

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room
Thursday, January 26, 2017 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the Hearing to order at 5:04p.m. on Thursday, January 26, 2017. Building Official Jack Morrell, Code Compliance Inspector Bethany Banyas, and Code Compliance Inspector Sharon Foster were present as well as Special Magistrate Clerk Jhanelle Campbell to record the minutes.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

The Special Magistrate explained the procedures for the Hearing.

IV. PUBLIC COMMENTS

The Special Magistrate briefly explained State law and asked for public comments at this time or when a case was called. No one from the public spoke now.

V. CODE CASES

Special Magistrate Clerk Jhanelle Campbell said that she was calling cases first that were either in compliance or continued.

COMPLIED

- | | | |
|---------|----------|--------------------------|
| 1. C#: | 16120004 | 4245 N Ocean Drive |
| 2. C#: | 16100016 | 4239 W Tradewinds Ave |
| 3. C#: | 16100019 | 234 E Commercial Blvd |
| 4. C#: | 16110006 | 4141 Bougainvillea Drive |
| 5. C#: | 16120016 | 4608 El Mar Drive |
| 6. C#: | 16120018 | 4457 Poinciana Street |
| 7. C#: | 16120020 | 222 E Commercial Blvd |
| 8. C#: | 16120048 | 267 Oceanic Avenue |
| 9. C#: | 16050003 | 1530 S Ocean Blvd #503 |
| 10. C#: | 16100002 | 4900 N Ocean Blvd #817 |
| 11. C#: | 16110009 | 3211 Fiesta Way |
| 12. C#: | 16120003 | 4245 Ocean Drive |
| 13. C#: | 16120052 | 5450 N Ocean Blvd #34-J |
| 14. C#: | 16120050 | 1441 S Ocean Blvd |
| 23. C#: | 16050009 | 2011 Coral Reef Drive |
| 25. C#: | 16090016 | 1541 S Ocean Blvd #412 |

26. C#: 16110003	1501 S Ocean Blvd #320	
39. C#: 16120007	242 Oceanic Avenue	
47. C#: 16030005	4900 N. Ocean Blvd #1210	(unpaid fines need to be certified)
44. C#: 16090012	101 E Commercial Blvd	(revised final order for comply-by date)

CONTINUED

41. C#: 16120051	5450 N Ocean Blvd #55-M	<u>HEARING DATE</u> Continue to 2/23/17
27. C#: 16100021	2121 S Ocean Blvd #203	Continue to 2/23/17
21. C#: 16080024	226 Basin Drive	Continue to 3/23/17
22. C#: 16080025	230 Basin Drive	Continue to 3/23/17
38. C#: 16120006*	4328 N Ocean Drive #1-3	Continue to 2/23/17 (see page 6)
40. C#: 16120017	1615 Blue Water Terrace North	Continue to 2/23/17
15. C#: 16100013	218 Pine Avenue	Continue to 2/23/17
16. C#: 16110001	267 Capri Avenue	Continue to 2/23/17
17. C#: 16110008	3231 Oleander Way	Continue to 2/23/17
18. C#: 16120019	2121 S Ocean Blvd #801	Continue to 2/23/17
19. C#: 16110007	4605 Bougainvillea Drive	Continue to 2/23/17
20. C#: 16100022	4645 Bougainvillea Drive #1-3	Continue to 3/23/17

Ms. Campbell will now call the agenda items for the parents in attendance with young children.

OLD BUSINESS

ITEM #V.24

Case #: 16070008 – Building Code Violations
 Property Owner: Freeman, Matthew & Jillian M
 Address/Folio: 2011 Waters Edge
 Code Section(s): Chapter 30 – Unified Land Development Regulations
 Section 30-313(q)(2)
 Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that the property is a single-family home. She said that notice was sent via certified mail and service was obtained. The violations are for work without a permit for a fence erected on the west side of the property and for a proper barrier for the swimming pool. She said that this case was previously before the Special Magistrate on November 17, 2016 when Mrs. Freeman requested additional time. Ms. Foster said that the west side of the fence is completely up but the fence is not finished on the other side. Ms. Foster reminded the Special Magistrate that the hinges ordered were not in, so both sides of the fence could not be finished. They were given until today to finish the fence. She said that she explained to Mrs. Freeman that the entire permit has to be closed out in order to close this case. Ms. Foster showed Mr. Freeman photos of his property that she took on January 23, 2017. The Special Magistrate accepted them into evidence without objection as the Town's Composite Exhibit.

Mr. Freeman testified that there is no violation. He answered the Special Magistrate that there is a screened-in patio that is kept locked. Mrs. Freeman explained the two gates and that the public cannot get to their pool. Building Official Jack Morrell explained that the Town Code requires a five-foot fence around any property with a pool. He further stated that they only inspect when they are told that the premise is ready for an inspection. The Town has not received that notice. Mr. Morrell explained that this is not a standard type of fence and there had to be some design criteria. Mr. Freeman said it is a pre-fab fence which he has seen others in the Town. Ms. Foster answered the Special Magistrate that the permit expires on February

23, 2017 and she suggested a final order with a February 24, 2017 compliance date. If compliance is not met, then this agenda item would be brought back for certification at the March 23, 2017 hearing. She answered the Special Magistrate that this case has been continued about three times and fines were not imposed. Mrs. Freeman said that she was told by Sarah that the permit expires March 9, 2017. Mr. Freeman stated that he would not do the fence on the other side of the property. Mr. Morrell answered the Special Magistrate that the fence on both sides of the property has to be five feet. The Special Magistrate wants to get this resolved. He would set March 9, 2017 as the compliance date. Mr. Morrell said that Mr. Freeman asked for an inspection. The Special Magistrate ordered compliance by March 9, 2017 or a fine of \$100/day plus \$150 Administrative Fee due by March 9, 2017. Mrs. Freeman's questions were answered regarding the original fence on the property.

CERTIFICATION OF LIEN

ITEM #V.43

***TAKEN OUT OF SEQUENCE**

Case #: 16060021 – Building Code Violations

Property Owner: Brown, Ryan W & Brown, Tiffany L.

Address/Folio: 4900 N Ocean Blvd #305

Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Bethany Banyas testified that this case was previously before the Special Magistrate for a final order. Ryan and Tiffany Brown did not meet the final order's compliance date. Ms. Banyas said that they did come into compliance a little over a month past the compliance date. The Town understands that Tiffany Brown is here this evening to request an extension to cover the 36 days of non-compliance. Ms. Banyas said that the Town is okay with the extension but there would be \$100 Administrative Fee for this hearing. The Special Magistrate explained this retroactive extension request. There would be a revised final order with a new compliance date of December 30, 2016. The only amount due now would be \$100 Administrative Fee for tonight's hearing due by February 26, 2017. The Special Magistrate ordered a revised final order with a compliance date of December 30, 2016 plus \$100 Administrative Fee due February 26, 2017.

Ms. Campbell will now call the agenda items that the Building Official will present tonight.

NEW BUSINESS

ITEM #V.37

***TAKEN OUT OF SEQUENCE**

Case #: 16120015 – Building Code Violations

Property Owner: 3RM Investments LLC

Address/Folio: 4144 El Mar Drive

Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 110.15 – Building Safety Inspection Program

As there was an attorney present, Building Official Jack Morrell asked that the seven agenda items for the attorney in attendance this evening are heard before this item. Ms. Campbell called the seven FDG (Florida Development Group) agenda items which appear in these minutes on the next page. This agenda item #16120015 was re-called later in the hearing but its minutes are typed directly below. It was heard after hearing case #16120006.

Building Official Jack Morrell said that this case #16120015 is a 40-year inspection. Notice was sent on July 26, 2016 and on August 7, 2016. The Town received the delivery tracking notice on August 8, 2016. The Town has not received a response during the 90-day period required by the policy. He further stated that they have not heard anything to date. Code Compliance

Inspector Bethany Banyas requested a compliance date of February 27, 2017 or a fine of \$100/day. She was requesting \$150 Administrative Fee payable by February 27, 2017. The Special Magistrate ordered compliance by February 27, 2017 or a fine of \$100/day plus \$150 Administrative Fee payable by February 27, 2017. Ms. Banyas added for the record that certified mail was sent for the code compliance case on December 9, 2016 to the owner of record to the mailing address of record. There is a green card in the file.

Below are the seven agenda items for FDG (Florida Development Group) for which Attorney Nectaria Chakas is present at this hearing.

ITEM #V.29

***TAKEN OUT OF SEQUENCE**

Case #: 16120054 – Building Code Violations

Property Owner: FDG South LLC

Address/Folio: 4108 El Mar Drive

Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation.

Building Official Jack Morrell said that these are for expired permits stemming back several years. He said that case #16120011 is pretty much tied to this case. (The other six cases are listed after this narrative.) Mr. Morrell gave a brief history stating that the property, 4108 El Mar Drive, came up for its forty year inspection in 2007. The former owner was noticed. Several permits were pulled for several years but nothing really got done. All the permits stemming for the forty year inspection and concrete repair expired. The present owner's attorney, Nectaria Chakas, provided an aerial photo. This is essentially the old Holiday Inn and related properties. Ms. Chakas said that there are three violations for the property located at 4108 El Mar Drive. FDG South owns the properties now but was not the original violator. They purchased the properties from the violator. Mr. Morrell said that in 2014, there were hearings in front of the Unsafe Structures Board. Before the properties were to have a final order to be demolished, FDG bought them. FDG demonstrated that they were capable of rehabbing the buildings, so the Town stopped the case at that time. The Town issued permits to secure the property. They still need to come into compliance for the original forty year inspection for 4108 El Mar Drive. Since years have passed, this brings us ten years later for the fifty year inspection. FDC South LLC was noticed last fall. The policy requires a response within 90 days of the notice and then they have 180 days to do the repairs. They failed to respond to our notice on the fifty year inspection.

Attorney Nectaria Chakas, on behalf of the owner, said that the building is not occupied. The owner's intent is to completely renovate the buildings. They have not been able to accomplish that yet. The owners also own other buildings on the north end of Lauderdale-By-The-Sea. The violations for these other buildings were rectified. However, at this time, they cannot complete the repairs for the forty-year inspection on this building. Mr. Morrell said that for 4108 El Mar Drive, the owners have to give the Town a certification that the repairs were done for the forty-year and fifty-year inspections. The Special Magistrate said that he would impose fines if nothing gets done. Mr. Morrell would like to hear from Doug Barrow, Managing Director for Hospitality Ventures Management Group, on his timing to get things done. Mr. Barrow testified that they recently contracted with Florida Development Group. They are now the developer of the property on behalf of the ownership group to develop the properties. They structured and organized a plan which they presented to the Commission at a hearing for 4108 and 4110 El Mar Drive and 4116 N Ocean Drive. As they would be responsible for the re-construction of these buildings to renovate them, they want to start by evaluating them structurally. They hired

a structural engineering firm for that. Once they have that structural evaluation back, then they could formulate a repair plan and renovation plan. They are aware of the Town's Code.

The Special Magistrate said that for all seven cases that were read into the record, he would defer all the cases. He wants these items on the next agenda for the February 23, 2017 hearing to discuss among other things a stipulation of what would be done so there would be points of progress. These buildings, especially the old Holiday Inn, are a blight that cannot remain. Mr. Morrell reminded that for all three properties, there are substantial fines that are still running. Mr. Morrell suggested a preliminary time schedule to be delivered to him within two weeks. Attorney Nectaria Chakas requested to get rid of some duplicate fines. Mr. Morrell said that the buildings are secure, so safety is not a consideration at this time. Making progress and becoming compliant are the concerns. The Special Magistrate ordered a continuance and that all seven cases are to be on the February 23, 2017 agenda. He further ordered that within fourteen days, by February 9, 2017, Doug Barrow would present Jack Morrell with a pre-construction schedule.

Below are the other six FDG cases.

ITEM #V.30

Case #: 16120054 – Building Code Violations

Property Owner: FDG South LLC

Address/Folio: 4110 El Mar Drive

Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation.

ITEM #V.31

Case #: 16110010 – Property Maintenance

Property Owner: FDG South LLC

Address/Folio: 4108 El Mar Drive

Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)

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

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

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

Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Chapter 6 – Building and Building Regulations Section 6-37(a)(2)

Chapter 6 – Building and Building Regulations Section 6-40(a)

ITEM #V.32

Case #: 16120001 – Property Maintenance

Property Owner: FDG South LLC

Address/Folio: 4110 El Mar Drive

Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)

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

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

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

Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Chapter 6 – Building and Building Regulations Section 6-37(a)(2)

Chapter 6 – Building and Building Regulations Section 6-40(a)

ITEM #V.33

Case #: 16120002 – Property Maintenance
Property Owner: FDG South LLC
Address/Folio: 4116 N Ocean Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-317(g)
Chapter 30 – Unified Land Development Regulations
Section 30-317(d)
Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 30 – Unified Land Development Regulations
Section 30-512(b)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-36(c)
Chapter 6 – Building and Building Regulations Section 6-36(e)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-37(a)(2)
Chapter 6 – Building and Building Regulations Section 6-40(a)

ITEM #V.35

Case #: 16120055 – Building Code Violations
Property Owner: FDG South LLC
Address/Folio: 4116 N Ocean Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 –
Permits. Time Limitation.

ITEM #V.36

Case #: 16120011 – Building Code Violations
Property Owner: FDG South LLC
Address/Folio: 4108 El Mar Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 110.15 –
Building Safety Inspection Program.

Ms. Campbell announced that the next item called was already read under "Continued" but would be heard now. Please see page one of these minutes.

ITEM #V.38

Case #: 16120006* – Citizen Complaints
Property Owner: Affordable Lux Properties LLC
Address/Folio: 4328 N Ocean Drive #1-3
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 –
Permits. Required.

Building Official Jack Morrell testified that this case was for work without a permit. He said that a permit has been issued on January 12, 2017 and work is underway. He answered the Special Magistrate that at this point in time, he feels that this case is in compliance. Code Compliance Inspector Bethany Banyas read into the record the case's violation and service on this case. She said that certified mail was sent twice for this property as they changed their mailing address. Green cards are in the file. They did interior renovations without a permit and she would consider this case in compliance per the Building Official. Ms. Banyas requested a finding of fact that the violation did exist and should this violation occur in the future under this

owner's name, this property could be deemed a repeat violator subject to fines. The Special Magistrate ordered the finding of fact. There were no Administrative Fees requested. Ms. Banyas gave the Special Magistrate photos for the file of the work being done which he accepted as the Town's Composite Exhibit. The Special Magistrate said that the property owner was not in attendance.

Ms. Campbell now called the cases left from the sign-in sheet.

CERTIFICATION OF LIEN

ITEM #V.47

***TAKEN OUT OF SEQUENCE**

Case #: 16030005 – Building Code Violations
Property Owner: Motto, Raymond A & Barbara J
Address/Folio: 4900 N Ocean Boulevard #1210
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that this agenda item is here for certification. Fines started running on this property on May 26, 2016 at \$100/day for one violation. The fines ran for 240 days which is \$24,000 plus \$250 Administrative Fees. The total amount is \$24,250. The property was brought into compliance on January 20, 2017. The fine was work without permit for interior remodeling. The permit application was denied and there were corrections to be made which were never submitted. Ms. Foster has been in contact with the contractor, Dan Munna. She explained that this started in April 2016 and the case was continued a few times. The permit was null and void. They had to get new documents to submit. At the October 2016 hearing, fines were certified. Last month, we brought the case back to vacate the order of imposition, so that we could hear it today. It has not been recorded with Broward County. We are here today to address the fines. Ray and Barbara Motto plus Dan Munna were in attendance. Mr. Motto thanked staff for all their help. He was stunned by the amount of the fines. Mr. Munna testified that he spoke with Sharon Foster throughout. He feels the fines are excessive but he would pay the Administrative Fees. Ms. Foster said that the Town does not have any recommendation. Ms. Foster answered the Special Magistrate that they did try to do whatever was needed to get things rectified. The Special Magistrate reduced the \$24,000 fine to 5% of that number or \$1,200 fine due within 60 days plus \$250 Administrative Fee also due within 60 days. The Special Magistrate ordered \$1,450 in fines and fees due by March 27, 2017.

NEW BUSINESS

ITEM #V.34

***TAKEN OUT OF SEQUENCE**

Case #: 16120008 – Overflowing Dumpster
Property Owner: Anglin Fam Tr % Raymond Anglin
Address/Folio: 14 East Commercial Blvd
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-31(4)
Chapter 10 – Garbage and Refuse Section 10-31(5)

Code Compliance Inspector Bethany Banyas testified that this case is in compliance. The property, however, has been having constant garbage issues that have gone on for a couple of years. She explained that there is one large dumpster area for several businesses on the same property area. There were inadequate containers, one of the lids was broken, and the bottom was coming out. New containers were delivered and things got better. However, some of these items reoccur – like overflowing dumpster, garbage all over, and the lid not being closed all the time. Ms. Banyas will continue to remind Waste Pro to do their part. All of the people working for all of the business also have to do the right thing. She was requesting a finding of fact that

should the violation(s) reoccur, the Town may be able to bring it back to a hearing and request from the Special Magistrate consideration of a fine for everyday the violation(s) did occur. She said for the record, she would not request a fine for something not caused by the businesses. Ms. Banyas said that certified mail was sent to the property owner of record and green cards are in the file. She said that Mr. Marchelos did provide a new address. The two violations were for overflowing trash and dumpster lids were not closed. She was not requesting an Administrative Fee for today's hearing, just a finding of fact.

Mr. Marchelos said that the dumpster is in the parking lot. It is a public alley. He explained how everyone uses the dumpster. Ms. Banyas showed Mr. Marchelos her pictures and then gave them to the Special Magistrate. Mr. Marchelos gave the Special Magistrate his pictures who accepted it as Respondent's Exhibit. The Special Magistrate accepted Ms. Banyas' pictures as the Town's Composite Exhibit. The Special Magistrate ordered a finding of fact that the violations did exist and if they should re-occur in the future, this may be deemed a repeat violator and fines may be assessed. Mr. Marchelos felt that there should be cameras in the alleyway in order to catch whoever is spewing the garbage. Ms. Banyas said that BSO should be notified because spewing garbage is an offense. Ms. Banyas further clarified that the new address given today by Mr. Marchelos should be accessible in the public record. The Special Magistrate inquired about locking the dumpster. Mr. Marchelos was also informed that he could install a camera to try to prove that trash on the ground was not caused by himself or his tenants.

OLD BUSINESS

ITEM #V.28

***TAKEN OUT OF SEQUENCE**

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

Code Compliance Inspector Bethany Banyas testified that this has been before the Special Magistrate previously. This property was formerly Jo-Jo's Tacos. The former tenant damaged both the interior and exterior. Certified mail was sent to the owner of record and to all parties that the Town had knowledge of. There are green cards in the file. The three violations remaining all are from the damage to the exterior of the building. She has photos that were shown to Mr. Marchelos. She said that she informed Mr. Marchelos today to bring in any documentation he has to show why a further extension should be allowed. This case has been going on since certified mail was sent in September 2016. She informed that nothing has been done with the inside but a little something done to the outside. People passing by always question her about when something would be done with the building.

Mr. Marchelos spoke about his letter from the insurance company that this issue should be resolved within the next thirty to forty days. He showed the letter to Ms. Banyas and gave it to the Special Magistrate. Mr. Marchelos said that when the insurance money comes in, he would

retain a contractor to do the work. The Special Magistrate ordered compliance by applying for permits for all non-compliant violations by March 13, 2017, or a fine of \$50/day. He also ordered a finding of fact that the violations exist today plus a status conference at the March 23, 2017 hearing. He ordered \$150 Administrative Fee due by March 13, 2017.

CERTIFICATION OF LIEN

ITEM #V.44

***TAKEN OUT OF SEQUENCE**

Case #: 16090012 – Property Maintenance
Property Owner: EZER Investments LLC
Address/Folio: 101 E Commercial Blvd
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-31(4)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-37(a)(2)

Code Compliance Inspector Bethany Banyas testified that certified mail for the final order was sent to the respondent and all of the restaurants on November 23, 2016 (after the 11/20/16 hearing). The property owner, EZER Investments LLC, did not come into compliance by the compliance date. There were unusual circumstances like one of the tenants left and did not give notice. The new tenant got the violations fixed quickly. Ms. Banyas does not have any objection to the written request for an extension. We would be issuing a revised final order extending the compliance date of the original final order to the actual date of compliance of January 5, 2017. She said that there is still a \$150 Administrative Fee owing and \$100 Administrative Fee for today's hearing totaling \$250 Administrative Fee. She was requesting the Special Magistrate revise the final order with the new January 5th comply-by date. Ms. Banyas will try to contact the property owner and inform him of the owed \$250 Administrative Fee. If the fee is not paid, then this agenda item will be brought back next month for certification. The Special Magistrate ordered a revised final order with a comply-by date of January 5, 2017 and if the \$250 Administrative Fee is not paid, then that will be brought back for certification at the next hearing.

ITEM #V.42

***TAKEN OUT OF SEQUENCE**

Case #: 16010011 – Building Code Violations
Property Owner: K M & Buschbaum Inc.
Address/Folio: 4217 El Mar Drive
Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Inspector Bethany Banyas testified that this is a portion of the Buena Vista Hotel. There is a very old, expired permit from 2013. When this case was previously before the Special Magistrate a final order was issued to obtain a new permit, finish all the work, and close out the new permit. They did not do this within the required time. They are still working on it. They obtained a new permit but have not finished all the work. The Town was requesting certification of fines for non-compliance. She was also requesting certification of a previous \$150 Administrative Fee plus \$100 Administrative Fee for today. The total fines and fees is \$6,250 to be certified. The Special Magistrate ordered certification of \$6,150 plus \$100 Administrative Fee for today's hearing.

ITEM #V.45

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

Program 110.15

Code Compliance Inspector Bethany Banyas testified that this is regarding a 40/50 year inspection. When this case was previously before the Special Magistrate, a final order was issued. They came into compliance three days after the comply-by date. They have not asked for mitigation or a reduction of fines. They have received notice by e-mail and by mail. She said that the fine was \$150/day for three days totaling \$450-plus \$100 Administrative Fee for today's hearing. The Special Magistrate ordered certification of fines for \$450 plus \$100 Administrative Fee for today's hearing.

ITEM #V.46

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

Code Compliance Inspector Bethany Banyas testified that they came into compliance today. She has no objection to their request for a retroactive extension due to the fact that there were unusual circumstances. The Special Magistrate ordered a revised final order for a retroactive extension to the compliance date of January 26, 2017. There is no Administrative Fee for today's hearing.

Special Set "A" (ITEM #V.48)

Re: Certification of Unpaid Administrative Fee (Pronto By-The-Sea Restaurant)
Site Address: 222 Commercial Blvd
Property Description: 4943 18 05 0050
Legal Description: SILVER SHORES UNIT A 28-39 B ALL BLK A LESS S 25 & LESS E 5

Case Number: 16060020
Violation: SECTION 12-2(a) Local Business Tax Receipt

Code Compliance Officer Bethany Banyas testified that this case was never certified and it is being brought back for a special certification of fines today. This is a commercial property. The restaurant's name is Pronto By-The-Sea. The owner of the restaurant has remained the same since July 2016, when this case was in front of the Special Magistrate. The property is in compliance but their Administrative Fee was never paid. Ms. Banyas sent certified mail and posted the property. She also e-mailed, sent text messages and called the owner. The Town requested certification of the previous \$150 Administrative Fee as well as a \$100 Administrative Fee for today's hearing, totaling a lien amount of \$250 to be recorded. The Special Magistrate ordered certification of a previous \$150 Administrative Fee and \$100 Administrative Fee for today's hearing.

Special Set "B" (ITEM #V.49)

Re: Requesting removal of \$100 fine which was inadvertently included in Lien 15060026
Site Address: 276 Commercial Blvd
Property Description: 4943 18 06 0200
Legal Description: SILVER SHORES-SUB TRACT D 29-21 B ALL BLK F

Case Number: 15060026

Code Compliance Officer Bethany Banyas testified that this is to request the removal of \$100 fine that was inadvertently included in Lien 15060026 against 276 Commercial Boulevard. At the August 24, 2015 Special Magistrate Hearing, the magistrate ordered compliance by August 31, 2015 or a fine of \$100/day. The property did come into compliance but the Affidavit of Compliance was issued one day later than intended which accidentally added one day of \$100 fine. Because this is part of public records, the Town is requesting removal of the fine to adequately show that this lien has been paid with no fines remaining. The Special Magistrate ordered removal of the \$100 fine.

Special Set "C" (ITEM #V.50)

Re: Town Requesting to Correct Record (Revised Final Order)
Issued on 9/28/2016
Site Address: 5555 N OCEAN BLVD #37, L-B-T-S, FL 33308
Property Description: 4943 07 BA 0370
Legal Description: OCEAN BAY CLUB CONDO UNIT 37
Case Number: 15060002

Code Compliance Officer Bethany Banyas testified that this is a case from 2015. For case #15060002, a second \$150 Administrative Fee was accidentally and inadvertently added to the case. The Town would like to issue a corrected order to the respondent showing that there was no additional Administrative Fee assessed for the 9/28/15 hearing. The Special Magistrate ordered the removal of a \$150 Administrative Fee inadvertently assessed at the 9/28/15 hearing.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on January 26, 2017 at approximately 6:39 p.m.

APPROVED BY:

ATTEST:

Special Magistrate Tom Ansbro

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

Case Number: 15060026

Code Compliance Officer Bethany Banyas testified that this is to request the removal of \$100 fine that was inadvertently included in Lien 15060026 against 276 Commercial Boulevard. At the August 24, 2015 Special Magistrate Hearing, the magistrate ordered compliance by August 31, 2015 or a fine of \$100/day. The property did come into compliance but the Affidavit of Compliance was issued one day later than intended which accidentally added one day of \$100 fine. Because this is part of public records, the Town is requesting removal of the fine to adequately show that this lien has been paid with no fines remaining. The Special Magistrate ordered removal of the \$100 fine.

Special Set "C" (ITEM #V.50)

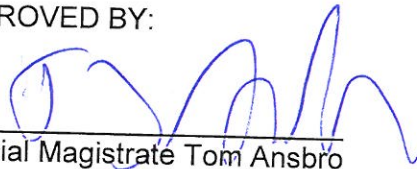
Re: Town Requesting to Correct Record (Revised Final Order)
Issued on 9/28/2016
Site Address: 5555 N OCEAN BLVD #37, L-B-T-S, FL 33308
Property Description: 4943 07 BA 0370
Legal Description: OCEAN BAY CLUB CONDO UNIT 37
Case Number: 15060002

Code Compliance Officer Bethany Banyas testified that this is a case from 2015. For case #15060002, a second \$150 Administrative Fee was accidentally and inadvertently added to the case. The Town would like to issue a corrected order to the respondent showing that there was no additional Administrative Fee assessed for the 9/28/15 hearing. The Special Magistrate ordered the removal of a \$150 Administrative Fee inadvertently assessed at the 9/28/15 hearing.

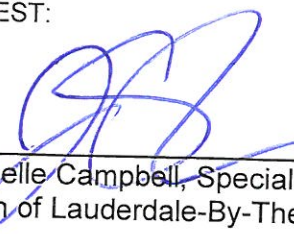
VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on January 26, 2017 at approximately 6:39 p.m.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


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