APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room
Thursday, January 25, 2018 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:00PM on Thursday, January 25, 2018. Building Official Jack Morrell, Development Services Director Linda Connors, Code Compliance Inspector Bethany Banyas, and Code Compliance Inspector Angelica Morales 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 for code compliance.

IV. PUBLIC COMMENTS

The Special Magistrate spoke about 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 called code cases that were either in compliance or continued.

COMPLIED				
1.	C#:	17110034	4244 E Tradewinds Ave #1-2	
2.	C#:	17080015	1500 S Ocean Blvd #1207	
3.	C#:	17110008	4536 Seagrape Drive #1-2	
4.	C#:	17110010	4301 Bouganvilla Drive #1-4	
5.	C#:	17110011	255 Neptune Ave #1-2	
6.	C#:	17110012	227 Neptune Avenue	
7.	C#:	17090005	4644 El Mar Drive	
8.	C#:	17060009	1800 S Ocean Blvd #902	
9.	C#:	17090010	1931 Waters Edge	
10.	C#:	17030018	226 Basin Drive	
11.	C#:	17110021	4342 E Tradewinds Ave	
12.	C#:	17110024	2000 S Ocean Blvd #8F	
13.	C#:	17110025	1700 S Ocean Blvd #8C	
14.	C#:	17110033	4436 Seagrape Drive #1-2	
15.	C#:	17110036	4637 Bouganvilla Drive #1-2	
16.	C#:	17120004	4411 Seagrape Drive #1-3	
17.	C#:	17120007	4621 N Ocean Drive	
18.	C#:	17120010	4313 W Tradewinds Ave #1-2	
COMPLIED				
19.	C#:	17120013	4608 Seagrape Drive	
20.	C#:	17120017	4542 Seagrape Drive #1-2	
21.	C#:	17120018	4454 Seagrape Drive #1-2	

22.	C#:	17120019	4423 W Tradewinds Ave	
23.	C#:	17080027	230 Pine Avenue	
24.	C#:	17050034	4521 Poinciana Street #1-3	
25.	C#:	17100005	4652 Poinciana Street #4	
26.	C#:	17080006	263 Neptune Avenue	

Special Magistrate Clerk Jhanelle Campbell said they are moving a little out of order and called the Florida Development Group (FDG) cases (agenda items #48 through #54).

OLD BUSINESS
ITEM #V.48 ***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.

Inspector Banyas was sworn in and testified on the FDG (Florida Development Group) South, LLC. Stipulated Order for Compliance regarding the two east and west sites of the FDG south development at the end of Town on El Mar Drive. These cases have previously been before the Special Magistrate numerous times. We are here to certify the fines today for the accrual of the violations of the Stipulated Order For Compliance. The amount is $149,375. For 4108 El Mar Drive, the Stipulated Order stated that a valid and complete building permit application for the 40 and 50 year inspections – structural corrections – were to be submitted by August 8, 2017 and was met. Work was to begin on structural repairs on August 21, 2017. The fines were at $200/day/case for five cases on the east site which began to accrue on November 4, 2017 and continue until a valid and complete application for a site plan is met. A site plan application was submitted in November but the application was incomplete. Comments were sent back to be addressed and they were not addressed. As of today, it was still not met and the application expired. They also needed to complete the repair required for the 40 and 50 year inspection by December 1, 2017 and was not met. The fine was $200/day/case at 4108 El Mar Drive and this is the only property that the 40/50 year inspection was stipulated and began to accrue on December 2, 2017 and will continue until compliance by completing the repairs for the 40/50 year inspections. The Town wishes to certify all of the fines and then to record them as a lien thereafter.

On the west site, Inspector Banyas testified that there are two cases. The Stipulated Order ordered that a valid and complete site plan application would be submitted by November 3, 2017. The same circumstances happened with this site as with the east site. The violation began to accrue on November 4, 2017 at $200/day/case and would continue to accrue until compliance is met. The Town also wishes to certify all the fines on this property as well and then to record them as a lien thereafter. The Town was also asking for an Administrative Fee for today's hearing of $25/case.

Development Services Director Linda Connors testified that last week they were told by the Town Commission that FDG has decided to put the property up for sale. All of Staff's work on this property and the promises made to improve the property are not going to come to fruition with FDG. The Town has concerns with the delays and feels that the maximum fines should be attributed to the properties. We want the community to know that the Town has done all it could. Ms. Connors said that the community and the Commission have always wanted these properties taken care of and not to be an eyesore. Staff wants to make sure that it is handled now through the Special Magistrate process.

Attorney Nectaria Chakas, on behalf of the owners (FDG), stated that a site plan was submitted. Her clients had every intention of following through with the site plan and the timelines but the investors made a decision to part ways with the property because of the costs. They want to find someone who is able to make that kind of investment. They also own other properties in the Town and followed through with everything for their success as with the Plunge Hotel. FDG has spent over $150,000 to try to spruce up the properties subject to today's violations. However, because of the need for more outlay of money, they have decided to put the properties up for sale. She was asking for more time to review the fines as some may be duplicative. Inspector Banyas testified that these cases have been open for more than one year. She is the sole Code Compliance Inspector for these cases and went over these fines. Duplicative fines are not an issue as this has been gone over multiple times. As a reminder, FDG agreed to every detail of the Stipulation. The Town wishes to certify each of the fines in full. Building Official Jack Morrell testified that about four years ago, they obtained warrants to inspect these properties and were starting an Unsafe Structures case at that time. As this was happening, FDG bought the property. FDG informed the Town that they intended to move quickly and to rehab these buildings. This did not happen. He said, for example, that there has been no movement on the electrical portions. There was hurricane damage to the roofs of 4110 El Mar Drive as well as 4116 El Mar Drive. He is considering moving forward now with an Unsafe Structures case and then moving forward with full demolition of these buildings.

Attorney Nectaria Chakas said that hearing what Mr. Morrell said makes her concerned and wants to postpone this because an Unsafe Structures procedure is a whole different ballgame. As we need to be back at the next hearing for another case, she asked the Special Magistrate to wait until then to certify the fines. The Special Magistrate ordered certification of the fines for the properties as stated by Inspector Banyas to also include the modest $25/case Administrative Fee (due now or at time of the lien) with the understanding that before it is recorded, the Staff would give the attorney the opportunity to meet with them. Therefore, the order would state that he would defer recording for fifteen days from the day he signs the order. If there is a good faith dispute, bring it back. The Special Magistrate said that the fact that these properties are going back on the market is the last thing anyone needed to hear. The Special Magistrate reiterated his order and that the numbers are to be agreed upon. Ms. Banyas said that the fines still will continue and today's amount does not end the fines because compliance has not been reached. There is also an old $150 amount that needs to be cleared up.

ITEM #V.49

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.50

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.

ITEM #V.51
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.52
Case #: 16120055 – 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.53
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.54
Case #: 16120056 – 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.

Special Magistrate Clerk Jhanelle Campbell said that they would go to the marina cases (agenda items #45 and #46) which would be presented by Building Official Jack Morrell and then on to other Jack Morrell cases.

ITEM #V.45 ***TAKEN OUT OF SEQUENCE**
Case #: 17100002 – Zoning Violations

Property Owner: Silver Shores Yacht Basin
Address/Folio: 226 Basin Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-311(c)(2)d.1
Chapter 30 – Unified Land Development Regulations Section 30-311(d)

ITEM #V.46
Case #: 17100004 – Zoning Violations
Property Owner: Silver Shores Yacht Basin
Address/Folio: 230 Basin Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-311(c)(2)d.1
Chapter 30 – Unified Land Development Regulations Section 30-311(d)

Inspector Banyas testified that due to a change in ownership for both cases, that has just recently appeared in the Broward County Property Appraiser website, and due to the fact that this is a high priority site for the Town Commission, we would like to continue both cases to the February 22, 2018 Special Magistrate Hearing. There would be no Administrative Fees at this time due. The previous Administrative Fees assessed have been paid. She answered the Special Magistrate that both parcels have been sold. The Special Magistrate ordered continuance for both agenda items to the February 22, 2018 Hearing.

NEW BUSINESS
ITEM #V.58 ***TAKEN OUT OF SEQUENCE**
Case #: 17070003 – Property Maintenance
Property Owner: Seva Florida Tropicaire LLC
Address/Folio: 4553 Bouganvilla Drive
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(2) Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Inspector Banyas testified that this is the first time this case is being heard. The original hearing notice was sent in July by Inspector Peart. The property is a hotel. The violations were observed during a Business Tax Receipt (BTR) inspection after a change in ownership. The violations were created by the previous owner and undisclosed. A lot of these violations have multiple facets (zoning, building and code). There are two small sheds without permits on the property. She explained the conversion of several units. The second floor is now three units instead of one and there are also conversions of units on the first floor. There are density issues as well as work without permits issues. There are also exterior violations of maintenance of the property. The property manager is in attendance and the Town is not opposed to a one-time continuance with a stipulation that if the violations are not corrected, other than possibly the density issues which might need further review, we would ask for a final order at the next hearing. Building Official Jack Morrell said that the permitted owner's unit was converted into three units. The new owner is willing to correct the violations but we have to give him more time. Robert Dewey, manager, lives at the facility and is agreeable to a continuance. The Town requests a $50 Administrative Fee for this today. The Special Magistrate ordered a continuance to the February 22, 2018 Hearing plus a $50 Administrative Fee to be paid prior to the next hearing.

CERTIFICATION OF LIEN
ITEM #V.74 ***TAKEN OUT OF SEQUENCE**
Case #: 17110005 – Permits Required Violations

Property Owner: Mortenson, Jack M. Jack M Mortenson Trust
Address/Folio: 5000 N Ocean Blvd #1511
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Inspector Morales testified that this is work without permits. At the November hearing, there was a final order. As of today, they are still not in compliance. Building Official Jack Morrell said the violation was discovered during a routine fire inspection. The unit was completely gutted and cited for work without permit. The owner applied for a permit in November but did not respond to the Town's comments. On January 23, 2018, a new permit application was submitted and the permit was issued today. It is a demo permit and does not need much time to comply. Murray Zweig, Stiles Building Construction, testified that he explained having to go to the Broward County Environmental Agency. Asbestos was found to be on the property and he explained the protocol needed. He said fifteen days would not be enough time to comply. Discussion ensued and they decided on compliance by February 21, 2018. Ms. Morales requested a fine of $100/day and $50 Administrative Fee. The Special Magistrate ordered compliance by February 21, 2018 or a fine of $100/day plus $50 Administrative Fee to be paid by February 21, 2018.

CONTINUED/NEW BUSINESS
ITEM #V.40 ***TAKEN OUT OF SEQUENCE**
Case #: 17120024 – Nuisance
Property Owner: Jean Race
Address/Folio: 259 Bombay Avenue
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-40(b)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Inspector Banyas testified that this is in regard to a vacant and abandoned property. It is a single-family property that was homesteaded. The owner, Jean Race, recently passed away. The estate attorney is present at the hearing. The violations are a stagnant pool (health and safety violation), overgrowth of grass and weed, plus trash and liter all over the property. She has photos of the violations. The Town was requesting a final order because of the health and safety and the impact to the residents around this property. There are many complaints coming in. The Town was requesting compliance (abatement of the pool) by draining and any remaining water going back to a clear blue condition within fourteen days as well as cutting the overgrowth and removing all of the debris and vegetative matter accumulated on the property within fourteen days. Thereafter, on the fifteenth day, the Town wishes to obtain permission to abate the violations themselves and assess the charges to the property. They would be happy to communicate with the attorney and see if he has other offers. The Town requests $150 Administrative Fee due immediately but payable prior to the next hearing and recommends $100/day/violation fine. Building Official Jack Morrell testified that for the remediation of the stagnant water in the pool, they could easily obtain a pool contractor. Ms. Banyas answered the Special Magistrate that the pool enclosure is fine but would let him know, if that situation changes.

Attorney Christopher Hoertz said that he is working on what the probate estate consists of and how much money his clients are behind. He explained the joint ownership of the property. He requested an emergency ex-parte hearing with Judge Green from the Probate Division. The judge issued an order appointing her brother as the personal representative as well as limited letters of administration which does not allow the transfer of personal or real property until a bond is posted. They will do that immediately but the brother cannot access accounts until this is all handled. He asked for compliance to be extended out to the next hearing. They do have a pool man but he stopped getting paid. Ms. Banyas asked the attorney for the contact

information for the pool person and he was agreeable. The Special Magistrate ordered compliance for both violations within fourteen days (by February 8, 2018) or a fine of $100/day/violation plus $150 Administrative Fee for today's hearing due by February 21, 2018. If the pool and the vegetation/debris violations are not in compliance, the Town has the authority to abate the violations and assess the charges to the property. If needed, this agenda item would be brought back to the February 22, 2018 Hearing.

NEW BUSINESS

ITEM #V.55 ***TAKEN OUT OF SEQUENCE**

Case #: 17110022 – Building Code Violations
Property Owner: DeGroff, June R
Address/Folio: 1431 S Ocean Blvd #79
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation.

Neither the owner nor anyone to represent the owner was present. Inspector Morales testified that this case is for an expired permit. Service was obtained by certified mail and the green card is in the file. The Town was requesting a final order. Building Official Jack Morrell testified that the original permit was issued in 2015. It expired and had to be replaced. The replacement permit was issued May 2017 and that one expired. Mr. Morrell requested ten days to comply or to start assessing fines. The Special Magistrate ordered ten days to comply, by February 4, 2018, or a fine of $150/day plus $150 Administrative Fee to be paid by February 21, 2018.

ITEM #V.56

Case #: 17110022 – Building Code Violations
Property Owner: Norma L Garritano, Liv Trst Garritano, Norma L Trstee
Address/Folio: 2000 S Ocean Blvd #8E
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation.

Neither the owner nor anyone to represent the owner was present. Inspector Morales testified that this case is for an expired permit. Service was obtained by certified mail and the green card is in the file. The Town was requesting a final order. Building Official Jack Morrell testified that the permit was issued in March 2017 and expired in October 2017. It just lacks the final inspection. Mr. Morrell requested ten days to comply or to start assessing fines. The Special Magistrate ordered ten days to comply, by February 4, 2018, or a fine of $50/day plus $150 Administrative Fee to be paid by February 21, 2018.

ITEM #V.57

Case #: 17110019 – Permits Required Violations
Property Owner: Santangelo, Robert L Santangels, Sarah E
Address/Folio: 1800 S Ocean Blvd #807
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Neither the owner nor anyone to represent the owner was present. The Town requested that this case should be continued to February 22, 2018. The Special Magistrate ordered this case continued to the February 22, 2018 Hearing.

ITEM #V.59

Case #: 17110014 – Building Code Violations
Property Owner: 4312 Holdings LLC
Address/Folio: 4312 Seagrape Dr #5

Code Section(s): Florida Building Code Section 105.1 – Required.

Neither the owner nor anyone to represent the owner was present. Inspector Banyas testified that this case is for multi-family rental property for units 1-5. Service was obtained by certified mail and the green card is in the file. Work was being done without permits and was discovered by the Building Department on November 20, 2017. Building Official Jack Morrell testified that they were totally renovating some of the units. The owner came in to see Mr. Morrell and said he would take care of getting permits but he has not heard anything since they noticed him back in November. He would like to start the fine immediately. The Special Magistrate ordered ten days to comply by obtaining all permits and completing all the work on the permits, by February 4, 2018, or a fine of $150/day plus $150 Administrative Fee to be paid by February 21, 2018.

ITEM #V.60

Case #: 17110016 – Nuisance
Property Owner: Swing, Robert M Swing, Stephanie R
Address/Folio: 255 Corsair Ave
Code Section(s): Chapter 17 – Streets, Sidewalks and Other Public Places Section 17-3, Other Offenses
Chapter 6 – Building and Building Regulations Section 6-8(f)
Chapter 6 – Building and Building Regulations Section 6-8(a)

Inspector Banyas testified that this is a building construction site violation. The violations are in compliance. The violations posed a high impact to the surrounding community and she received many complaints over several weeks. Service was obtained by green card. This is a single-family home that was building a pool. The water, dirt and construction materials from the site were not properly enclosed and running in the street and into the Town's drains. They are in compliance now and Ms. Banyas was requesting a finding of fact with no Administrative Fee at this time. While the project is ongoing, if this should re-occur, it could be treated as a repeat violation. The Special Magistrate ordered a finding of fact that if the violation(s) should re-occur in the future, the property would be considered a repeat violator and fines could be immediately assessed.

CERTIFICATION OF LIEN

ITEM #V.72 ***TAKEN OUT OF SEQUENCE**

Case #: 17050005 – Building Code Violations
Property Owner: Seagrape Commons 2 LLC
Address/Folio: 218 E Commercial Blvd
Code Section(s): Florida Building Code 5th Edition (2014) FBC/BCA Section 105.1-Permits. Required

Inspector Banyas said that this case has been complied.

ITEM #V.73

Case #: 17080004 – Permits Required Violations
Property Owner: Seagrape Drive Property Inc.
Address/Folio: 4337 Seagrape Drive
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(11)
Chapter 6 – Building and Building Regulations Section 6-41(a)(12)
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)
Florida Building Code 5th Edition (2014) FBC/BCA Section 105.1-Permits. Required

Inspector Banyas said they are here for certification of fines. The violator did not comply by obtaining permits. A fine of $150/day has been running as of today. Also, there is $100 Administrative Fee for today and $150 previous Administrative Fee that was not paid. She requested the $150 fine plus both today's and the previous Administrative Fee (totaling $250) are certified. The Special Magistrate ordered certification of the fine and the fees.

Special Magistrate Clerk Jhanelle Campbell said she would finish calling code cases that were either in compliance or continued.

COMPLIED				
35.	C#	17070015	1700 E Terra Mar Drive	Complied
65.	C#	17070035	238 Commercial Blvd	Complied
CONTINUED				**CONTINUE TO**
27.	C#	17120020	217 E Commercial Blvd	4/26/18
28.	C#:	17110029	222 Bombay Avenue	2/22/18
29.	C#	17120022	3211 Seaward Drive	2/22/18
30.	C#	17120023	3221 Seaward Drive	2/22/18
31.	C#	17120021	258 Lombardy Avenue	2/22/18
32.	C#	17080027	230 Pine Avenue	3/22/18
33.	C#	17080030	1961 Windward Drive	3/22/18
34.	C#	17060004	1821 W Terra Mar Drive	3/22/18
35.	C#	17070015	1700 E Terra Mar Drive	Complied
36.	C#	17110017	4548 Seagrape Drive #1-2	2/22/18
37.	C#	17120006	22 Neptune Avenue	4/26/18
38.	C#	17080018	258 N Tradewinds Avenue	3/22/18
39.	C#	17080020	268 Imperial Lane	3/22/18
40.	C#	17120024	259 Bombay Avenue	Heard today
41.	C#	17110032	267 Corsair Avenue	3/22/18
42.	C#	17110006	4400 N Ocean Drive	2/22/18
43.	C#	17120012	4648 Poinciana Street #1-4	4/26/18
67.	C#	17110009	227 Shore Court	2/22/18
61.	C#	17110026	5000 N Ocean Blvd #1010	2/22/18
70.	C#	17100008	4641 Bougainvilla Drive	2/22/18
63.	C#	17110018	4220 Seagrape Drive #1-4	2/22/18
62.	C#	17110013	4612 Poinciana Street #1-4	2/22/18
	C#	17080022	6 Sunset Lane	2/22/18
69.	C#	17120009	4554 Seagrape Dive #1-2	2/22/18

OLD BUSINESS

ITEM #V.44 ***TAKEN OUT OF SEQUENCE**

Case #: 17060002 – Landscape Violations
Property Owner: Malkoon, Rosalie Y Malkoon, Edmund F
Address/Folio: 2073 Ocean Mist Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)

Inspector Banyas testified that this case previously had a final order and they did not comply. There are extenuating circumstances and the Town has agreed to recommend their request for an extension to March 21, 2018 on this landscape violation. No Administrative Fee is sought for today's hearing. The Special Magistrate ordered a revised final order with a compliance date of March 21, 2018 and if not in compliance by then, this item will be on the March 22, 2018 Hearing Agenda.

ITEM #V.47

Case #: 17060017 – Zoning Violations
Property Owner: SJM By The Sea LLC

Address/Folio: 256 E Commercial Blvd
Code Section(s): Chapter 12 – Licenses Section 12-2(a) Required.

Inspector Banyas testified that this is a commercial property. There is a business located at that property called Office Web. It has been operating for quite a while without a Business Tax Receipt (BTR). It cannot be granted because they do not meet the Town's parking requirements. The Town has been working with them to try to find a resolution. Since everything has come to a standstill, the Town is requesting a Final Order to come into compliance for a BTR within thirty days, by February 21, 2018 or a fine of $10/day until a BTR is received plus $150 Administrative Fee for today's hearing. If not in compliance, this will return to the February 22, 2018 Hearing. The Special Magistrate ordered compliance within thirty days, by February 21, 2018 or a fine of $10/day plus $150 Administrative Fee for today's hearing due by February 21, 2018.

NEW BUSINESS
ITEM #V.64
Case #: 17090011 – Nuisance/Abandoned House
Property Owner: Maller, Michael
Address/Folio: 2011 Coral Reef Drive
Code Section(s): Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property Section 11-24(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)

Neither the owner nor anyone to represent the owner was present. Inspector Banyas testified that certified mail was sent to the owner of record and the green card was not obtained. The property was posted January 13, 2018. She explained the three violations. The Town requests fourteen days to comply or a fine of $200/day/violation plus $150 Administrative Fee for today's hearing. She would like the Certification of Lien Hearing to be February 22, 2018, if not in compliance. The Special Magistrate ordered compliance for all three violations within 14 days, by February 8, 2018, or a fine of $200/day/violation plus $150 Administrative Fee due by February 21, 2018.

ITEM #V.71
Case #: 17120029 – Vacation Rental
Property Owner: Slough, Edward
Address/Folio: 3261 Oleander Way
Code Section(s): Chapter 12 – Licenses Section 12-2(e)(1)
Chapter 30 – Unified Land Development Regulations Section 30-327(d)

Inspector Banyas testified that this property is a homesteaded single-family house. The hearing notice was sent to Mr. Slough at his mailing address of record. Service was obtained by a signed green card in the file. The violation is that this rental is operating without a Vacation Rental Certificate. She has evidence to submit of a Craig's List Ad that was observed for $395 per week with photos on the ad of the property which were shown to Mr. Slough (who was sworn in). The Special Magistrate accepted the evidence as the Town's Composite Exhibit without objection. She also has a copy of a booking request inquiry for a stay of less than 90 days as a possible offer which she also showed to Mr. Slough. The Special Magistrate accepted it without objection and added it to the Town's Composite Exhibit. It is the Town's belief that this property is operating as a vacation rental. Ms. Banyas said that after the violation

notice and the receipt of the green card, these ads were not online anymore. The violation is currently in compliance but this has previously been before the Special Magistrate. She was asking for a finding of fact with the stipulation that should this occur at all in the future, a $500/day fine would be assessed for each day the violation exists.

Mr. Slough testified that the property was rented for six months. He then had another tenant scheduled to move in for another six months but this was canceled. He was left with a hole in his booking. During the unexpected vacancy, he filled two slots for around three weeks each. He placed the ad with Craig's list but never used it. Right now it is rented until April 18, 2018 for three and one-half months. He is back on track with the three month rentals and sorry that he got off track. The Special Magistrate told Mr. Slough that he admitted what he did and knows what he cannot do as he was before the Special Magistrate previously. Discussion ensued about duration of rentals. If it comes back again, the minimum fine would be $500/day. Ms. Banyas asked for $150 Administrative Fee for today's hearing and put on the record that this was in response to a residential complaint received. She also put on the record that for the Business Tax Receipt (BTR) applied for previously, the fee was submitted and the application complete but every attempt to contact and schedule an inspection was not completed. The Town would like to ensure that a BTR is on this property and that it is valid. Mr. Slough must reach out and schedule an inspection or this issue would be at the March 2018 hearing. The Special Magistrate ordered a finding of fact with the stipulation that should this occur at all in the future, that a $500/day fine would be assessed for each day the violation exists plus $150 Administrative Fee due by February 21, 2018. He cautioned about the BTR inspection needing to be done.

ITEM #V.66 ***TAKEN OUT OF SEQUENCE**

Case #: 17120028 – Nuisance
Property Owner: Gorana International Inc.
Address/Folio: 4140 El Mar Drive
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-31(3)

Inspector Banyas testified that this is a finding of fact for a complied violation. The Sea Lord Hotel has a problem with leaving a dumpster out on incorrect days obstructing the sidewalk. They fix the problem after receiving the notice. She spoke with one of the owners who assures her that it won't continue and it is in compliance at this time. She requested a finding of fact that the violation existed and should it re-occur in the future, it may be subject to an immediate $500/day fine for any days out of compliance. No Administrative Fee is sought for a simple Finding of Fact today. The Special Magistrate ordered a Finding of Fact that should this violation re-occur in the future, it would be subject to an immediate $500/day fine for each day it was found out of compliance.

ITEM #V.68

Case #: 17120008 – Vacation Rental
Property Owner: Rudock, Karen
Address/Folio: 4325 Bougainvilla Drive #1-2
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(e)

Inspector Banyas testified that this case would be continued to February 22, 2018. The Town received an application for a Short Term Rental Certificate today. The Special Magistrate ordered continuation to the February 22, 2018 Special Magistrate Hearing.

CERTIFICATION OF LIEN
ITEM #V.75

Case #: 17110030 – Nuisance/overgrowth weeds & gras
Property Owner: Johnson, Danielle
Address/Folio: 1724 Bel Air Avenue
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Inspector Banyas testified that this is a vacant, single-family property in foreclosure. This is a repeat violation for overgrown grass on the property. The notice was sent via certified mail to the owner of record to the address of record. The green card was not returned. The property was posted. The Town was requesting to certify the repeat violation fine. The violation was observed from November 29, 2017 through the abatement by the Town on December 19, 2017 at $500/day for each of those days plus $100 Administrative Fee. She gave photos to the Special Magistrate who accepted them as the Town's Composite Exhibit. The Special Magistrate ordered certification of lien from November 29th through December 19th, 2017 at $500/day plus $100 Administrative Fee.

ITEM #V.76
Case #: 17110031 – Nuisance/overgrowth weeds & gras
Property Owner: Maller, Michael
Address/Folio: 2011 Coral Reef Drive
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Inspector Banyas testified that this is a vacant, single-family property in foreclosure. This is a repeat violation for overgrown grass on the property. The notice was sent via certified mail to the owner of record to the address of record on November 29, 2017. The green card was not returned. The property was posted. The Town was requesting to certify the repeat violation fine for overgrown grass and for accumulation of litter/trash/debris on the property. The violation was observed from November 29, 2017 through the correction by the Town on December 19, 2017 at $500/day ($250/violation for a total of two violations) for each of those days plus $100 Administrative Fee. She gave photos to the Special Magistrate who accepted them as the

Town's Composite Exhibit. The Special Magistrate ordered certification of lien from November 29th through December 19th, 2017 at $500/day plus $100 Administrative Fee.

ITEM #V.77 – MUN 121917BE (Exhibit A)
Case File: 17110030, 16090017
Property Owner: Johnson, Danielle
Address/Folio: 1724 Bel Air Avenue

Inspector Banyas said this is in regard to Danielle Johnson's property that was previously heard tonight. This Notice was also posted on November 29, 2017. The property was abated by Municipal Services on December 19, 2017 per authorization to abate for a total of $607.50 plus $100 Administrative Fee. She submitted the invoice to the Special Magistrate who accepted it as the Town's Exhibit. He ordered the certification of lien in the amount of $707.50.

ITEM #V.78 – MUN 121917CR (Exhibit B)
Case File: 17110031, 17070009
Property Owner: Maller, Michael
Address/Folio: 2011 Coral Reef Drive

Inspector Banyas said this is in regard to Michael Maller's property that was previously heard tonight. This Notice was also posted on November 29, 2017. The property was abated by Municipal Services on December 19, 2017 per authorization to abate for a total $624.00 plus $100 Administrative Fee. She submitted the invoice to the Special Magistrate who accepted it as the Town's Exhibit. He ordered the certification of lien in the amount of $724.00.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on January 25, 2018 at approximately 6:27 PM.

APPROVED BY:

Special Magistrate Tom Ansbro

ATTEST:

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