

**TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES**

*Town Commission Meeting Room
Monday, January 25, 2016 at 5:00 PM*

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the Hearing to order at 5:10p.m. on Monday, January 25, 2016. Assistant Town Manager Bud Bentley, Development Services Director Linda Connors, Fire Marshall Stephen Paine, Code Compliance Inspector Carmen Sanchez and Code Compliance Inspector Sharon Foster were present at the Hearing. Also present was Clerk Idalia Gutierrez to record the minutes. 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. MINUTES OF PREVIOUS CODE HEARING

DECEMBER 14, 2015 Code Hearing – The minutes of 12/14/15 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 | FIRE CASES

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

COMPLIED

- | | | |
|---------|----------|-------------------------|
| 1. C#: | 15090005 | 1620 S Ocean Blvd #15 H |
| 2. C#: | 15090013 | 275 Commercial Blvd |
| 3. C#: | 15100030 | 1700 S Ocean Blvd #19 C |
| 4. C#: | 15100032 | 2048 Ocean Mist Dr |
| 5. C#: | 15110017 | 267 Bombay Ave |
| 6. C#: | 15110021 | 4344 N Ocean Dr |
| 7. C#: | 15100028 | 4529 N Ocean Dr |
| 8. C#: | 15110029 | 255 Hibiscus Ave |
| 9. C#: | 15110030 | 224 Codrington Dr |
| 10. C#: | 15110032 | 4137 Bougainvillea Dr |
| 11. C#: | 15110033 | 4405 N Ocean Dr |
| 12. C#: | 15120004 | 3241 Spanish River Dr |
| 13. C#: | 15120012 | 5100 N Ocean Blvd #1014 |
| 14. C#: | 15120013 | 4050 N Ocean Dr |
| 15. C#: | 15120015 | 3280 S Terra Mar Dr |

16. C#:	15120016	1770 Bel Air Ave
17. C#:	15120017	3220 Fiesta Way
18. C#:	15120018	3210 Seaward Dr
19. C#:	16010002	240 Imperial Ln
20. C#:	16-1156	1770 S Ocean Blvd (Fire Case)
40. C#:	15110034	Bougainvilla Dr (Parking Lot Next to 216 Comm)
44. C#:	15120014	4136 Seagrape Dr #8
52. C#:	15110011	4216 Seagrape Dr

CONTINUED

(Continued To)

21. C#:	15120010	2000 S Ocean Blvd #8 B	(February 22, 2016 Hearing)
22. C#:	15120019	1931 Waters Edge	(February 22, 2016 Hearing)
26. C#:	16-1157	4221 Bougainvilla Dr	(February 22, 2016 Hearing)

Clerk Idalia Gutierrez called the first case to be heard at this Hearing.

OLD BUSINESS

ITEM #V.25

***TAKEN OUT OF SEQUENCE**

Case #: 15060015 – Property Maintenance
 Property Owner: Richard Barrie Jr. Inc.
 Address/Folio: 226 Basin Dr
 Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-311(c)(11)
 Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
 Florida Building Code Section 105 Section 105.1 Required
 Florida Building Code Section 116.2.1.2(1)(2)
 Florida Building Code Section 206.2.1
 Florida Building Code Section 206.2.2
 Florida Building Code Section 405.2

Code Compliance Inspector Carmen Sanchez testified that we are here tonight to certify the fines. This case was first presented in July 2015. Compliance was ordered by August 7, 2015. Since then, there were continuances requested either by the property owner or the Town. Ms. Sanchez said that some of the violations are in compliance (e.g., broken windows and minor property maintenance). The other five building code violations are still not in compliance. The five violations have been running for 171 days. The two property maintenance fines ran for 20 days. As of today, the fine amount accumulated is \$45,750. She has pictures which show the violations that have been complied and the violations that remain. She showed them to Attorney Klimko and then submitted the pictures to the Special Magistrate for evidence. Ms. Sanchez answered the Special Magistrate that they have not been in violation for docking boats that do not belong there since the last time she presented the case. For the record, Ms. Sanchez said, there has been an application submitted for a building permit. The permit was issued but the permit was never picked up. It is voided now.

The Special Magistrate accepted the pictures into evidence without objection as the Town's Composite Exhibit. Ms. Sanchez said they have paid \$150 Administrative Fee and she was requesting \$75 Administrative Fee for today. Development Services Director Linda Connors testified that the applicant did apply for a building permit. The Town issued comments which were not responded to. Because those comments were issued more than sixty days ago, the permit is invalid.

Attorney Michelle Klimko said she is here on behalf of the marina and its owners. She asked today to not have the certification entered. She said they have been working with the Town. She found that the dock contractor has been giving them inaccurate stories in regards to waiting for comments from the Town. They have a drawing to be submitted for the parking. They are working with the Town on the new ordinance that will address many of the issues dealing with the docks. They are working on a submerged land agreement. They want a nice looking marina and the certification being entered would cause some delay. She said she would be in front of them next month to talk about the parking. She was hoping to have an entire site plan showing everything that has been done at the marina.

The Special Magistrate asked for input from the Town regarding delaying certification of lien. Assistant Town Manager Bud Bentley did not have an objection, if the Special Magistrate wanted to retain jurisdiction. His preference would be to let the mitigation of the lien go to the Town Commission. The Special Magistrate ruled that he would certify the lien tonight. He explained to Ms. Klimko that the Town is not unreasonable, if they find that things are being done. Attorney Klimko is concerned about a timing issue. She was concerned that she would not be able to make a good argument, if things have not been passed yet and no ordinance in the works. The Special Magistrate said the certification of the lien is not for code punishment but rather for compliance. Ms. Klimko asked the Special Magistrate that before he loses jurisdiction, if he could put as part of his Order no foreclosure proceedings for at least six months. Mr. Bentley said he could make the commitment that if this property was recommended for foreclosure, it would come back in front of the Special Magistrate for his recommendation.

The Special Magistrate ordered the certification of lien and imposed an Administrative Fee in the amount of \$75, to be paid in one month.

ITEM #V.24

***TAKEN OUT OF SEQUENCE**

Case #: 15040009 – Building Code Violations

Property Owner: International Studio Apartment Association, Inc.

Address/Folio: 1480 S Ocean Blvd

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

Code Compliance Inspector Sharon Foster said this case is a status hearing. This is a forty year inspection case for inspection that have not been obtained. It remains in the denied status and has been in front of the Special Magistrate a few times. The permit was issued on January 11th to complete the work needing to be done. The Town's Building Department is waiting for a letter from an engineer stating that the work has been done and the Town can review it. They have not received the letter.

Mitchell Krauss testified that he is from the management company representing the owner. He said the repairs are complete and all work is done. The requested letter is still enroute to the contractor so that he can fill it out and turn it in. The letter should be in the Building Official's hands by tomorrow. Ms. Foster answered the Special Magistrate that the fines were running but they were stopped at the October 26, 2015 hearing. Ms. Foster further answered the Special Magistrate that she is okay if this case is continued to the February 22, 2016 hearing. If they are in compliance before the next hearing, there still is the matter of accrued fines that ran for 18 days from October 9 – October 26, 2015 at \$100/day.

The Special Magistrate ordered to continue the case to the February 22, 2016 hearing.

Clerk Idalia Gutierrez added case #15110026 to the agenda.

ITEM #V.

Case #: 15110026 – No Garbage/Trash Service
Property Owner: Avalon Liv Tr Albers, Sandra Trstee Etal
Address/Folio: 223 Avalon Ave
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27 (a)(1)

Code Compliance Inspector Carmen Sanchez said she would like to withdraw the Administrative Fee on this case. The case was in compliance before she presented it; a miscommunication with Waste Pro.

ITEM #V.23

***TAKEN OUT OF SEQUENCE**

Case #: 15-1214 – Fire Case
Respondent: Lenore Nolan-Rayan (Tenant)
Address/Folio: 228 Commercial Blvd.

Town Fire Marshall Stephen Paine testified that this is a status hearing on the case. It first appeared before the Special Magistrate on September 28, 2015. The tenant was given time to comply. The tenant came into compliance on December 31, 2015. The building is empty and the tenant has vacated the property. The property is completely safe. Lenore Nolan-Rayan was present. Mr. Paine said that the property did not accrue any fines.

The Special Magistrate acknowledged the case is in compliance.

NEW BUSINESS

ITEM #V.27

***TAKEN OUT OF SEQUENCE**

Case #: 16-1158 – Fire Case
Respondent: The Residence Condominium Association Inc.
Address/Folio: 4636 El Mar Dr

Town Fire Marshall Stephen Paine testified that on November 30, 2015, the Town inspected the property. They found four violations. On January 11, 2016, they re-inspected and the four violations were still present. They scheduled the building for a hearing tonight. Today they did a re-inspection and two out of the four violations (the emergency telephone inside the elevator has been repaired and is working and a sign was installed on the exterior meter room door) are in compliance. The only violations still not in compliance are standpipe and fire service backflow inspection and emergency lights on the exterior exit ways. The property manager, Suzanne Waterhouse, agreed to a sixty-day extension. Mr. Paine suggested \$100/day/violation if not in compliance within sixty days.

The Special Magistrate ordered compliance by March 24, 2016, or a fine of \$100/day per violation.

ITEM #V.33***TAKEN OUT OF SEQUENCE**

Case #: 15120033 – Business Tax

Property Owner: Krzysztof Poprawski Rev Liv Tr Maria Poprawski Liv Tr

Address/Folio: 4229 N Ocean Dr

Code Section(s): Chapter 12 – Licenses Section 12-2(a) Required

Code Compliance Inspector Sharon Foster testified that notice was sent via certified mail and service was obtained. She said there was an inspection for business tax receipt (BTR) on July 29, 2015. They did not pass their BTR inspection because there were violations found by the fire marshall which included work without permit. Fines are running from the fire marshall's case. Those violations are not in compliance as of today. The property is being run without a business tax receipt. Ms. Foster said that as of today, there is one permit still open for interior alterations. She was requesting \$150 Administrative Fee.

Michael Poprawski, property manager, explained that he received the permit on December 18, 2015 and has been working diligently to comply. He was asking for a sixty-day extension. Ms. Foster was in agreement with sixty days to give them time to comply.

The Special Magistrate ordered compliance by March 24, 2016 or a fine of \$150/day and imposed an Administrative Fee in the amount of \$150 to be paid in 30 days, by February 24, 2016.

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

Case #: 15110002 – Vacation Rental

Property Owner: Riglietti, Lorraine Riglietti, Michael

Address/Folio: 288 Allenwood Dr

Code Section(s): Chapter 12 – Licenses Section 12-2(e)(1)

Chapter 30 – Unified Land Development Regulations Section 30-327(d)

Code Compliance Inspector Sharon Foster said this case is being presented tonight for certification of lien. Fines started running on this property on December 24, 2015 at \$200/day/violation for two violations. On December 28, 2015, the property was brought into compliance. The fines ran for a total of five days out of compliance for \$2,000 plus \$150 Administrative Fee and another \$150 Administrative Fee totaling \$2,300.

Dave Porto, property manager, said that the fire inspection was delayed by the Town so the work was not getting done by December 24, 25, 26 or 27. He said that is why it was finished on December 28, 2015. He explained that the property owner lives out of state. Between the property owner and himself, they tried to get the work done as diligently as possible. Ms. Foster confirmed that the Town could not get the inspection done until after the comply-by date. Ms. Foster said she agrees that there should not be any fines because of the Town's scheduling conflict for inspections.

The Special Magistrate mitigated the fines to zero and ordered payment of the outstanding Administrative Fee in the amount of \$150 in 10 days, by February 4, 2016.

ITEM #V.53

Case #: 15010017 – Building Code Violations
Property Owner: Southern Seas Condominium Association, Inc.
Address/Folio: 4520 El Mar Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required
Chapter 30 – Unified Land Development Regulations Section 30-317(g)

Code Compliance Inspector Carmen Sanchez said at the last hearing, this case was presented for a status report. The violation was a parking lot that was blacktopped and striped without a permit. This case has been going on since December 2014. They finally obtained the permit on January 5, 2016 and no inspections have been called for the property. She said that all the Administrative Fees have been paid. The total fines have accumulated in the amount of \$23,250.

Lisa White said that she is the attorney for Southern Seas. Ms. White said her client experienced many problems and circumstances regarding this project while they tried to comply. She was asking for the fines to be waived. She explained the history of the violation and the fiascos her client experienced trying to comply. She spoke about the 2% slope problem.

Ms. Sanchez answered the Special Magistrate that the property is still not in compliance so she feels that mitigation of the fine should not be discussed until compliance. She said that everything Ms. White spoke about her client's challenges is correct. She suggested stopping the fines today and giving them until February 21, 2016 to comply. The Special Magistrate said that at the time of compliance, he would determine if the fines warrant mitigation. He said that fines are not for punishment but rather for compliance.

The Special Magistrate ordered to stop the fines as of today, January 25, 2016, and continue the case to the February 22, 2016 hearing for a status report. No Administrative Fee was imposed for today's hearing.

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

Case #: 15100003 – Building Code Violations
Property Owner: Pancini, Joseph H/E Pancini, Adele
Address/Folio: 1460 S Ocean Blvd #503
Code Section(s): Florida Building Code Section 105 Section 105.11.2.1

Code Compliance Inspector Carmen Sanchez testified that this is a condominium. She said she was going to ask for certification of fines tonight. She explained that she met with the property owner a few weeks ago. She was finally able to hand deliver the notices. The property owner does not live here year round but rather seasonally. They were ordered to comply by December 23, 2015 or a fine of \$200/day. The property owners are actively working on getting the expired building permit renewed. She said the owners were requesting an extension on the final order. The representative showed Ms. Sanchez a receipt from the Building Department for the renewal of the permit. Ms. Sanchez asked the Special Magistrate to revise his Final Order for a comply-by date of January 25, 2016, so no fines would be running. The \$150 Administrative Fee for the previous hearing still needs to be paid.

The Special Magistrate extended the date for compliance to January 25, 2016 or a fine of \$200/day and imposed an Administrative Fee in the amount of \$150 to be paid in 10 days, by February 4, 2016.

NEW BUSINESS

ITEM #V.30

***TAKEN OUT OF SEQUENCE**

Case #: 15120011 – Building Code Violations
Property Owner: Zeigler, Janet Zeigler, Mark
Address/Folio: 1501 S Ocean Blvd #310
Code Section(s): Florida Building Code Section 105 Section 105.11.2.1

Code Compliance Inspector Sharon Foster said notice was sent via certified mail and service was obtained. The property is in violation of an expired permit. She explained that she received a list of expired building permits from the Building Department. A Courtesy Notice was sent to the property on July 28, 2015. A follow-up list was sent to Code from the Building Department on December 8, 2015. The Notice of Violation was sent to the property due to no action being taken. The Permit Department informed Ms. Foster that a permit application was submitted but it was not complete. As of January 19, 2016, the paperwork was submitted along with a letter of commencement. As of today, the documents that were submitted were not reviewed. The permit has not been issued. She is requesting copies of the e-mails from the Permit Department to be entered into evidence. She first showed the e-mails to Bob Noonan before giving them to the Special Magistrate. The Special Magistrate entered them into evidence without objection as the Town's Composite Exhibit. Ms. Foster was requesting \$150 Administrative Fee for today's hearing.

Bob Noonan, construction consultant and project manager, showed his notarized letter from Mr. Zeigler allowing Mr. Noonan to represent him. Mr. Noonan said that Foster Contracting was the original general contractor. Mr. Noonan has now submitted all the paperwork and brought it to the Building Department last week. Since the paperwork is in review, he does not have the physical permit. He was asking for a sixty-day extension as he has not seen the condition of the property. Ms. Foster answered the Special Magistrate that she is in agreement with a sixty-day extension.

The Special Magistrate ordered compliance by March 24, 2016 or a fine of \$150/day fine and imposed an Administrative Fee in the amount of \$150 to be paid in 10 days, by February 4, 2016.

ITEM #V.28

***TAKEN OUT OF SEQUENCE**

Case #: 15120005 – Building Code Violations
Property Owner: Quintana, Luis & Olga D
Address/Folio: 1900 S Ocean Blvd #2B
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster said that notice was sent via certified mail and service was not obtained. The property was posted and the Affidavit of Posting is in the file. The violation is for work without a permit. Ms. Foster said that on December 3, 2015, she responded to a call from the fire marshall that there were people working in unit #2B. When she checked, there were no permits on file with the Building Department for this unit. She observed renovations to the kitchen and bathrooms. She said that the permit was submitted on January 20, 2016 but was not issued yet because it is still being reviewed. On December 3, 2015, Ms. Foster took pictures of the property which accurately depicted the condition of the property. She requested that they be entered into evidence. She showed the pictures to the owner. She was requesting \$150 Administrative Fee. The Special Magistrate accepted the photos into evidence without objection as the Town's composite exhibit.

Luis Quintana, property owner, testified that he was given the permits this morning. He explained that he recently bought this unit. He filed the information for his unit's renovations with the condo. As soon as he found out what had to be done through the Town, he came down to accomplish it.

The Special Magistrate ordered compliance by March 24, 2016, to complete the work and pass all inspections, or a fine of \$150/day and imposed an Administrative Fee in the amount of \$150 to be paid by February 4, 2016.

ITEM #V.35

***TAKEN OUT OF SEQUENCE**

Case #: 15110013 – Property Maintenance
Property Owner: Pointu, Patrick
Address/Folio: 4636 Poinciana Street #2
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

ITEM #V.36

Case #: 15110014 – Property Maintenance
Property Owner: Pointu, Patrick
Address/Folio: 4636 Poinciana Street #1 E
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

ITEM #V.37

Case #: 15110015 – Property Maintenance
Property Owner: Pointu, Patrick
Address/Folio: 4636 Poinciana Street #1 W
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Code Compliance Inspector Carmen Sanchez said this is a condominium and the owner has three units. Notice was sent on November 16, 2015 via certified mail and service was obtained. She said that for all three units, the concrete is in disrepair in the area of the balcony and the railings. While she was in the field on September 28, 2015, Ms. Sanchez noticed the disrepair. She issued the property owner of the three units a Courtesy Notice. Ms. Sanchez has sets of pictures from when the violation was first observed in 2015 and from January 22, 2016. She said her pictures accurately depict the condition of the property and she asked that they be entered into evidence. She said that no permits have been submitted. She was requesting \$150 Administrative Fee per case for a total of \$450 Administrative Fee. Ms. Sanchez answered the Special Magistrate that the units seem to be occupied and are on the second floor. Ms. Sanchez showed the pictures to Patrick Pointu. The Special Magistrate accepted the pictures into evidence without objection as the Town's composite exhibit.

Patrick Pointu, property owner, testified that this situation started in 2013 when the Town re-did Bougainville Drive. There was a lot of vibration through the streets all over Bougainville and Poinciana. He said he called the Town regarding this and the project manager did not come by to check out his complaint. Cracks formed on his balconies. Other properties, Mr. Pointu said, on Bougainville sustained damage. He said that the Town told him to call the contractor's insurance which did not help him. Mr. Pointu has consulted different engineers and contractors. His quotes range from \$20,000 to \$60,000. After the Courtesy Notice, he tried to contact the Town but no one called him back. Mr. Pointu said that the building permit has been filed. It has not been issued because it is in review. The work should start in May or June 2016 as he has a contractor. The cars in the parking lot will have to be relocated. Mr. Pointu said the balconies do not look nice but there is no danger with the railings.

Ms. Sanchez suggested a status report for February 22, 2016 to see if a permit has been filed. The Special Magistrate agrees with a status report to know the progress on the permit issuance. He also wants to know how to keep the balconies/railings issue safe for the people who are in the condos. Mr. Pointu testified that there is no shaking of the railings. The Special Magistrate requested that the Building Department inspect the balconies/railings for safety. Since the Building Department does not have access to these balconies, then Mr. Pointu said he would submit a letter as evidence from his engineer that the railings are not compromised now and for the period of time it takes to finish the work. Mr. Pointu said the Town was not accepting his e-mails and he wants this corrected.

The Special Magistrate ordered to continue the case to the February 22, 2016 hearing for a status report and imposed an Administrative Fee in the amount of \$150 to be paid in 30 days, by February 24, 2016. He further ordered Mr. Pointu to submit a letter from his engineer addressing the safety of the all the railings.

Mr. Pointu said that he will not be able to attend the February 22, 2016 hearing.

ITEM #V.39

***TAKEN OUT OF SEQUENCE**

Case #: 15110031 – Citizen Complaints

Property Owner: Pezoulas, Gus J Pezoulas, Joanne & Zigoumis, J Eta

Address/Folio: 4632 Bougainvilla Dr #1-4

Code Section(s): 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 6-37(a)(1)
Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Carmen Sanchez said that this is an apartment building. The notice was sent November 25, 2015 via certified mail and service was obtained. For the record, Ms. Sanchez said items 1, 2, and 3 are in compliance. Item 4 is not in compliance for work without permit for the kitchen and bathroom. In September 2015, Ms. Sanchez responded to a complaint from the tenant in unit 3. He said he did not have a working a/c, he was missing shower faucet handles and kitchen light fixture covers. She issued a Courtesy Notice on September 2, 2015. Ms. Sanchez received a phone call from the property owner and she explained to him what had to be done for compliance. He explained to her that he was in the process of evicting the tenant and could not do anything until the tenant was out. Ms. Sanchez noticed that work was being done without building permits. She inspected the inside of the unit at the owner's request and she observed kitchen cabinets and the bathroom had been changed. Ms. Sanchez said the property owner applied for permit but has been denied. They are waiting for corrections. Ms. Sanchez has pictures that accurately depict the condition of the property and an e-mail from the building department and she asked that they be added into evidence. She showed this to Gus Pezoulas. The Special Magistrate accepted Ms. Sanchez' evidence without objection as the City's composite exhibit. Ms. Sanchez requested \$150 Administrative Fee.

Mr. Pezoulas said that he got two contractors to come in to verify the work that was done. He brought this to Town Hall and was told he had to get an architect. He contacted one who cannot start right away. Mr. Pezoulas has done everything other than the architect. He does not know why the Town wants him to get an architect. Ms. Sanchez said the Building Department would know that answer. The Special Magistrate asked Ms. Sanchez to have the Building Department contact Mr. Pezoulas after he recovered from surgery to explain the need for an architect. She

suggested to Mr. Pezoulas to come to Town Hall tomorrow so that he can talk to the Building Official. Ms. Sanchez will let him know to expect Mr. Pezoulas.

The Special Magistrate ordered to continue the case to the April 25, 2016 hearing due to the respondent's surgery and recovery and imposed an Administrative Fee in the amount of \$50, rather than the usual \$150 Administrative Fee, to be paid in 30 days, by February 24, 2016.

CERTIFICATION OF LIEN

ITEM #V.50

***TAKEN OUT OF SEQUENCE**

Case #: 15090018 – Zoning Violations
Property Owner: K M & Buschbaum, Inc.
Address/Folio: 4217 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-112.(1)(4)(c)(3)i-iv

Code Compliance Inspector Carmen Sanchez said that tonight is for certification of fines. This is for a site plan amendment. She said that before the hearing tonight, Development Services Director Linda Connors and the property owner spoke. They have agreed to an extension. Ms. Connors received the site plan yesterday. However, they still need to submit two other copies and a few more things in order to be in compliance. Ms. Sanchez requested a revised Final Order to comply within thirty days which is February 24, 2016 and \$75 Administrative Fee.

Jesse Dalen said that it is a little more complicated and they may not be ready in thirty days. Ms. Sanchez asked him how long he needs and he explained.

The Special Magistrate extended the date for compliance to March 24, 2016 or a fine of \$50/day and imposed an Administrative Fee in the amount of \$75 to be paid in 30 days, by February 24, 2016.

NEW BUSINESS

ITEM #V.42

***TAKEN OUT OF SEQUENCE**

Case #: 15120008 – Building Code Violations
Property Owner: ATJ Max LLC
Address/Folio: 231 Hibiscus Ave #1-2
Code Section(s): Florida Building Code Section 105 Section 105.11.2.1

Code Compliance Inspector Carmen Sanchez said that this is a duplex. The Notice was sent December 8, 2015 via certified mail and service was obtained. The property's violation is an expired building permit since May 20, 2013. After contact from the Town via a letter, there was no response and no change in the status of the permit. She requested to enter into evidence an e-mail from the Building Department showing the permit has not been renewed. She was requesting \$150 Administrative Fee.

Goram Dragoglavic testified that he is the owner of this property. He spoke with Building Official Jack Morrell who told him that he sent a letter to the property. Mr. Dragoglavic said he does not live at this address and never received the Town's letter. Mr. Morrell explained to him that the dry wall permit was never closed for the property. Mr. Dragoglavic has the Broward Property Appraiser's website page showing his mailing address which is not the same as the property address in violation. The property owner said that the permit was pulled before he bought this

property from the bank. He invited Mr. Morrell to inspect the property to see if any drywall work was done.

The Special Magistrate ordered continuance of this agenda item to the February 22, 2016 hearing as a status conference. This will give the property owner and Mr. Morrell time to talk and for the property to be inspected. The property owner said he would not be in Town on February 22, 2016. Ms. Sanchez said that if the property owner is in compliance, there would not be a need to hear this agenda item at the February 22, 2016 hearing. Mr. Dragoglavic requested continuance to the March hearing but the Special Magistrate's order stands. The Special Magistrate requested Ms. Sanchez to give the property owner her e-mail address so she could communicate via e-mail with the property owner if something transpired at the February 22nd hearing that needs his attention.

The Special Magistrate ordered to continue the case to the March 28, 2016 hearing if the property is not in compliance. An administrative fee was not imposed at this hearing because the Town's letter did not go to the property owner's mailing address.

ITEM #V.34

***TAKEN OUT OF SEQUENCE**

Case #: 16010001 – Building Code Violations

Property Owner: Kat-Nik Holdings Inc.

Address/Folio: 1900 S Ocean Blvd #14K

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

Code Compliance Inspector Sharon Foster testified that notice was sent via certified mail and service was obtained. The violation is work without a permit. On January 5, 2016, Ms. Foster responded to a call from the fire marshall that there was a unit where work was being done without a permit. She observed that the kitchen was gutted, a wall was removed, and there were exposed wires and pipes coming from a hole in the kitchen wall. She said there were exposed electrical boxes where a wall once stood. There were exposed electrical wires on the electrical panel and outlets and a lighting fixture was dangling from wires, etc. As of January 24, 2016, per the Building Department, Ms. Foster said that there were no permits submitted. She took pictures of the property on January 5, 2016. The pictures accurately depict the condition of the property and she requests that they be entered into evidence as well as the e-mail from the Building Department. She showed her documents to Sakanhos Ihipouhr. The Special Magistrate entered the pictures and e-mail without objection into evidence as the Town's composite exhibit. She was requesting \$150 Administrative Fee.

Sakanhos Ihipouhr testified that he bought this property at auction online. He never lived there. The property turned out to be a disaster so he hired someone to fix it. He spoke with Fire Marshall Stephen Paine after his building manager told him about the situation in his apartment. Until then, he did not know about the condition of the apartment. Mr. Paine strongly recommended that he speak with Sharon Foster. That is when Sharon e-mailed him the photos, etc. The owner felt that the essence of this whole thing is electrical safety. The electricity is off and there is no power now in the unit. The owner is requesting an electrical repair permit to bring the electricity to safety status. Then he would work with the architectural permits, etc. Fire Marshall Steve Paine suggested that the owner and his electrical contractor talk to the Building Official, as permitting is through the Building Department.

The Special Magistrate ordered to continue the case to the February 22, 2016 hearing for a status report and imposed an Administrative Fee in the amount of \$150 to be paid in 30 days, by February 24, 2016. He explained to the property owner that progress has to occur

during the next 30 days, or a daily fine could be imposed at the February 22, 2016 hearing. If he gets someone who knows the permit process and is certified under the Florida Building Code, it should not take too long.

CERTIFICATION OF LIEN

ITEM #V.54

***TAKEN OUT OF SEQUENCE**

Case #: 15100025 – Nuisance
Property Owner: Deutsche Bank Nat'l Tr Co Trstee % Ocwen Loan
Address/Folio: 1724 Bel Air Ave
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27 (a)(1)
Chapter 20 – Utilities Section 20-16 (a)
Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster said that this property was previously cited under the previous owners. The bank took over this property so it was re-cited for the previous violations of no garbage service, needing connection to the sanitary sewer system, and a water heater was installed without a permit. The fines outstanding are \$490 (49 days out of compliance) for no garbage service and \$9,900 for items 1 and 3 which were out of compliance for 33 days. She is requesting \$100 Administrative Fee for today's hearing. Ms. Foster said the fine is \$10,390 plus \$150 Administrative Fee for previous hearing and \$100 Administrative Fee (today's hearing) totaling \$10,640. She answered the Special Magistrate that this is a vacant property.

Attorney Maikel Eskander said that the bank was requesting additional time to get everything done before fines are assessed.

The Special Magistrate ordered to continue the case to the March 28, 2016 meeting and imposed an Administrative Fee in the amount of \$100 to be paid in 30 days, by February 24, 2016. The lien will be held in abeyance and fines will continue to accrue.

The Special Magistrate explained the possibility of mitigating the fines.

ITEM #V.49

***TAKEN OUT OF SEQUENCE**

Case #: 15090016 – Nuisance
Property Owner: U S Bank Trstee % Citimortgage
Address/Folio: 4236 E Tradewinds Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-38(a)
Chapter 6 – Building and Building Regulations Section 6-38(b)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Code Compliance Inspector Carmen Sanchez said they were here today to certify the fines. She said that at the December hearing, the Special Magistrate ordered the fines to stop but the fines that accumulated would remain. Today was to be a status report. Ms. Sanchez said that for the dock, they could either have it removed or repaired. A permit is needed to do either one of these things. Ms. Sanchez said there is no permit for this property and that the representatives just told her they are having issues getting this approved.

The agent for the property, Denise Mahoney, said that they are waiting for an approval to remove the dock. Bids were sent to the bank but the bank has not responded. Ms. Mahoney said she is working with them. The property is being maintained and it is secure. Ms. Sanchez answered the

Special Magistrate that there is no access to the back of the house. No one can get onto the dock. Ms. Mahoney was hoping to get the approval and to close on this property as soon as possible.

The Special Magistrate ordered to continue the case to the March 28, 2016 hearing for another status report.

ITEM #V.47

***TAKEN OUT OF SEQUENCE/RE-CALLED**

Case #: 15070005 – Property Maintenance
Property Owner: Coral Springs Investment Grp Inc
Address/Folio: 4337 Seagrape Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Carmen Sanchez said that tonight is for certification of fine for repairing a dock without a permit. She would like to request a revised Final Order. She said the property owner is here tonight. She said there was miscommunication between the property owner and the Building Department. Robert Vitale said that he is the owner. He explained the situation.

The Special Magistrate extended the date for compliance to February 24, 2016 or a fine of \$200/day and ordered to pay the outstanding Administrative Fee in 10 days, by February 4, 2016.

NEW BUSINESS

ITEM #V.29

***TAKEN OUT OF SEQUENCE**

Case #: 15120007 – Building Code Violations
Property Owner: Barbosa, Mario Hernan
Address/Folio: 1800 S Ocean Blvd #305
Code Section(s): Florida Building Code Section 105 Section 105.11.2.1

Code Compliance Inspector Sharon Foster said that notice was sent via certified mail and service was not obtained. The property was posted and the Affidavit of Posting is in the file. The violation is an expired permit since December 25, 2012. As of January 24, 2016, per the Building Department, no permits were submitted for the property. She was asking that a copy of the e-mail from the Building Department be entered into evidence. She was also requesting \$150 Administrative Fee.

The Special Magistrate ordered compliance by February 21, 2016 or a fine of \$150/day and imposed an Administrative Fee in the amount of \$150, to be paid by February 21, 2016.

ITEM #V.31

Case #: 15120020 – No Garbage/Trash Service
Property Owner: Knowlton, Adam
Address/Folio: 3271 Cypress Creek Dr
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27 (a)(1)

Code Compliance Inspector Sharon Foster said that on November 6, 2015, Waste Pro sent the Town a list of delinquent garbage service accounts. On November 17, 2015, a Courtesy Notice was sent to the property owner. She received an updated delinquent account list from Waste Pro. The Notice of Violation was sent out on December 10, 2015. The notice was sent via certified mail and service was obtained. On January 20, 2016, an e-mail was sent to Waste Pro

regarding the status of the account. Per Waste Pro, the property owner still has not made a payment on the delinquent account. Ms. Foster requested the e-mails be submitted into evidence. She requested \$10/day fine and \$100 Administrative Fee.

The Special Magistrate ordered compliance by February 4, 2016, or a fine of \$10/day and imposed an Administrative Fee in the amount of \$100 to be paid in 10 days, by February 4, 2016.

ITEM #V.32

Case #: 15120022 – Building Code Violations
Property Owner: Enright, Thomas P & Lisa P
Address/Folio: 1420 S Ocean Blvd #5 S
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster said that notice was sent via certified mail and service was obtained. On January 5, 2016, Ms. Foster responded to an anonymous call that there was a unit where work in the kitchen was being performed without a permit. She went to the property and observed a worker. She saw that the kitchen was gutted. She was told that there was a permit. She called the contractor and was given a permit number. She verified with the Building Department that the application was submitted on October 26, 2015. However, the application was denied. The permit is still in the denied status. On December 10, 2015, Ms. Foster took pictures of the property that accurately depict the condition of the property. She requested that the pictures be entered into evidence along with the e-mail from the Building Department. She requested \$150 Administrative Fee.

The Special Magistrate ordered compliance by February 24, 2016 or a fine of \$150/day and imposed an Administrative Fee in the amount of \$150 to be paid in 30 days, by February 24, 2016.

ITEM #V.38

Case #: 15110020 – Building Code Violations
Property Owner: EJMP 3 LLC
Address/Folio: 4146 Seagrape Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Carmen Sanchez said that this is an apartment building. The notice was sent via certified mail and service was obtained. The violation is installing a fence without a building permit. On September 30, 2015, she received a complaint about the property having a fence in the back. She observed a brand new wood fence along the back of the property. She checked with the Building Department and no permits have been pulled for this property. She then sent a Courtesy Notice. As there was no response from the owner, she issued a Notice of Hearing/Violation on November 16, 2015. She is requesting to submit two sets of pictures that she took (1) when the violation was first observed and (2) on January 22, 2016 when she took the second set of pictures. She would also like to submit e-mails from the Building Department showing no permit was requested. The pictures accurately depict the condition of the property. She was asking for the pictures and the e-mails from the Building Department to be entered into evidence. Ms. Sanchez testified that there have been no efforts made to comply. She requested \$150 Administrative Fee.

The Special Magistrate ordered compliance by February 24, 2016 or a fine of \$200/day and imposed an Administrative Fee in the amount of \$150, to be paid by February 24, 2016.

ITEM #V.41

Case #: 15120006 – Building Code Violations
Property Owner: Lehrer, Theodor Theodor Lehrer Irrevoc Tr
Address/Folio: 271 Capri Ave
Code Section(s): Florida Building Code Section 105 Section 105.11.2.1

Code Compliance Inspector Carmen Sanchez said that this is a single-family home. Notice was sent via certified mail and service was obtained. The property is in violation of a building permit which expired 10/30/2012. In November 2015, the Building Department sent letters to the property owner and the contractor who did the work advising them of the status of the permit and what to do in order to comply. With no change in the permit status, Ms. Sanchez issued a Notice of Hearing/Violation on December 7, 2015. According to the Building Department, a renewal was submitted but denied as corrections were not made up to date. She was asking the Special Magistrate to enter into evidence the correspondence from the Building Department showing the permit was not renewed. She was also requesting \$150 Administrative Fee. The Special Magistrate accepted the correspondence into evidence.

The Special Magistrate ordered compliance by February 24, 2016, or a fine of \$150/day and imposed an Administrative Fee in the amount of \$150, to be paid by February 24, 2016.

ITEM #V.43

Case #: 15120009 – Building Code Violations
Property Owner: Avila, Jose
Address/Folio: 4117 Bougainville Dr #312
Code Section(s): Florida Building Code Section 105 Section 105.11.2.1

Code Compliance Inspector Carmen Sanchez said that this is a condominium. The notice was sent via regular and certified mail and service was not obtained. She posted the property and the Affidavit of Posting is in the file. The violation is a building permit that expired 9/20/2013 for a water heater replacement. In November 2015, the Building Department sent letters to the property owner and the contractor who did the work advising them of the status of the permit and what to do in order to comply. With no change in the permit status, Ms. Sanchez issued a Notice of Hearing/Violation on December 8, 2015. She was asking the Special Magistrate to enter into evidence the correspondence from the Building Department showing the permit was not renewed. She was also requesting \$150 Administrative Fee. The Special Magistrate accepted the correspondence into evidence.

The Special Magistrate ordered compliance by February 24, 2016, or a fine of \$50/day and imposed an Administrative Fee in the amount of \$150 to be paid by February 24, 2016.

ITEM #V.45

Case #: 15120021 – Building Code Violations
Property Owner: Kiroglu, Fatma
Address/Folio: 240 Imperial Ln
Code Section(s): Florida Building Code Section 105 Section 105.11.2.1

Code Compliance Inspector Carmen Sanchez said that this is a single-family house. The notice was sent via certified mail and service was not obtained. She posted the property and the Affidavit of Posting is in the file. The violation is a building permit that expired 7/16/2015. The previous owner of this property was originally cited. In November 2015, the Building Department sent letters to the property owner and the contractor who did the work advising them of the status of

the permit and what to do in order to comply. With no change in the permit status, Ms. Sanchez issued a Notice of Hearing/Violation on December 10, 2015. She was asking the Special Magistrate to enter into evidence the correspondence from the Building Department showing the permit was not renewed. She was also requesting \$150 Administrative Fee. The Special Magistrate accepted the correspondence into evidence.

The Special Magistrate ordered compliance by February 24, 2016, or a fine of \$200/day and imposed an Administrative Fee in the amount of \$150, to be paid by February 24, 2016.

CERTIFICATION OF LIEN

ITEM #V.46

Case #: 15040001 – Zoning Violations
Property Owner: Sirgany, Bonita
Address/Folio: 4343 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Code Compliance Inspector Carmen Sanchez said that this is BurgerFi. At the last hearing, Ms. Sanchez said that the Special Magistrate ordered the fines to run with a status hearing today. On December 28, 2015, the permit for the parking lot was issued and picked up. However, no work has been done. She is submitting pictures of the parking lot which accurately depict the condition of the property and is asking for them to be entered into evidence. As of today, the accumulated fines are \$14,750 and she was asking for certification of lien. No one was here to represent BurgerFi.

The Special Magistrate ordered the certification of lien and fines continue to accrue.

ITEM #V.48

Case #: 15090003 – Building Code Violations
Property Owner: James & Alison Bates Fam Tr Bates, James & Alison
Address/Folio: 4300 El Mar Dr #22
Code Section(s): Florida Building Code Section 105 Section 105.11.2.1

Code Compliance Inspector Carmen Sanchez said this case is in compliance. She is asking for certification of Administrative Fee that was not paid.

The Special Magistrate ordered the certification of the Administrative Fee.

ITEM #V.56

Case #: 15110003 – Building Code Violations
Property Owner: Bricmayfl LLC
Address/Folio: 5000 N Ocean Blvd #1711
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster said this case is a certification of lien. Fines started running on this property January 25, 2016 for a total of one day out of compliance at \$200/day. There is also \$150 Administrative Fee from the previous hearing and Ms. Foster requested \$100 Administrative Fee for today's hearing. She said that the total to certify today is \$450.

The Special Magistrate ordered the certification of lien in the amount of \$450 and fines continue to accrue.

ITEM #V.57

Case #: 15110028 – Building Code Violations
Property Owner: Luu, Hoa K Luu-Nguyen, Thu K
Address/Folio: 3256 Oleander Way
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

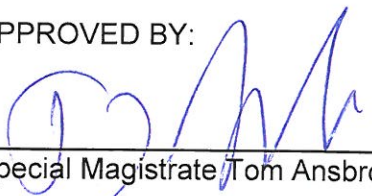
Code Compliance Inspector Sharon Foster said fines started running on January 25, 2016 at \$200/day. The property is not in compliance and out of compliance for one day. There is also \$150 Administrative Fee from the previous hearing and Ms. Foster requested \$100 Administrative Fee for today's hearing. She said that the total to certify is \$450.

The Special Magistrate ordered the certification of lien in the amount of \$450 and fines continue to accrue.

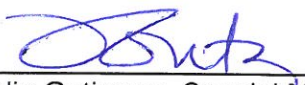
VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the Hearing on January 25, 2016 at approximately 7:44p.m.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


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