

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, January 26, 2023 at 5:00PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:20PM on Thursday, January 26, 2023 with Town Attorney Alan Gabriel, Senior Code Compliance Inspector Bethany Banyas, Code Compliance Inspector Eric Villanueva, Development Services Director Jhanelle Campbell, Building Official Simo Mansor, Fire Marshal Stephen Paine, and Special Magistrate Clerk Megan Small to record the minutes.

II. SWEARING OF WITNESSES

The Special Magistrate administered the oath to everyone speaking today, except not to lawyers.

III. OPENING STATEMENT

Please note for the record that this is an in-person hearing.

IV. PUBLIC COMMENTS

No one from the public wished to speak now on items not on the agenda.

V. CODE CASES

The cases were heard in the order they were typed. All discussions in the matter were not limited to the case summaries typed below.

NEW BUSINESS

ITEM #V.19

***TAKEN OUT OF SEQUENCE**

Case #:	22120011 – Sign Violations
Property Owner:	Commercial East LLC
Address/Folio:	100 E Commercial Blvd
Code Section(s):	Section 30-505(b) Not permitted sign

Senior Code Compliance Inspector Banyas testified that the business is Harat's. Notice of Violation was issued December 24, 2022. For service, the green card was in the file, signed and dated by the property owner and also by two owners from the LLC. The alleged violation was

The Special Magistrate ordered a Finding of Fact that the violation existed but was now complied and if this violation should reoccur within the next five years (by the same owner and at the same property/location), it may be deemed a repeat violation subject to immediate and higher fines and there were no costs assessed for today's hearing. The representative introduced himself as a co-owner, Dimitri, and his brother, Andre, were there and also Ann. He said the facts stated were correct and he apologized but wanted to state some points. One was that the purpose of the sign was different than a sandwich sign. This cutout of their chef sign depicted how to contact the chef, if someone had a question and if the customer wanted a photo opportunity with the chef. The Special Magistrate said that the sign was advertising even though they may not have intended advertising to be the purpose. The inspector answered the representative's next question that the Town Code did not allow a sign anywhere within ten feet of a window or door as it was considered visible. It could be turned around and placed inside so those inside or coming inside could see it. The Special Magistrate explained that the property owner was responsible but made sure that the tenant understood the rules. He made it clear to the tenant not to use the excuse that their new employees did not know the rules. The Tenant was responsible to convey such rules to their employees. The Town did not look for fines but they did look for compliance so the Special Magistrate warned that if this violation came back again, it would be a problem.

ITEM #V.51 ***TAKEN OUT OF SEQUENCE**

Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

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taken that day were true and accurate. A woman fell through a mezzanine opening that was cut in the mezzanine floor without a permit and was taken to an area hospital. The Building Official also came out and photographed the situation. The gas was shut off to the restaurant and the business was closed so repairs could be made. The Fire Marshal answered the Special Magistrate that the mezzanine was above the kitchen inside the building. There were stairs to get to the office and the cooler. The Fire Marshal explained what they found that wasn't there when the building had its last final inspection. He further answered that the lady was released from the hospital and was fine. The Inspector answered that there were two violations. One was general structure violations for the foundation, floors, walls, roof, etc. and explained what that entailed. The Special Magistrate was given the photos that the respondents saw and had no objections to the photos. The Special Magistrate entered them into the file as Town's Composite Exhibit without objection. The Inspector answered the Special Magistrate that the opening was complied and that the other violation was work without permit that was also complied. The Inspector said that the Town was requesting a Finding of Fact that the violations existed but were complied prior to the hearing and if they should reoccur in the future within the next five years by the same owner at the same property/location one or both violations may be deemed a repeat violation subject to immediate and higher fines. There were no costs to be assessed for today's hearing.

The representative, Dimitri, said that he disagreed. He testified that all of the work was done under permits with architectural drawings submitted to the Town and approved by the Town. The opening of the slab was completed as part of the original buildup of the restaurant under permit and he gave the permit number for the record. The Inspector called up the Building Official who asked the representative if the hole was there when he gave him the CO and Dimitri said that it was not a hole but part of the plumbing buildout and it was there when he got the CO. The Building Official testified that it was not his recollection that the opening was there when the CO was issued. He felt it was ludicrous that the Town would agree to allow it that way. The Building Official said that the representative was trying to now blame this on the Town and he told Dimitri that if he found that hole open again, he would shut them down for good. The Building Official wanted it on record that the hole was there and a woman fell down and he could not believe what he just heard now from the representative. If this should happen again, we would deal with taking care of that situation. The Special Magistrate said that there was a disconnect somewhere and warned about not letting the violation reoccur, as that would be a very, very big problem. That was a safety issue where a woman was hurt and could have died. Discussion ensued and the Special Magistrate said he could not resolve the difference between the representative's and the Building Official's recollection and it was a moot point now that the violation was complied but this better not come back. The Special Magistrate would not dismiss this case as there were pictures and the violation did occur and a woman was injured. The Special Magistrate ordered a Finding of Fact that the violation existed but was now complied prior to the hearing and if this violation should reoccur within the next five years (by the same owner and at the same property/location), it may be deemed a repeat violation subject to immediate and higher fines and there were no costs assessed for today's hearing.

OLD BUSINESS

ITEM #V.11

***TAKEN OUT OF SEQUENCE**

Case #: 18020015 – Property Maintenance

Property Owner: Anglin Fam Tr % Raymond Anglin

Address/Folio: 2 E Commercial Blvd

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Maintenance appearance standards

Senior Code Compliance Inspector Banyas testified that the property was here for an update regarding progress on the pier. Yesterday, an email was received from Dave Atkinson providing a schedule for debris removal on the pier. Prior to that, they met with Dave Atkinson and Logan Newel regarding the safety plan that would be coming out and a meeting took place on September 20, 2022 per the Special Magistrate's requirement at the last hearing. The Special Magistrate asked the Town if the email he was looking at satisfied the Town's debris issues for the time being. The Inspector asked DS Director Campbell whether the emailed debris removal plan submitted yesterday was sufficient for now. DS Director Campbell felt that the plan was fine. The Special Magistrate entered the email into the file as a Pier's Exhibit from the Pier's Respondent. The Director reminded Mr. Atkinson to let them know in advance if they need to block off any area of the pier, etc. so that the Town could coordinate with them. Mr. Atkinson said they were also moving forward on the environmental concerns and he brought Tyler Chappell up to explain. Mr. Chappell said they filled out applications and were doing a survey to identify all the coral. The Special Magistrate reminded about visibility at night to warn boaters and swimmers not to go in the gap/opening in the pier from the last storm. David Atkinson said that was well lit now and the water was quite shallow there. There was also security at the pier at night. DS Director Campbell asked Tyler Chappell if he contacted the Department of Environmental Protection and he informed that he would not know anything until applications were submitted. They were working on the plans and the applications now. They were the environmental component and were still putting their team together like structural engineer, lighting, etc. and had to wait until every discipline was in place before a submittal took place. DS Director asked if it was okay not to meet in February and resume again in March. The Special Magistrate ordered the next pier update to be at the March 23, 2023 Hearing.

SPECIAL SET

ITEM #V.49

***TAKEN OUT OF SEQUENCE**

Case #: 21110002 – Permits Required Violations

Property Owner: Whittier Towers Apartments Association, Inc.

Address/Folio: 1439 S Ocean Blvd

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that the original violation was already certified as a lien but the Town held off on recording as a courtesy to the Whittier Towers Apartments Association and their attorney. The work without permit was for the seawall that was altered with the addition of a concrete "cap" on top of it, a new dock was installed as well as a floating dock which was later removed. So now there remained a dock and alterations to the seawall. Whittier Towers submitted applications to legalize the unpermitted work and found out they did not have permission from the owners of the land underneath the water and partially underneath the seawall. As the lien was already certified but not recorded, the Town brought this back as a courtesy. They recommended recording the lien and to stop holding courtesy status hearings. The Town requested the Special Magistrate to order that the lien could be recorded and to stop holding courtesy status hearings.

Kathy Galullo, president of the Whittier Towers Association, said they did apply for an after-the-fact permit. She explained the history of this violation and read a letter into the record. The following was a summary. She understood the Town's position but if there needed to be litigation, that was how it would have to be. The bottom line was that Kathy was going to submit an easement that allowed Whittier Towers to use the canal land and a dock for recreational purposes that was signed by all five of the associated land owners. There was a meeting with Palm Yacht

and Beach Club and because she thought there was progress made, she submitted to them all that she had researched and paid for. Then Whittier Towers' other lawyer spoke with the Palm Yacht lawyer and was told that they have changed their mind. Whittier Towers was told that they were angry over the fact that their construction has taken so long. Kathy testified that they were behind but it was due to COVID. She read a letter into the record from Palm Club's lawyer. The bottom line was that she has an easement which was all that she was supposed to get stamped by all parties. There were plenty of after-the-fact permits done and the vindictiveness toward Whittier Towers has been unconscionable. She wanted Mr. Hillman to talk and she spoke on the record regarding the west side of their building going to collapse due to the water.

Matt Nolan of Hiram Engineering Co. testified that he was involved from the earliest stages. The following was a summary of what he spoke about which was not limited to not being able to take the rotting piles out until they had permission to replace them. He sent this to the Broward County Environmental Department and the Property Appraiser's email. He understood what Inspector Banyas was asking for but needed the Town to understand that they would need time to go through the process to get the County designation on the property appraiser's website. Once that was on there, the tax department would know. Then he thought they would be able to get the Town what they needed. Kathy testified that as far as they were concerned, they had the right to perpetually use the canal and waterway and the land under it. They had a dock there since 1957 and the people from Palm Yacht have a vendetta. Kathy said the problem with the dock has decreased their property values and people could not sell. They could not go on this way and she thanked the Town for their time.

Town Attorney Alan Gabriel had some comments to make based upon what was said tonight but wanted to give time for people to testify now. Rosemary Kuntz testified that she was a member of the Palm Yacht and Beach Club and the following was a summary of what she said. She would like to put into the record her presentation and backup documentation. She read into the record from her notes and explained that this began August 2017 when a courtesy letter was sent to Whittier Towers by Lauderdale-By-The-Sea (LBTS) advising of code violations. May 2018, LBTS issued a Notification of Code Violation. All violations were under Chapter 6 of Building and Building Regulations. There would be a hearing on September 27, 2018. In February 2019, a Whittier Towers' owner wrote that since the land was leased, the land owner and not the tenants should pay for the seawall repair. In December 2019, Bill Vance of LBTS emailed that they were working on the seawall and dock restoration and would touch base with Whittier Towers in January 2020. There was another email in February 2021. On December 4, 2020 the Palm Yacht and Beach Club attorney was contacted by the Whittier Tower Attorney. Broward County Property Appraiser showed the Whittier Tower property ended at the seawall and had no riparian rights to the seawall. They also showed who owned the seawall and paid the taxes on it. She spoke about the exchange of emails between Whittier Towers and LBTS in January and February and on March 2nd, DS Director Campbell spoke about the boundary survey given by Whittier Towers showing that the seawall was not entirely owned by Whittier Towers. She spoke about a co-application from the owners of each side of the waterway would be required for seawall restoration. In spite of knowing what was required, Whittier Towers went ahead with the dock project without permits. Kathy from Whittier Towers canceled the seawall project on March 3rd. Ms. Kuntz felt that the dock was never written about but was always silently included in the Whittier Towers seawall restoration. September 22, 2021, mentioned cement poured on the seawall with no permit posted at the site and in October 2021, LBTS acknowledged that no permit was issued. Whittier Towers continued with the construction by installing new pilings, a marginal dock, floating dock, finger piers, etc. On November 2, 2021, Ms. Kuntz personally confronted Whittier Towers that they never answered their request for information. She contacted different departments in LBTS and Broward County and emailed the US Army Corp of Engineers. On November 3, 2021,

Code Compliance Officers visited the site and issued multiple violations. Hearings were held with the Special Magistrate in which extensions were granted. On November 22, 2022, Palm Yacht and Beach Club sent a letter to Building Official Mansor. The Palm Yacht and Beach Club has many frustrations regarding this case and wanted to know how much longer would this go on? They wanted the Town to please allow the lien to be recorded. Please note that the Palm Yacht and Beach Club did not have vindictive feelings toward Whittier Towers. They live with concrete on their seawall that had no inspections to make sure it was done correctly. They thank the Town of LBTS for their professionalism, knowledge, courtesy, responsiveness, etc. Their staff deserved to be commended. Ms. Kuntz gave her copies including emails, etc. and the Special Magistrate accepted them. Inspector Banyas had no objection to the evidence being submitted to the Special Magistrate and he suggested to the inspector to give a copy to Whittier Towers. The Special Magistrate accepted the files given by Ms. Kruntz into evidence as Interested Party's Exhibit without objection.

Town Attorney Alan Gabriel said that work was done without permits, people were using the dock even though they were told they would not use it and to let those fines continue to run. He was asking the Special Magistrate for his direction to allow the Town to record the certificate of lien. Allow all parties to take the opportunity they need to bring some conclusion to the use of the canal, seawall issues, and all the other issues brought up that were not within the purview of the Town. Know that the Town was not aware of the issues between the County and the parties that were spoken about tonight. We understand that the County was reviewing it but the Town being unaware could not speak of the status as it relates to the parties. The Town was asking for the direction from the Special Magistrate to record and they would proceed and let the other parties do what they need to. When in compliance, the Town would consider whatever proper mitigation may have resulted at that time.

Cosmo Williams came to the podium and spoke about having an early start letter from the City of Fort Lauderdale to rebuild the dock and build a seawall. They also issued a permit that they paid for the dock and seawall. Halfway through the project, they could not figure out who owned the land under the dock. They had to stop and they never refunded the money for the permit. Palm Yacht could not prove that they own the dock and the seawall. Let them show us the proof. Everyone has an easement to use the canal for recreational purposes and they have a right to the land under the canal. Palm Yacht thinks they own it. They have their own problems with their seawalls and their dock was falling apart.

The Special Magistrate explained that he could not decide who owned the submerged land, etc. He did not want to get into title issues. The Town requested that the lien was to be recorded and that was what he was doing tonight. The Special Magistrate ordered the Whittier Towers lien could be recorded and to stop holding courtesy status hearings at this time plus to assess \$100 hearing cost to Whittier Towers for tonight's hearing due immediately but payable withing thirty days. He hoped everyone would be friendly and just leave this to the lawyers.

Town Attorney Gabriel and DS Director Campbell left at approximately 6:27PM.

CERTIFICATION OF LIEN

ITEM #V.41

***TAKEN OUT OF SEQUENCE**

Case #: 22090005 – Permits Required Violations

Property Owner: Dung Kim Nguyen Rev Tr Nguyen, Dung Kim Trs

Address/Folio: 233 Hibiscus Ave

Code Section(s): Florida Building Code Section 105.1. Work Without Permits.
Permits. Required

This case was called but it was decided to recall it after hearing the next case #22110002. After hearing the next case, this was recalled. Senior Code Compliance Inspector Banyas testified that the property was a duplex (233 and 235 Hibiscus). This was scheduled for a follow-up and potential certification of a lien today. At the previous hearing, the property was ordered to comply by obtaining permits for the unpermitted work done on ½ of the duplex. They obtained the services of a contractor, Al Alvarez, who was here to represent the property. A permit package was submitted yesterday but was still under review. It appeared to cover all of the items needing a permit. She suggested hearing from him. Al Alvarez testified that they were the second contractor. As soon as he was hired, he reached out to the Town and submitted everything that the Town required. They were waiting for comments and they would do everything to bring this up to code. He was requesting a thirty-day extension. Inspector Banyas answered the Special Magistrate that the Town would agree to an extension of the comply-by date to February 22, 2023 and to come back to the February 23, 2023 hearing, if needed, plus \$25 hearing cost for today's hearing. The Special Magistrate ordered an extension of the comply-by date to February 22, 2023 and to come back to the February 23, 2023 hearing, if needed, plus \$25 hearing cost for today's hearing due immediately but payable within thirty days.

SPECIAL SET *(not listed on agenda)*

ITEM #V.52 ***TAKEN OUT OF # SEQUENCE**

Case #: 22110002 – Bulk Trash

Property Owner: Marenas 2010 LLC

Address/Folio: 4221 Bougainvillea Dr

Code Section(s): Chapter 10 – Garbage and Refuse Section 10-28(e) Maintenance

Code Compliance Inspector Villanueva testified that bulk trash and receptacles should not be on the street and sidewalk on non-pickup schedule days. They needed to adhere to the bulk trash pickup schedule. This was brought into compliance prior to today's hearing. The Town was requesting a Finding of Fact that the violation did exist but was complied prior to the hearing and if this would happen again at this property owned by the same owner within the next five years, it could be deemed a repeat violation subject to immediate and higher fines and no hearing cost for today. The inspector said that the owner was present.

Daniel Villanizar signed in as the manager. He thanked staff for their help as WastePro needed to give them more carts. They have a team that was very attentive now. He answered the Special Magistrate that this was a ten-unit building. The Special Magistrate reminded to be mindful that the carts were not to be visible on non-pickup days. If this violation came back, he would deal with it with severe penalties. He did not want this, so please be mindful. The Special Magistrate ordered a Finding of Fact that the violation existed but was complied prior to the hearing and if this violation would happen again at this property owned by the same owner within the next five years, it could be deemed a repeat violation subject to immediate and higher fines and no hearing cost for today. After hearing this item, they recalled case #41 above.

NEW BUSINESS

ITEM #V.32

Case #: 21120018 – Building Code Violations

Property Owner: Fountainhead Association, Inc.

Address/Folio: 3900 N Ocean Dr

Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

Senior Code Compliance Inspector Banyas testified that they received an update from the president and the board of directors yesterday. She said that the Building Official wanted to hear what they said today to decide what to do about allowing them additional time to finish the project. Jim Naughton, president, gave a summary of what was done so far. They were in the middle of doing all their balconies plus all the repairs for their forty-year inspection. They have made very good progress so far. He explained everything they did for all of the cantilevered balconies the Town was concerned about. He explained about what would be done for rebuilding after the balconies were demolished and how all the other items the Town were concerned about would be handled. The whole package was up for bid. It would probably need another year or eighteen months. Hillman was ready with the zoning package. The balconies were all on the seaside. We would build back better, in accordance with the law. They had their owner first multi-million dollar assessment and would have more and he spoke about a bank's \$5 million line of credit which was in place. They were fully committed to get rid of all the violations. An exhibit was given to the Special Magistrate for the file which he accepted. They would like another continuance as this project would take a year or a year and a half. Matthew Nolan from Hillman Engineering testified that this was a massive project. There were sixteen floors plus an underground garage. Their board has been fantastic. They were moving on all fronts as fast as they could. Inspector Banyas testified that she and the Building Official would recommend a continuance of 90 days (3 months) for a status hearing. The Special Magistrate ordered a continuance for three months to come back to the April 27, 2023 hearing for a status hearing and no hearing cost for today's hearing.

CERTIFICATION OF LIEN

ITEM #V.38

***TAKEN OUT OF SEQUENCE**

Case #: 22030004 – Permits Required Violations

Property Owner: APCE Acquisitions LLC Arnold, Joan G

Address/Folio: 4420 E Tradewinds

Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-313 (d)(1)(h)

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

Florida Building Code FBC BCA Section 105.1. Work Without

Permits. Permits. Required

Florida Building Code FBC R4501.17.1.9 Residential Pool Barriers

Senior Code Compliance Inspector Banyas testified that the Town has already discussed this with Josh Arnold this morning and his contractor of record. They agreed to an extension of the Final Order comply-by date to February 22, 2023 to give them sufficient time to complete the permitting process and reconvening at the February 23, 2023 Hearing. There would be a \$25 hearing cost assessed for today's hearing. The Special Magistrate ordered an amended Final Order with an extension of the comply-by date to February 22, 2023 and reconvene at the February 23, 2023 Hearing plus \$25 hearing cost due immediately or payable within thirty days.

ITEM #V.42

***TAKEN OUT OF SEQUENCE**

Case #: 22080002 – Permits Required Violations

Property Owner: 4051 N Ocean Drive LLC

Address/Folio: 4109 N Ocean Dr 1-8

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Compliance Inspector Banyas testified that the violation which was complied was for work without permits for three units. They complied late and fines accrued totaling \$4,650.

This case was scheduled for certification of lien. A representative for the property was here and she suggested that we hear from him. Elie Mimoun said he represented the ownership. He explained the situation. Inspector Banyas answered the Special Magistrate that the property was in compliance. They were ordered to get a permit for the interior work done in three units. They were given two months and on October 27, 2022, a \$200/day fine started to run until November 18, 2022 when the property complied. She knew they had problems with their contractor. The Special Magistrate lowered the \$4,650 fine to \$1,000 to be paid within thirty days. The inspector requested no hearing cost for today's hearing. The Special Magistrate ordered the \$4,650 fine lowered to \$1,000 which must be paid within thirty days or the fine would revert back to \$4,650 and no hearing cost due for today's hearing. The inspector spoke about the other liens on this property. The one that was already recorded, the forty-year inspection, once this violation was complied, they would deal with the Town Commission regarding the mitigation. The other liens, once the violations were complied, could also be mitigated by the Town Commission if the lien was recorded and the Inspector would help him with the process. She explained that if a lien was not recorded, the mitigation could be decided by the Special Magistrate.

NEW BUSINESS

ITEM #V.36

***TAKEN OUT OF SEQUENCE**

Case #: 22110004 - Commercial Vehicles
Property Owner: Karvin, Mitchell
Address/Folio: 1910 Waters Edge
Code Section(s): Chapter 19 – Traffic and Motor Vehicles Section 19-21 (b)(4)

Code Compliance Inspector Villanueva testified that the Notice of Violation was issued November 21, 2022. For service, the signed green card was in the file. There was a commercial van parked on the property on a regular basis day and night. There was also a jet ski trailer tied to a palm tree on the property. The inspector had photos that he showed to the property owner who did not object to the photos. The photos were given to the Special Magistrate who accepted them without objection into the file as Town Composite Exhibit without objection. Mitchell Karvin testified that the jet ski trailer was up for sale. He did not know that he could not have his van on his property. He wanted to know if he could cover it up as it was a passenger van. Inspector Banyas testified that the Town Code would not allow it because it displayed lettering or advertising, and the vehicle is used in commerce. The Special Magistrate said he could put it in his garage and inspector Banyas said that would be allowed. Inspector Villanueva said that the Town would give Mr. Mitchell two weeks to comply this violation or a fine of \$100/day plus \$50 hearing cost for today's hearing. The Special Magistrate ordered a Final Order to comply by February 9, 2023 (14 days) by removing the trailer/jet ski and the commercial vehicle or a fine of \$100/day to accrue thereafter and \$50 hearing cost for today's hearing due immediately or payable within thirty days. Inspector Banyas clarified that for the part of Pompano that was annexed by LBTS in 2001, there was an exemption for people who owned a boat allowing them to keep it on their property.

ITEM #V.29

***TAKEN OUT OF SEQUENCE**

Case #: 21100051 - Building Code Violations
Property Owner: Crane – Crest Apartments, Inc.
Address/Folio: 1850 S Ocean Blvd
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

Senior Code Compliance Inspector Banyas testified that this dealt with the building safety inspection. Crane – Crest did prepare their report and Mr. Nolan was here to talk about the extensive/expensive repairs. Inspector Banyas said that the Town would be agreeable to another

continuance on this case but wanted to hear from Mr. Nolan. Matt Nolan with Hillman Engineering testified that the repairs were quite extensive and expensive but they should have a contractor under contract the first week in February. They found some safety issues when they did their 50 year inspection. The Fire Marshal was out last week regarding sprinkler issues. The shoring that was under the garage was installed and took all the weight off. He said they have zoning applications to submit and plans that were designed that would be submitted to the Building Department for approval. He answered the Special Magistrate that there were not many balcony issues but he thought the work was still extensive. The high voltage electrical from FPL was not grounded and the parking garage was collapsing. Building Official Mansor answered the Special Magistrate that they should have a status hearing in about three months. The Special Magistrate ordered a three-month continuance for a status hearing at the April 27, 2023 Hearing with no hearing cost for today's hearing.

CERTIFICATION OF LIEN

ITEM #V.37

***TAKEN OUT OF SEQUENCE**

Case #: 22120010 – Zoning Violations

Property Owner: Bell, Robert K

Address/Folio: 4521 N Ocean Dr 1-6

Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-241 (k)(1) RM-25 district

Senior Code Compliance Inspector Banyas testified that this is a new case regarding a repeat violation. On December 21, 2022, a Notice of Violation and Repeat Violation was posted on the property and emailed to Mr. Bell. It was also sent via certified mail. The violation was that the lot size was 6,251 sq ft and had an approved permit for four units. It was operating again with more than four units. She answered the Special Magistrate that it did operate previously with more than four units and came into compliance and now operated again for six units. The lot size was too small to operate with more than four units and more than four units was not a permissible use. In order to comply the property, they could not operate with more than four units. The Inspector would recommend the Special Magistrate order inspections at certain intervals to ensure that this was operating with only four units to ensure continued compliance. She had evidence of a photo of what she observed on December 21, 2022 which she gave to Mr. Bell. She also has a copy of the previous Final Order issued October 28, 2021. The Town recommended a \$500/day fine for every day that the violation existed beginning December 21, 2022 and continue until compliance was achieved and confirmed by the Town. To date, that would be 37 days of a repeat violation totaling \$18,500. She noted that the Broward County Property Appraiser reported the practical existence of 6 units but did not report what was legal, only what existed. To date, they still show 6 units on their website. The Special Magistrate asked if there were six different power meters and she explained that Mr. Bell was operating one and maybe two of the units as short-term rentals. Mr. Bell never returned his signed Affidavit for Short-Term Rental. She gave her evidence (photo and description of what she observed on December 21, 2022 as well as a copy of the previous Final Order issued October 28, 2021 and a copy of the Broward County Property Appraiser's folio with six units listed) to the Special Magistrate. The property and Town Hall were posted.

The Inspector explained that today, Mr. Bell called and advised that he did not know about the hearing. She found that difficult to believe but it was not her place to make any assumptions. He asked her to make an inspection today of the property but it was too late in the day for that but she could inspect tomorrow. If no one was living in those two units, then perhaps the case could be complied tomorrow but she was concerned that the situation could start all over again.

Building Official Mansor said he would like to put on the record that if Mr. Bell would be caught again doing the same thing, he suggested pulling the power on the two units. If the power was shared by all the units, pull the power on the whole building. If this should happen again, there would not be power in that building. The Special Magistrate entered the evidence into the record as the Town's Composite Exhibit.

Mr. Bell said that the unit was connected and considered one unit. He only had four units going at one time. The people living in the double unit were women who have roommates. One of his units has three people living in it. He did not understand why roommates could not live there. Inspector Banyas did not observe a roommate situation. She said there were people living on one side of the door and the other side of the door. In a boarding house or rooming house situation, a physical lock did not have to be in place. The Special Magistrate said he would impose an order retroactive to December 21, 2022 at \$500/day fine until it was confirmed by Inspector Banyas that there were only four units being rented and no more or the fine would continue to accrue. Whatever it took to ensure that it was only four units, the fine would continue to accrue. If this should come back again, the Special Magistrate would not entertain reducing (mitigating) the fine at that time. Mr. Bell said that he understood. Inspector Banyas said that there was enough evidence to demonstrate that Mr. Bell was aware of what the property was being operated as.

The Special Magistrate said that when Inspector Banyas inspected, the Building Official should go with her because he could pull the power if this was being rented as six units. Inspector Banyas recommended that the Fire Marshal also attend the inspection so all three would be there. The hearing cost for today's hearing was \$50. The Special Magistrate ordered a Final Order retroactive to December 21, 2022 at \$500/day fine to continue to accrue until it was confirmed by Inspector Banyas that there were only four units being rented and no more for compliance plus \$50 hearing cost for today's hearing due immediately or payable within thirty days. The Special Magistrate recommended that Building Official Simo Mansor, Fire Marshal Steve Paine and Senior Code Compliance Inspector Bethany Banyas attend the inspection for compliance together.

SPECIAL SET

ITEM #V.50

***TAKEN OUT OF SEQUENCE**

Case #: 22080023 – Permits Required Violations

Property Owner: Nguyen, Phuong Dinh Van, Tan

Address/Folio: 3 Sunset Ln

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

General Structural

Florida Building Code FBC BCA Section 105.1. Work Without

Permits. Permits. Required

Senior Code Compliance Inspector Banyas testified that this case was already before the Special Magistrate and a Final Order was issued requiring an after-the-fact permit for all the work done without a permit discovered at a vacation rental application inspection. The Town did not believe the current owner did the work but permits were still needed. The comply-by date to obtain the permit was January 25, 2023 but there was a problem encountered. She recommended hearing from Tan Van. The owner, Tan Van, did not know when he bought the house that things were done without permits. The permit application was submitted and he paid the fee which was over \$5,000. The Special Magistrate explained about the cost of an after-the-fact permit but the owner thought it was unfair that he had to pay for something a previous owner did. The Inspector explained that the owner would need more time to obtain the permit because it had to go through

many disciplines and requested that the comply-by date should be extended to February 22, 2023 and to assess \$25 hearing cost for today's hearing. She explained about potential problems accessing this property due to a sewer accident at the next door property which would have to be kept in mind for next month's hearing. The Special Magistrate ordered a revised Final Order with a new comply-by date of February 22, 2023 and, if needed, to come back to the February 23, 2023 Hearing plus \$25 hearing cost for today's hearing due immediately but payable within thirty days.

CERTIFICATION OF LIEN

ITEM #V.40

***TAKEN OUT OF SEQUENCE**

Case #: 22070011 – Property Maintenance

Property Owner: Colaner, Joseph

Address/Folio: 4507 W Tradewinds Ave

Code Section(s): Chapter 21 – Vegetation Section 21-26(c)

Chapter 30 – Unified Land Development Regulations – Section 30-477 (a) Maintenance of landscaped area

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

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

Chapter 6 – Building and Building Regulations – Section 6-41 (a)(10)

Chapter 6 – Building and Building Regulations – Section 6-41 (a)(2)

Chapter 6 – Building and Building Regulations – Section 6-41 (a)(7)

Senior Code Compliance Inspector Banyas testified that Code Compliance Inspector Villanueva went to the property today to take photos but there was no rear access as fences were repaired. There were still some violations that needed to be complied and she wanted to hear from Mr. Colaner as to how much more time he needed to finish. Inspector Banyas answered the Special Magistrate that she thought Mr. Colaner knew what was still left that had to be done but felt it would be good if Inspector Villanueva was able to walk the property with him. The Special Magistrate explained to Mr. Colaner that they would wait another thirty days but the new Code Compliance Inspector Villanueva would make an appointment to walk the property with Mr. Colaner (and his daughter if that was what the Colaners would like) to show what was left to do to finish this out. Mr. Colaner showed his pictures to the Special Magistrate who was impressed with the things that were done so far. Mr. Colaner explained that he felt he did everything that the Town thought was wrong and had to be fixed. Code Compliance Inspector Villanueva asked Mr. Colaner if he was available tomorrow and Mr. Colaner showed pictures that he thought he did everything that had to be done and wanted to finish this tonight.

The Special Magistrate explained that the new inspector would not be looking for new stuff but only what still needed to be done from this case, so that this item could be officially complied. Inspector Banyas said that previously, an extension was given so that Mr. Colaner would not accrue fines and it would be in everyone's best interest to do that again tonight plus no hearing cost assessment for this hearing. The Special Magistrate said there would be no more fines under the current circumstance and to extend the comply-by date to February 22, 2023 with no hearing cost for today's hearing. Mr. Colaner was given his photos back. Laura Colaner was asked if she wanted to say anything and she said that things look great now. The Special Magistrate said that the new inspector would work with the Senior Inspector to identify whatever needed to be done so this case could be complied. Ms. Colaner said she wanted to be contacted about these meetings as well because her father did not have the letter, etc. for today. Ms. Colaner agreed to give her email address and mailing address and Inspector Banyas said she would give her the entire file. Mr. Colaner said that his daughter would also be there tomorrow when the new

inspector arrived. The Special Magistrate ordered a revised Final Order with a new comply-by date of February 22, 2023 and to come back to the February 23, 2023 Hearing only if needed. Code Compliance Inspector Villanueva would meet with Mr. Colaner and his daughter, Laura, tomorrow at the house to go over with them what still needed to be complied from this case and no hearing cost to be assessed for tonight's hearing.

OLD BUSINESS

ITEM #V.10

***TAKEN OUT OF SEQUENCE**

Case #: 22040002 – Property Maintenance
Property Owner: Sun & Sea Villas LLC
Address/Folio: 4213 El Mar Dr 1-6
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a)
Florida Building Code FBC BCA Section 105.1. Work Without
Permits. Permits. Required

Senior Code Compliance Inspector Banyas testified that the respondent was not here and she recommended that the case was heard tonight. She anticipated that they would be here this evening and she even told their attorney. She said this case switched hands and rather than certify the lien, they decided to bring it back and recommend a revision to the existing Final Order transferring it into the new owner's name and giving them until February 22, 2023 to comply. No hearing cost for today's hearing. The Special Magistrate ordered a revision to the existing Final Order transferring it into the new owner's name and giving them (extending the comply-by-date) until February 22, 2023 to comply with no hearing cost for today's hearing. She explained that the new owner was Sun & Sea Villas LLC.

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 22030010 – Building Code Violations
Property Owner: Leisure By The Sea Association Inc. C/O Exclusive Property
Management
Address/Folio: 226 Hibiscus Ave
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection
Program

For the record, no one was in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this was regarding the building safety inspection for the condominium (Leisure By The Sea North). They were cited and received a Final Order for compliance and already received one extension. She has not heard anything since they received the extension. Building Official Mansor told her he has heard from them and recommended a thirty-day extension. She recommended to the Special Magistrate to extend the Final Order to February 22, 2023 with \$25 hearing cost for today's hearing. The Special Magistrate ordered a revised Final Order with an extended comply-by date of February 22, 2023 and return to the February 23, 2023 hearing if needed plus \$25 hearing cost for today's hearing.

NEW BUSINESS

ITEM #V.22

***TAKEN OUT OF SEQUENCE**

Case #: 23010003 – Permits Required Violations
Property Owner: Jacobs-Pineon, Elizabeth
Address/Folio: 1850 S Ocean Blvd 108
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without
Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas said this was a brand new work without permit case. Her evidence was submitted to the Special Magistrate who entered it into the record as Town's Composite Exhibit. The Notice of Violation was sent to the property owner's address in New York but it was returned. The property and Town Hall were both posted on January 14, 2023. The property was also posted on January 5, 2023 with a Stop Work order and property management was alerted at that time. This was a full demolition and renovation of the condominium unit. The Town recommended a Final Order giving until February 22, 2023 to obtain issued after-the-fact permit(s) for the work done without permit(s) or a fine of \$250/day plus \$50 hearing cost for today's hearing. For the record, the inspector said that this was expedited because of the extensive work to the unit. This was deemed an emergency to be heard at this hearing per the Building Official bypassing the thirty-day required notice. The Building Official said that the owner was notified regarding this by the management. There were complaints/concerns regarding mold from next door. He instructed them to run a/c but the power was pulled in that unit. There were windows to open or find a way to run temporary power during the day to run some a/c. The Special Magistrate ordered a Final Order to obtain issued after-the-fact permit(s) for the work done without permit(s) by February 22, 2023 or a fine of \$250/day plus \$50 hearing cost for today's hearing.

ITEM #V.21

***TAKEN OUT OF SEQUENCE**

Case #: 21120003 – Building Code Violations
Property Owner: Royal Coast Condo Assn. Inc.
Address/Folio: 2000 S Ocean Blvd
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified they did submit reports through December 14, 2022. She suggested an additional thirty days and then request additional reports. There was no Final Order on this case and just continue it to February 23, 2023 requesting additional reports with no hearing cost for today's hearing. The Special Magistrate ordered a thirty-day continuance to the February 23, 2023 hearing requesting additional reports and no hearing cost for today's hearing.

ITEM #V.30

***TAKEN OUT OF SEQUENCE**

Case #: 21100012 – Building Code Violations
Property Owner: El Dorado Club AKA Delrado Inc.
Address/Folio: 1470 S Ocean Blvd
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that concrete restoration was taking place under an approved permit. She has not heard from them in awhile and Code Compliance Inspector Villanueva would contact them next week for an update. For now, she suggested a continuance to the February 23, 2023 hearing with no hearing cost for today. The Special Magistrate ordered a thirty-day continuance to the February 23, 2023 hearing and no hearing cost for today's hearing.

ITEM #V.33

***TAKEN OUT OF SEQUENCE**

Case #: 21100021 – Building Code Violations
Property Owner: Sea Ranch Club Condo C
Address/Folio: 4900 N Ocean Blvd

Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified they recommend a continuance to February 23, 2023 Hearing but in the interim, they would be contacted for updates. No hearing costs for today's hearing. The Special Magistrate ordered a thirty-day continuance to the February 23, 2023 Hearing and no hearing cost for today's hearing.

ITEM #V.34

Case #: 22050002 – Building Code Violations
Property Owner: Sabatini Investments LLC
Address/Folio: 229 E Commercial Blvd
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that she recommended a continuance to the March 23, 2023 hearing with no hearing costs for today's hearing. The Special Magistrate ordered a continuance to the March 23, 2023 Hearing and no hearing cost for today's hearing.

CERTIFICATION OF LIEN

ITEM #V.39

***TAKEN OUT OF SEQUENCE**

Case #: 21060005 – Permits Required Violations
Property Owner: D'Angelo, Michael S Harris, Jonathan & Ameueiras, Mar
Address/Folio: 3210 Oleander Way
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1. Permits. Required

For the record, there was no one in attendance to represent the property owners. Senior Code Compliance Inspector Banyas testified that this was before the Special Magistrate three times and a Final Order was issued on July 28, 2022 regarding the driveway and walkway that were expanded. They went over this with the owners and agreed to an extension of the comply-by date for several months. She has not heard from them in over a month and they have not responded to her emails. The Inspector said that the Final Order required compliance yesterday. She recommended certification of the lien as she did not see many other options. The Special Magistrate suggested certifying the lien but not recording for thirty days and have them come to the next hearing. Inspector Banyas said certifying the lien had \$200 hearing cost associated with it and she would request that. The Special Magistrate ordered certification of lien but would not record until after the February hearing giving the opportunity to speak with the owners plus \$200 hearing cost due immediately but payable within thirty days and return to the February 23, 2023 hearing.

ITEM #V.44

***TAKEN OUT OF SEQUENCE**

Case #: 22080012 – Permits Required Violations
Property Owner: Seagrape One Apartments LLC
Address/Folio: 4300 Seagrape Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-477 (a) Maintenance of landscaped area
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owners. Senior Code Compliance Inspector Banyas testified that the contractor and the representative asked the Special Magistrate for mitigation of fine. There was an email yesterday stating they had issues obtaining materials and the proper services to do the work over the holidays. They asked for an extension of the comply-by date to today's date. They did comply on January 23, 2023 and the amount due today was \$11,575. Inspector Banyas asked the Building Official about their request and discussion ensued. It was decided to certify the lien but not to record until after the February 23, 2023 Hearing. There was a \$200 hearing cost associated with the certification. The Special Magistrate ordered certification of lien but would not record until after the February hearing giving the opportunity to speak with the owners plus \$200 hearing cost due immediately but payable within thirty days and return to the February 23, 2023 hearing. Special Magistrate Clerk Megan Small read into the record that the Building Official went on an inspection today and he found additional work without a permit.

ITEM #V.45

***TAKEN OUT OF SEQUENCE**

Case #: 22080016 – Permits Required Violations
 Property Owner: Stanley, George Stanley, Rose
 Address/Folio: 4641 Bougainvillea Dr
 Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-327. (k) 1.a.-h Vacation Rental or Short Term Rental Dwelling
 Chapter 6 – Building and Building Regulations Section 6-36(a)
 Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owners. Senior Code Compliance Inspector Banyas testified that that the Florida Building Code violation was complied but not the two other violations. She wrote an email regarding this advising that they should contact her to get this resolved before the hearing but she did not hear from anyone. She said that the Town recommended certification of the lien plus the \$200 hearing cost associated with certifying the lien. The Special Magistrate ordered certification of lien plus \$200 hearing cost associated with the certification and that hearing cost was due immediately but payable within thirty days.

Special Magistrate Clerk Megan Small read into the record the cases to be continued.

CONTINUED CASES			
Item #	Case #	Property Address	Continued To:
1	22020002	262 Commercial Blvd	Feb 23
2	21080007	1501 S Ocean Blvd	Feb 23
3	22080004	4533 Poinciana St	Complied
4	22100011	226 Basin Drive	Feb 23
5	22070008	4553 Bougainvillea Dr	Feb 23
6	22070026	265 Commercial Blvd	Feb 23
7	22080011	4533 Poinciana St	Complied
8	22100011	226 Basin Dr	This was not announced as it is a duplicate entry

CONTINUED CASES			
Item #	Case #	Property Address	Continued To:
			for number 4 on this table above.
9	22110003	4204 N Ocean Dr 1-4	Feb 23

OLD BUSINESS

ITEM #V.12

***TAKEN OUT OF SEQUENCE**

Case #: 21080006 – Building Code Violations
 Property Owner: Isla Bella LLC
 Address/Folio: 4324 Seagrape Dr 1-4
 Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
 Permits. Required

For the record, there was no one in attendance to represent the property owners. Senior Code Compliance Inspector Banyas requested that the comply-by date on the Final Order to be extended to February 22, 2023 with no hearing cost for today's hearing. The Special Magistrate ordered a revised Final Order with a new comply-by date of February 22, 2023 and returning to the February 23, 2023 Hearing with no hearing cost for today's hearing.

ITEM #V.13

Case #: 22070023 – Permits Required Violations
 Property Owner: Bucur-Drugan, Cristina Bucur-Drugan, Alexandru
 Address/Folio: 6000 N Ocean Blvd 7B
 Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36 (e)
 Florida Building Code FBC BCA Section 105.1. Work Without
 Permits. Permits. Required

For the record, there was no one in attendance to represent the property owners. Senior Code Compliance Inspector Banyas requested that the comply-by date on the Final Order to be extended to February 22, 2023 with no hearing cost for today's hearing. The Special Magistrate ordered a revised Final Order with a new comply-by date of February 22, 2023 and returning to the February 23, 2023 Hearing with no hearing cost for today's hearing.

ITEM #V.14

Case #: 22110007 – Permits Required Violations
 Property Owner: Affordable Lux Properties LLC
 Address/Folio: 4328 N Ocean Dr 1-3
 Code Section(s): Florida Building Code Section 105.1.

For the record, there was no one in attendance to represent the property owners. Senior Code Compliance Inspector Banyas testified that the Town was requesting that this would be continued to the February 23, 2023 Hearing with fines continue accruing for non-compliance. They would like to re-set the date for certification of fine. The Special Magistrate ordered a continuance of this agenda item to the February 23, 2023 Hearing with fines continuing to accrue.

ITEM #V.15

Case #: 22070029 – Permits Required Violations
 Property Owner: Endeavor Capital LLC Homestead Financial Mortgage LLC
 Address/Folio: 4344 E Tradewinds Ave

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owners. Senior Code Compliance Inspector Banyas requested that the comply-by date on the Final Order to be extended to February 22, 2023 with no hearing cost for today's hearing. The Special Magistrate ordered a revised Final Order with a new comply-by date of February 22, 2023 and returning to the February 23, 2023 Hearing with no hearing cost for today's hearing.

ITEM #V.16

Case #: 22100004 – Permits Required Violations
Property Owner: Iliakis, Cleopatra LE
Address/Folio: 1480 S Ocean Blvd
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas said the property owner requested and the Town was now requesting an extension of the comply-by date to February 22, 2023 and to return to the February 23, 2023 Hearing with no hearing cost for today's hearing. The Special Magistrate ordered a revised Final Order with a new comply-by date of February 22, 2023 and returning to the February 23, 2023 Hearing with no hearing cost for today's hearing.

ITEM #V.17

Case #: 22100006 – Permits Required Violations
Property Owner: Santayana, Rodolfo R & Stacy
Address/Folio: 220 Codrington Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas said the property owner requested and the Town was now requesting an extension of the comply-by date to February 22, 2023 and to return to the February 23, 2023 Hearing with no hearing cost for today's hearing. The Special Magistrate ordered a revised Final Order with a new comply-by date of February 22, 2023 and returning to the February 23, 2023 Hearing with no hearing cost for today's hearing.

NEW BUSINESS

ITEM #V.20

Case #: 21100022 – Building Code Violations
Property Owner: Ocean Colony Condominium Association
Address/Folio: 1620 S Ocean Blvd
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended a continuance to the March 23, 2023 Hearing. There was no hearing cost for today's hearing and there was no Final Order issued previously. The Special Magistrate ordered a continuance to the March 23, 2023 Hearing with no hearing cost for today's hearing.

ITEM #V.23

Case #: 22100003 – Permits Required Violations
Property Owner: Fortune Properties LLC
Address/Folio: 2049 Tropic Isle
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the case was complied.

ITEM #V.24

Case #: 21080002 – Building Code Violations
Property Owner: El Mar Beach Apts LLC
Address/Folio: N Ocean Drive
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this should be continued to the July 27, 2023 Hearing with no hearing costs. The Special Magistrate ordered a continuance to the July 27, 2023 Hearing with no hearing cost for today's hearing.

ITEM #V.25

Case #: 22090004 – Permits Required Violations
Property Owner: Anon, Fernando & Vivian
Address/Folio: 5200 N Ocean Blvd 1006B
Code Section(s): Florida Building Code Section 105.1. Required

For the record, there was no one in attendance to represent the property owners. Senior Code Compliance Inspector Banyas testified that this should be continued to the February 23, 2023 Hearing with no hearing costs. The Special Magistrate ordered a continuance to the February 23, 2023 Hearing with no hearing cost for today's hearing.

ITEM #V.26

Case #: 22100005 – Permits Required Violations
Property Owner: Vento, Phillip M
Address/Folio: 233 Neptune Ave
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the case was complied.

ITEM #V.27

Case #: 22100002 – Permits Required Violations
Property Owner: Purple Lake Investments Corp
Address/Folio: 4900 N Ocean Blvd 212
Code Section(s): Florida Building Code Section 105.1. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this should be continued to the February 23, 2023

Hearing with no hearing costs. The Special Magistrate ordered a continuance to the February 23, 2023 Hearing with no hearing cost for today's hearing.

ITEM #V.28

Case #: 23010012 – NAB Case
Property Owner: 827 NW 114 St LLC
Address/Folio: 230 Pine Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-40(a)
Garbage

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this was the property with the bee situation in the backyard. Inspector Banyas said that she received multiple emails today but she was unable to respond or go out to the property. As of yesterday, this violation was still existing. The inspector believed that what they advised with their resolution did not comply the issue.

On January 13, 2023 a Notice of Violation was issued to 827 NW 114 St LLC. The property was posted as well as Town Hall. The Inspector received returned mail from the attorney of record and did not have a signed green card in the file. Inspector Banyas sent an email to the attorney, the owner and the contractor of record. She called the attorney and the contractor of record. She was advised that the owner was out of the country and his phone was broken. She did not call the owner. The violation was junk on the front of the property. She did not believe that they had anything to do with dumping the junk in front of the property but felt that the persistent derelict condition of the property attracted the property to be dumped upon. The property was cited for violation of Section 6-40(a). This posed the question of what do you do when someone else dumps on someone else's property?

The problem was that the property did not have video cameras and no one advised as to where the junk came from. The Inspector was advised by the property owner's attorney that the junk was moved onto someone else's property because they believe it came from there. Now she knew who did the second dumping and would be addressing that separately. She recommended the Special Magistrate issue a Finding of Fact that the violation was found on the property and that if junk, trash or debris was found there again, it would be deemed a repeat violation with a \$500/day fine. She had evidence to submit of a photo for the record and the Special Magistrate accepted it as Town's Exhibit. She answered the Special Magistrate about investigating the situation. She did not know where the junk originally came from but she did know who put it on someone else's property. She explained this new violation which would probably soon be before the Special Magistrate. The Special Magistrate ordered a Finding of Fact that the violation was found on the property, 230 Pine Ave, and that if junk, trash or debris was found there again and the house was owned by the same owner, it may be deemed a repeat violation with a \$500/day fine. There were no fines or fees for today's hearing.

ITEM #V.31

Case #: 22120004 – Inoperative vehicles
Property Owner: McCormick, Ronald R & Barbara
Address/Folio: 1756 W Terra Mar Dr
Code Section(s): Chapter 6 – Building and Building Regulations – Section 6-41 (a)(10)
Chapter 6 – Building and Building Regulations – Section 6-41 (a)(11)

For the record, there was no one in attendance to represent the property owners. Senior Code Compliance Inspector Banyas testified that the case was complied.

ITEM #V.35

Case #: 22120006 – Permits Required Violations
Property Owner: Ziriakus, Daniel
Address/Folio: 3261 S Terra Mar Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this was Inspector Villaneuva's case and he recommended it to be continued to the February 23, 2023 Hearing with no hearing costs. The Special Magistrate ordered a continuance to the February 23, 2023 Hearing with no hearing cost for today's hearing.

CERTIFICATION OF LIEN**ITEM #V.43**

Case #: 22060001 – Permits Required Violations
Property Owner: Royal Imperial Group LLC
Address/Folio: 259 Miramar Ave
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this was complied.

SPECIAL SET**ITEM #V.46**

Case #: 22030023
Property Owner: Shanahan, George C Est
Address/Folio: 2036 Coco Palm Place

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this case was before the Special Magistrate today to request authorization to foreclose on the property. The Special Magistrate ordered authorization to foreclose on the property.

ITEM #V.47

Case #: 22020007 - Permits Required Violations
Property Owner: Rhino Real Estate LLC
Address/Folio: 1984 Sailfish Pl
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the mitigation was up to the Special Magistrate. The Town did agree to Mr. Dunn's request for mitigation of the fines down to \$2,000 but this amount was up to the Special Magistrate. She explained that there were some inordinate issues with a contractor and they had to change contractors. Inspector Banyas gave her evidence to the Special Magistrate who accepted it as Town's Composite Exhibit. The Special Magistrate

ordered mitigation of the fines down to \$2,000 payable by March 22, 2023 or if not timely paid, the fines would revert back to the original amount and this case would be brought back to the March 23, 2023 Hearing.

ITEM #V.48

Case #: 19060005

Property Owner: Kythira LLC

Address/Folio: 262 Corsair Ave

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this was an old case and explained why it was being brought back today. The property owner conducted a lien search in order to sell the property. In reviewing the property files, the owner inquired about mitigation. Development Service Director Campbell reviewed the files and felt that the evidence was insufficient to support the existence of the original Final Order. She discussed this with Town Attorney Alan Gabriel. This was being brought back today to see if the Special Magistrate would consider vacating that Final Order which would also vacate the certification of lien and remove all fines and fees. The Special Magistrate ordered vacating the Final Order thereby vacating the certification of lien removing all fines and fees.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on January 26, 2023 at approximately 8:23PM.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:



Special Magistrate Clerk Megan Small
Town of Lauderdale-By-The-Sea, Florida