TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room
Monday, January 26, 2015 at 5:00 P.M.

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:04 p.m. on Monday, January 26, 2015. Code Compliance Inspector Carmen Sanchez, Code Compliance Inspector Sharon Foster and Town Planner Linda Connors were present at the hearing. Also present was Clerk Idalia Gutierrez to record the minutes of the hearing. Special Magistrate Tom Ansbro explained the procedures for the hearing.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

A. APPROVAL OF MINUTES OF PREVIOUS CODE HEARING

December 15, 2014 Code/Fire Hearing – The minutes of 12/15/14 were not discussed.

IV. PUBLIC COMMENTS

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

V. CODE CASES

Clerk Idalia Gutierrez noted the following cases were in compliance.

COMPLIED

1. C#: 14090018 2 E Commercial Blvd
2. C#: 14120009 2020 Waters Edge
3. C#: 15010007 4605 N Ocean Dr
7. C#: 14120001 4425 Poinciana St
8. C#: 14120004 267 Bombay Ave
10. C#: 14120007 1736 Bel-Air Ave

Special Magistrate Clerk Idalia Gutierrez instructed the public to uses the podium on the right and Staff to use the podium to the left. Ms. Gutierrez called the first case to be heard.

CERTIFICATION OF LIEN

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

Case #: 14090019 – Permits Required Violations

Property Owner:	ISOM Properties LLC
Address/Folio:	1900 S Ocean Blvd #6F
Code Section(s):	Florida Building Code Section 105. Section 105.1 Required.

Code Compliance Inspector Sharon Foster presented the case for Certification of Lien. She stated the Respondent was present. The case was previously presented to the Special Magistrate for work without permit in the unit. At the last hearing, the Respondent was given more time to get the permit and all inspections to be final. At this point in time, not all inspections are final. The Respondent, Louis Isom, said the granite is going in tomorrow. The plumbing and electrical are done and should be finaled. The back splash will be installed. They fired their contractor and progress is better now. The Special Magistrate asked Inspector Foster if the Town would be amenable to grant more time. Ms. Foster suggested fifteen more days to final all inspections. She further stated that Mr. Isom paid the $300 Administrative Fee.

The Special Magistrate ordered a Revised Final order for a fifteen-day extension to February 10, 2015 for all inspections to be final or a fine would begin at $200/day.

Ms. Foster said she was not asking for any Administrative Fee today.

OLD BUSINESS

ITEM #V.4

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

Code Compliance Inspector Carmen Sanchez requested Case #14010008 also be called and the Clerk called it.

ITEM #V.5

Case #: 14010008 –	Hotel Outreach
Property Owner:	Florida Development Group Inc.
Address/Folio:	4660 N Ocean Dr
Code Section(s):	Section 105.1 Required. Chapter 30 – Unified Land Development Regulations Section 30-317(d) Chapter 30 – Unified Land Development Regulations Section 30-317(e) Chapter 30 – Unified Land Development Regulations Section 30-317(f) Chapter 6 – Building and Building Regulations Section 6-36(l)(a) Chapter 6 – Building and Building Regulations Section 6-36(2)

Chapter 6 – Building and Building Regulations Section 6-37(I)(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)

Code Compliance Inspector Carmen Sanchez testified that both of these cases had a Revised Final Order to comply by December 31, 2014. Ms. Sanchez said they were here today to ask for a Revised Final Order to grant the property owners more time to comply. She stated this is the Florida Development Group that bought a few properties in Town and are working on remodeling them. There have been some issues that did not allow the property owners to complete the work. Inspector Sanchez said Town Planner Linda Connors has some suggestions. Ms. Connors said that the property manager is present if the Special Magistrate has any questions. Ms. Connors said she would take each property individually.

For 4546 El Mar Drive, Ms. Connors said she received the site plan application for the property. The review is moving forward and hoping to go in front of the Planning and Zoning Board in early March 2015 and to the Town Commission a little later in March. She requested their compliance date for this property to be moved to sometime in April 2015. As the date of that meeting is April 20, 2015, the Special Magistrate ordered a new compliance date of April 19, 2015. If not in compliance, fines of $200/day per violation (seven violations) would be imposed. Inspector Sanchez answered the Special Magistrate that fines started running December 31, 2014. Fines accrued from that date (12/31/14) until today (1/26/15) as a new compliance date was ordered. As long as the Special Magistrate retains jurisdiction, he can mitigate the fines, if necessary.

For 4660 N Ocean Drive, Ms. Connors said that progress is slow on this project. There is a meeting on Friday to review their plans. They intend to submit a site plan in February for this application. She would like the Special Magistrate to bring them back in February for a Status Update to ensure they are moving forward. Ms. Connors said that since the Special Magistrate has jurisdiction to reduce the fine, she suggested allowing the $100/day fine to continue to accrue. The Special Magistrate questioned if there had been payment of the $250 Administrative Fee from April 2014. Ms. Sanchez looked in the file and found the receipt for the $250 payment. There is no additional Administrative Fee for today.

The Special Magistrate ordered a Status Meeting on February 23, 2015 and the fine will continue to run.

Mr. Richard Weyant, property manager, was here for the record.

NEW BUSINESS

ITEM #V.9 ***TAKEN OUT OF SEQUENCE**

Case #: 14120005 –	Sign Violations
Property Owner:	Seagrape Commons LLC
Address/Folio:	222 E Commercial Blvd
Code Section(s):	Chapter 30 – Unified Land Development Regulations Section 30-509(a)

Code Compliance Inspector Carmen Sanchez testified that this is a commercial building. The Notices were sent by certified mail and also hand delivered to the property manager. One of their tenants, Pronto By The Sea, is in violation of the zoning code for having or installing signs without a permit. Ms. Sanchez has pictures of the signs and an e-mail from the Town Planner stating that neither the property owner nor the tenant has obtained a permit for the signs. The

pictures and e-mail were shown to the business owner. They were given to the Special Magistrate to be admitted into evidence in the file without objection. On December 3, 2014, Ms. Sanchez issued a Courtesy Notice. On December 17, 2014, the Notice of Violation/Hearing was sent. The Town Planner has been in contact with the business owner.

Bill Speece, business owner, said he paid the sign company for the permits. He will get someone else to pull the permits now. He asked the Special Magistrate for clarification of the Ordinance because he was also told that his signs were too big. He does not understand why his neighbor has bigger signage and he wants everyone in compliance. The Special Magistrate said he would give the business owner until the next meeting to meet with City Staff for clarification of the Ordinance so that he will understand what he must do. Inspector Sanchez clarified for the record that the business owner knew about this since December 3, 2014 and has spoken with Town Planner Connors. Ms. Sanchez said the issue today is not having a permit.

The business owner read the portion of the Ordinance he wanted clarified. Town Planner Connors explained that he was allowed 32 square feet per street frontage of which he has two. He has five signs which exceed the allowable square footage. Ms. Connors said he was already told this explanation. They also did not meet sign code because they did not get a permit before getting their signs installed. Only the building sign, not the awning signs, was placed with a permit. They exceeded the square footage allowed and they did not get a permit. They exceeded the number of signs allowed and were told all this on numerous occasions. Inspector Sanchez asked for $150 Administrative Fee for today's hearing. The Special Magistrate ordered the $150 Administrative Fee to be paid within five days (January 31, 2015).

The Special Magistrate ordered a daily fine of $100, if the business owner does not file a completed application for the permit within 10 working days (February 9, 2015).

Ms. Connors said that if he submits a completed application for what is on the signs, they will have something to review and would be able to tell him why it did not meet the code. Right now, the signs did not meet code because they were not permitted.

The Special Magistrate asked Ms. Connors if there was some sort of relief or variance so that the business owner could retain his present signs. She explained about the specific reasons for the hardship threshold.

The Special Magistrate further ordered that the business owner obtain the permit and pass all inspections by February 22, 2015, or $100/day fine would be imposed.

The business owner will meet with Ms. Connors who will answer his question regarding his neighbor's, Athena's, signs. Ms. Connors explained that a variance is very expensive and is decided by the Town Council. She gave him other suggestions. Discussion ensued that if the permit is denied and a variance is sought, the $100/day fine would continue to accrue and might be able to be abated by the Special Magistrate depending on the situation. If there is a reasonable basis for the appeal, the Special Magistrate would not continue the fine.

The Special Magistrate ordered a Status Conference for the February 23, 2015 Special Magistrate Hearing and will reserve his ruling for that date.

CERTIFICATION OF LIEN

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

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

Code Compliance Inspector Carmen Sanchez presented this case to certify the fines for this property which is a hotel/motel. However, at this time, the Town would like to postpone certification until possibly the February 2015 meeting.

The Special Magistrate ordered this case be postponed to the hearing of February 23, 2015.

NEW BUSINESS

ITEM #V.6 ***TAKEN OUT OF SEQUENCE**

Case #: 14110003 – Building Code Violations
Property Owner: DeeJay Enterprises, Inc.
Address/Folio: 4617 El Mar Dr
Code Section(s): Florida Building Code Section 105. Section 105.1 Required.

Code Compliance Inspector Carmen Sanchez testified that the property owner sent a request for a 30-day continuance. Ms. Sanchez said she did not have an objection to the request. The Special Magistrate asked about the February 23, 2015 Hearing but Ms. Sanchez replied 30 days would bring them into March.

The Special Magistrate ordered this case be continued to the March 16, 2015 Special Magistrate Hearing.

ITEM #V.11

Case #: 15010004 – Vacation Rental
Property Owner: Seiss, Amy
Address/Folio: 1736 Bel-Air Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(d)
Chapter 30 – Unified Land Development Regulations Section 30-327(e)5

Code Compliance Inspector Sharon Foster testified that on December 18, 2014 she was advised by Karen Bertocci, Senior Office Specialist, that the state license for this property expired and payment for the fiscal year 2015 business tax receipt renewal fee was not received. Notice was sent via certified mail and service was obtained. On January 6, 2015, Ms. Foster received an e-mail confirmation that the business tax renewal fee receipt was not paid. She checked for the State License on January 6th and it was still delinquent. She has a printout from today and January 6th depicting that the license was not renewed and she requests that they be submitted into evidence. It was accepted into the record as Town's Composite Exhibit by the Special Magistrate. For the record, Ms. Foster said there have been no efforts by the property owner to correct the violations. Ms. Foster is asking for an Administrative Fee of $150 for today's hearing. Ms. Foster answered the Special Magistrate that the property owner does not

respond to her. She answered the Special Magistrate that she has obtained service from the property owner for the Notice.

The Special Magistrate ordered a fine of $150/day per violation if not cured within 15 calendar days, by February 10, 2015. The $150 Administrative Fee is also ordered to be paid by February 10, 2015.

CERTIFICATION OF LIEN

ITEM #V.13

Case #: 14100004 – Property Maintenance
Property Owner: Stella, Sandra
Address/Folio: 4236 E Tradewinds Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(b)

Code Compliance Inspector Carmen Sanchez said she is presenting this case to certify the fines on this single-family home. The fine started running today at $150/day for the one violation. The property is not in compliance. The fine as of today is $150 for the one violation and $150 Administrative Fee from the last hearing. Ms. Sanchez is also requesting an Administrative Fee of $150 for today's hearing. The total fine to certify is $450.

The Special Magistrate certified the fine of $150 and $300 in Administrative Fees, for a total certification of lien in the amount of $450.

The Special Magistrate asked Ms. Sanchez if she had any communication with the property owner. Ms. Sanchez replied the property is vacant and she only heard from the property owner before the first hearing. The Special Magistrate asked Ms. Sanchez to let the property owner know what transpired today and that fines are running daily.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on January 26, 2015 at approximately 5:52 p.m.

APPROVED BY:

Special Magistrate Tom Ansbro

ATTEST:

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