Building Code. He submitted the

adjustments to the permit on November 14, 2013. He re-submitted and was told it was with zoning. Mr. Hlavna said everything is ready to go and be completed and he was just waiting to hear back from the Town regarding anything from Zoning. Ms. Torres answered the Special Magistrate that it was okay to be continued until the next hearing. **The Special Magistrate ordered this item to be heard at the next hearing, February 24, 2014.**

ITEM #V.13

Case #: 13090020 – Permits Required Violations
Property Owner: Lumels, Jack
Address/Folio: 4013 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-241(a)(1) a & b
Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that Mr. Lumels was here earlier. His attorney and the Town's attorney came to an agreement. He is asking for a continuance until the next hearing on February 24, 2014. He has submitted information for issuance of the permits but he was not able to do the work. She gave a copy of his letter to the Special Magistrate. This was in reference to the dental lab and all the work done without permits. **The Special Magistrate ordered the fine to continue running for now until the next hearing, February 24, 2014, when they hear this case.**

ITEM #V.16

***TAKEN OUT OF SEQUENCE**

Case #: 13100008 – Building Code Violations
Property Owner: Cole BN Lauderdale FL LLC % National Tax Resource Group
Address/Folio: 276 E Commercial Blvd
Code Section(s): Florida Building Code Section 109.6 Section 110.15 Building Safety Inspection Program

Code Compliance Officer Tuchette Torres testified that this was in reference to Benihana Restaurant not having its 40-year inspection. She said that the inspection was done. Ms. Torres was asking that the Administrative Costs be waived because they are compliant. **The Special Magistrate ordered waiver of the Administrative Costs.**

ITEM #V.22

***TAKEN OUT OF SEQUENCE**

Case #: 13100011 – No Garbage/Trash Service
Property Owner: Sabatini Investments LLC
Address/Folio: 211 Commercial Blvd
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(1)

Code Compliance Officer Tuchette Torres testified that on October 7, 2013 she received a delinquent account list from Maria in Waste Services, the garbage provider for the Diner By The Sea. Notice was sent by certified mail on December 19, 2013 and service was obtained. There was a payment plan but Diner By The Sea did not keep up the plan payments. Per today's e-mail, the balance is \$707.52. She submitted for evidence to the Special Magistrate copies of the e-mails. We are requesting Administrative Costs of \$150. In reference to the per diem fine, the Town is asking for \$10/day. **The Special Magistrate so ordered. If Diner By The Sea is not compliant in ten days, February 6, 2014, a fine would be assessed for \$10/day.**

ITEM #V.24***TAKEN OUT OF SEQUENCE**

Case #: 13120001 – Permits Required Violations
Property Owner: Mangano, Paula LE Paula Mangano Rev Liv Tr
Address/Folio: 4137 Bougainvillea Dr.
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that she inspected the property on November 20, 2013. Notice was sent certified mail and service was obtained. The violation is sealing, coating, and re-stripping the parking lot without a permit. On November 20, 2013 and January 27, 2014 she took pictures which accurately depict the condition of the property and she requested that they be entered into evidence. She is requesting Administrative Costs of \$150. The permits have not been issued. She answered the Special Magistrate that thirty days should be enough time to get those permits issued. **The Special Magistrate ordered that this agenda item be continued to the February 24, 2014 hearing. If not in compliance, an amended fine of \$100/day would be assessed. He also ordered Administrative Costs of \$150.**

ITEM #V.26***TAKEN OUT OF SEQUENCE**

Case #: 13120012 – Building Code Violations
Property Owner: North Point Investments LLC
Address/Folio: 4116 N Ocean Dr.
Code Section(s): Florida Building Code Section 109.6 Section 110.15 Building Safety Inspection Program

ITEM #V.27

Case #: 13120017 – Graffiti Violations
Property Owner: North Point Investments LLC
Address/Folio: 4116 N Ocean Dr.
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(1)(a)

ITEM #V.28

Case #: 13120018 – Citizen Complaints
Property Owner: North Point Investments LLC
Address/Folio: 4116 N Ocean Dr.
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-37(1)(b)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Code Compliance Officer Tuchette Torres testified for the record that before the hearing, Case #13120017, came into compliance. For Case #13120012, she said toward the end of 2013, she received a list of properties from the Building Department that did not have forty-year inspections. This property was on the list. Notice was sent certified mail and service was obtained. This is the old Holiday Inn. The owner said that since this is an active construction site, he does not know why he needs a forty-year inspection. She spoke to Mr. Poscelli today who said he could do the forty-year inspection in two weeks. Ms. Torres said that Mr. Poscelli was not here tonight and asked the Special Magistrate if he would rule fourteen or thirty days. **The Special Magistrate ordered thirty days, to the February 24, 2014 hearing.** She gave the Special Magistrate a picture depicting that this property is not an active construction site. She requested Administrative Costs of \$250. **The Special Magistrate ordered \$250/day fine to commence, if not in compliance by the February 24, 2014 hearing. He also ordered \$250 Administrative Costs.**

For Case #13120018, Code Compliance Officer Tuchette Torres testified that on December 23, 2013 she inspected the property. Notice was sent certified mail and service was obtained. There is dead landscaping on the property. Also, the concrete curbing located in front of the property has chipped, peeling paint. Hedges were overgrowing into rights of way. She took pictures on December 23, 2013 and January 27, 2014 that accurately depict the condition of the property. She requested that they be entered into evidence. She was requesting \$250 Administrative Costs. She reported that Mr. Poscelli had someone out at the property today cutting vegetation but work still needed to be done. The worker is supposed to come back in the morning to complete everything. She suggested giving fourteen days to come into compliance. **The Special Magistrate ordered \$200/day fine if not in compliance in fourteen days, February 10, 2014. He also ordered Administrative Costs of \$250.**

ITEM #V.31

***TAKEN OUT OF SEQUENCE**

Case #: 13120026 – Zoning Violations
Property Owner: Ciani, Elayna Ciani, William
Address/Folio: 112 NE 50 St.
Code Section(s): Chapter 17 – Streets, Sidewalks and Other Public Places Section 17-89(a)(1) & (2)
Chapter 17 – Streets, Sidewalks and Other Public Places Section 17-91(g)

Code Compliance Officer Tuchette Torres testified that she inspected the property on December 30, 2013. Notice was sent certified mail and service was obtained. The violation is that the Keese's Restaurant is in violation of its sidewalk café permit. It extends its outside café in front of other businesses. As of today, Ms. Torres said that item number one came into compliance and what remains is Code Section 17-91(g). This violation is that there should be only two tables with only two chairs at each table in the outside café. On December 30 and December 31, 2013 she took pictures. On January 27, 2014 two pictures were e-mailed to her. All the pictures accurately depict the condition of the property and Ms. Torres requested that they be entered into evidence. She requested Administrative Costs of \$150. She suggested fourteen days to come into compliance. **The Special Magistrate ordered fourteen days, February 10th, to come into compliance or a fine would be assessed at \$200/day. He also ordered Administrative Costs of \$150.**

ITEM #V.32

Case #: 13120027 – Building Code Violations
Property Owner: Florida Development Group Inc.
Address/Folio: 4546 El Mar Dr.
Code Section(s): Chapter 12 – Licenses Section 12-2(a) Required.
Chapter 30 – Unified Land Development Regulations Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-36(2)
Chapter 6 – Building and Building Regulations Section 6-36(5)
Chapter 6 – Building and Building Regulations Section 6-37(1)(a)
Florida Building Code Section 109.6 Section 110.15 Building Safety Inspection Program

Code Compliance Officer Tuchette Torres testified that she inspected the property on December 11, 2013. Notice was sent certified mail and service was obtained. There was no 40-year

inspection report for this property. The new owners have to transfer a business license for the building into their own name. Landscaping is not being maintained. The building was not in a good state of repair as some holes are not filled in properly. The interior stairs' horizontal pickets are wide and do not meet the building code requirements. Some of the balconies are being supported by wood and not concrete beams. Some balconies are leaning. Some of these issues constitute safety hazards. The glass enclosure in the rear has broken glass. The exterior of the building is showing signs of deterioration. On December 11, 2013 she took pictures that accurately depict the condition of the property and Ms. Torres requested that they be entered into evidence. She requested Administrative Costs of \$250. She was given the e-mail addressed to Town Planner Connors. The new owners want to demolish the buildings. They would be coming in for a demolition permit. The Town was asking for sixty days to obtain the permit and complete the demo. She would like this item to appear on the February 24, 2014 agenda, so the Town would know the progress. **The Special Magistrate ordered this item on the February 24th agenda for a progress report. The Special Magistrate ordered sixty days to get the demolition permit and finish the demo, if not a fine would be assessed at \$200/day. He also ordered Administrative Costs of \$250.**

ITEM #V.44

***TAKEN OUT OF SEQUENCE**

Case #: 13080005 – Nuisance/Abandoned Homes
Property Owner: Glynn, Raymond E & Glynn, Deborah F
Address/Folio: 297 Tropic Dr.
Code Section(s): Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-22(a)
Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(f)

ITEM #V.45

Case #: 13090013 – Nuisance/Overgrowth weeds and grass
Property Owner: Glynn, Raymond E & Glynn, Deborah F
Address/Folio: 297 Tropic Dr.
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-40(b)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Code Compliance Officer Tuchette Torres testified that for Case #13080005, fines started to run on September 4, 2013 at \$250/day. The property was brought into compliance on November 18, 2013. The fine ran for 76 days as of today. There is a recorded lien for these fines. She is asking today to record and certify the lien for the cost to the Town to abate the nuisance of the pool for \$902. She has a copy from Municipal Services of how much this cost to abate the pool which she gave to the Special Magistrate as evidence for the file. **The Special Magistrate certified the \$902 lien to abate the pool.**

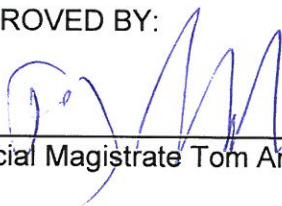
For Case #13090013, Code Compliance Officer Tuchette Torres testified that the property was brought into compliance on November 3, 2013 by the Town. The full amount owed is Administrative Costs of \$250 plus \$709 to cut the grass by the Town. She was asking for these liens to be certified and recorded. She gave the Special Magistrate a copy of the Work Order as evidence for the file. **The Special Magistrate so ordered: The \$250 fee and \$709 City costs are liens to be certified and recorded.**

VI. FIRE CASES

VII. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on January 27, 2014 at 6:46 p.m.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:



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