

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, January 10, 2019 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:00 PM on Thursday, January 10, 2019. Building Official Randall Clutter, Development Services Director Linda Connors, Code Compliance Inspector Robert Harrison, Code Compliance Inspector Joseph Sanzone, and Planner Jhanelle Campbell were present as well as Special Magistrate Clerk Kaliah Lewis 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 wished to speak now.

V. CODE CASES

Special Magistrate Clerk Kaliah Lewis called the following code cases for which people might be in attendance and have signed in.

OLD BUSINESS

ITEM #V.10

***TAKEN OUT OF SEQUENCE**

Case #: 18090005 – Property Maintenance

Property Owner: Neptune Garden Shop

Address/Folio: 254 Neptune Ave 1-2

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 6-41(a)(1)

This case was called first but it was decided to hear this one later. After recalling item #17, this case was then recalled. Inspector Joseph Sanzone testified that Dominick is trying to close on this property and doing all the due diligence. He has an agreement with Neptune Garden Shop to comply the violations before he gained ownership of the property. Based on his compliance and the due diligence of what he is doing, the Town suggests a continuance to the February 28, 2019 Hearing. Dominick complied all the violations except the lawn. Part of the lawn will be

changed to white rocks. Dominick explained that the lawn would be compromised with all the work that is being done. He was asking for more time for the lawn, as they work on the rest of the house. The Special Magistrate suggested 60 days and then a Status Hearing to see how much longer it would take to finish the house and be able to set a deadline to work on the lawn. It was suggested March 28, 2019 for a Status Hearing. Development Services Director Linda Connors said that it would make no sense to work on landscaping, if he is doing major renovations to the house. The Special Magistrate ordered a Status Hearing for March 28, 2019.

ITEM #V.13

***TAKEN OUT OF SEQUENCE**

Case #: 18050057 – Permits Required Violations
Property Owner: Gilchrist, Rael M Gilchrist, Lourdes L
Address/Folio: 1931 Waters Edge
Code Section(s): Florida Building Code 107.4
Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required
Florida Building Code 5th Edition (2014) FBC BCA Section 116.116.1

Inspector Robert Harrison stated that he thought the contractor and engineer would be present at this hearing. He wanted to hear an update from them. Per his last inspection, they have been diligently working on the site. Active permits were issued and the demo permit needs to be finalized out. As a fine is running, he does not recommend a continuance but rather to have them on the March 28, 2019 agenda for a Status Hearing. The Special Magistrate ordered a postponement until the March 28, 2019 Hearing.

NEW BUSINESS

ITEM #V.16

***TAKEN OUT OF SEQUENCE**

Case #: 18110001 – Property Maintenance
Property Owner: FDG South LLC
Address/Folio: 4116 N Ocean Blvd
Code Section(s): Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(f).

Inspector Robert Harrison testified that this is a vacant building which was cited for the pool cover being in disrepair and needs to be repaired. It is not in compliance and the Town is recommending a Final Order giving 32 days, by February 11, 2019 to comply or \$100/day fine plus \$50 Hearing Costs for today's hearing. For the record, there was no one present to represent the property owner. The Special Magistrate ordered compliance by February 11, 2019 or \$100/day fine plus \$50 Hearing Costs due immediately.

As Attorney Nectaria Chakas was in attendance after the Special Magistrate heard cases #22 through #71 contemporaneously for Whittier Towers, the Special Magistrate ordered that this agenda item is to be re-opened. Ms. Chakas said that the last time she was here, she spoke about an agreement with the Town to save the building but they were not able to reach an agreement. The demolition of this building will be moving forward. The Special Magistrate explained that the agenda item today only dealt with the pool cover. It needs to be fixed and compliance is to be by February 11, 2019 or \$100/day fine plus \$50 Hearing Costs due immediately. As Ms. Chakas understood, this agenda item was closed and remained with the original order.

CERTIFICATION OF LIEN

ITEM #V.17

Case #: 18120011 – Nuisance

Property Owner: Code BN Lauderdale FL LLC % National Tax Resource Group

Address/Folio: 276 Commercial Blvd

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

Florida Building Code Section 101.4.4.1 Plumbing

Inspector Joseph Sanzone testified that this is a repeat violation for drainage. The violation was observed on 12/13/18 and was complied on 12/18/18. He has photos which were shown to the representative. The Special Magistrate entered the photos into evidence as the Town Composite Exhibit without objection. Inspector Sanzone withdrew the violation for Section 6-37(a)(1). Inspector Robert Harrison explained that this is a repeat violation of Section 101.4.4.1 (drainage) and explained why they withdrew Section 6-37(a)(1). The Special Magistrate was answered that this is Benihana Restaurant. Inspector Sanzone said that the Town was requesting \$500/day fine for five days (12/13/18 to compliance on 12/18/18) for a total fine of \$2,500.

Frank Zito, general manager at that restaurant location, said that their real estate manager is on her way here to speak. He answered the Special Magistrate that he would like to wait for her before they proceed because she has all the pictures. The Special Magistrate put this case on hold until she arrives. Mr. Zito added that none of the managers, including him, has ever received a citation. Inspector Sanzone answered the Special Magistrate that the green card was received for the notice. Mr. Zito did not recognize the signature on the green card. The notice was sent to Dallas, Texas to the mailing address of record. Mr. Zito said that his corporate office is in Aventura, Florida. The Special Magistrate reiterated that this is on hold to wait for the real estate manager to arrive. He wants to know if maybe they are leasing it from the property owner. After finishing the agenda item above, Special Magistrate Clerk Kaliah Lewis re-called this case.

The Special Magistrate explained what transpired earlier in the meeting before Lilliam Rodriguez, the real estate manager, was in attendance. The real estate manager said that they do not own the land. She said that the notice was sent to her third party tax consultant in Texas and she received an e-mail on December 17, 2018. She is confirming that they received the notice and that the restaurant staff is not aware of any legal documents with the Town. The Special Magistrate said that this has to be resolved and cannot be allowed to re-occur. She explained that as soon as she found out, a work order was placed on December 18, 2018 and was fixed on December 19, 2018 as well as the painting of the fence and pressure washing near the dumpster area. Lilliam Rodriguez testified that the corporate office for Benihana is in Aventura and she gave the address. As the only repeat violation for today is regarding drainage, which was observed on December 13, 2018 and complied on December 19, 2018, Mr. Harrison said that it makes six days out of compliance at \$500/day. The Special Magistrate said that he won't assess the \$500/day amount for all six days as there were problems with the notice. The Special Magistrate ordered a total fine of \$500 for the six days out of compliance due February 11, 2019 plus \$200 Hearing Costs for a total of \$700 due by February 11, 2019. Mr. Zito asked if the Code Officer could give him or his staff a courtesy copy of any notice, so that problems could be fixed right away. Inspector Harrison said he would make note of the request plus the Aventura address.

ITEM #V.18

Case #: 18110021 – Dumpster Enclosure

Property Owner: Anglin Fam Tr % Raymond Anglin

Address/Folio: 14 E Commercial Blvd
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-31(4)

Inspector Joseph Sanzone testified that this is a repeat dumpster violation. As of now, they are in compliance but they were in violation from 11/28/18 to 12/18/18 at a \$500/day fine totaling \$10,000. He has photos showing when it was observed in violation and when it was complied. The photos were shown to Mr. Marchelos. The Special Magistrate asked if there are photos for every day it was out of compliance. Inspector Sanzone explained that the violation is for a sanitary concrete pad in the dumpster enclosure. He explained that it is all discolored around the pad and it is supposed to be a sanitary area all the time and it is not just the fact that there is an overflow of cardboard. Mr. Marchelos testified that they pressure clean the concrete pad three times a week around 11:00AM after Waste Management takes the garbage and they try their best to keep the dumpster area clean. Mr. Marchelos also said that he never received the documentation about today's hearing. After discussion, the Special Magistrate found that the property was in violation but he would not impose the maximum fine but rather one fourth of it for a fine of \$2,500 plus \$200 Certification of Hearing Costs. However, the next time this comes back in front of Special Magistrate Ansbro, he would impose the maximum fine. The Special Magistrate ordered 60 days, by March 11, 2019, to pay \$2,700 (fine plus costs) but if this is not paid timely, it would revert back to the \$10,000 fine plus \$200 Certification of Hearing Costs for a total of \$10,200.

Special Magistrate Clerk Kaliah Lewis called the following code cases #22 through #71 for Whittier Towers.

ITEM #V.22

***TAKEN OUT OF SEQUENCE**

Case #: 18050043– Property Maintenance
Property Owner: Hoard, Greg & Hoard, Nancy
Address/Folio: 1439 S Ocean Blvd. 315
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.23

Case #: 18050008 – Property Maintenance
Property Owner: Cullinan Family Trust
Address/Folio: 1439 S Ocean Blvd. 111
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.24

Case #: 18050005 – Property Maintenance
Property Owner: Rheaume, Sylvia R LE Rheaume, Debra J
Address/Folio: 1439 S Ocean Blvd. 107
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.25

Case #: 18050007 – Property Maintenance
Property Owner: Brown, Mark H Corgee, James R
Address/Folio: 1439 S Ocean Blvd. 110
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.26

Case #: 18050031– Property Maintenance
Property Owner: Nomaderia, Inc.
Address/Folio: 1439 S Ocean Blvd. 302
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.27

Case #: 18050011– Property Maintenance
Property Owner: Frigerio, Alejandro
Address/Folio: 1439 S Ocean Blvd. 203
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.28

Case #: 18050015– Property Maintenance
Property Owner: Kian US LLC
Address/Folio: 1439 S Ocean Blvd. 208
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.29

Case #: 18050022– Property Maintenance
Property Owner: Greiser, Marian
Address/Folio: 1439 S Ocean Blvd. 210
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.30

Case #: 18050025– Property Maintenance
Property Owner: White-Duarte, Marcio White-Duarte, Michael E
Address/Folio: 1439 S Ocean Blvd. 214
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.31

Case #: 18050032– Property Maintenance
Property Owner: Ferreira, Luis & Marielba, Ferreira, Maria Alejandra
Address/Folio: 1439 S Ocean Blvd. 303
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.32

Case #: 18050033– Property Maintenance
Property Owner: Ferreira, Luis & Ferreira, Marielba
Address/Folio: 1439 S Ocean Blvd. 304
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.33

Case #: 18050029– Property Maintenance

Property Owner: Mastro, Joseph & Mary LE Joseph & Mary Mastro Rev Liv Tr
Address/Folio: 1439 S Ocean Blvd. 218
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.34

Case #: 18050036– Property Maintenance
Property Owner: Brennan, Maria C H/E Brennan, Karen
Address/Folio: 1439 S Ocean Blvd. 307
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.35

Case #: 18050040– Property Maintenance
Property Owner: McGhee, Jessie Marilyn McGhee, William McKay
Address/Folio: 1439 S Ocean Blvd. 311
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.36

Case #: 18050041– Property Maintenance
Property Owner: Roberts, Lorena A H/E Baker, Lucille
Address/Folio: 1439 S Ocean Blvd. 312
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.37

Case #: 18050010– Property Maintenance
Property Owner: Young, Leonard & Young, Georgia
Address/Folio: 1439 S Ocean Blvd. 202
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.38

Case #: 18050023– Property Maintenance
Property Owner: Mastro, Louis & Mastro, Sarah
Address/Folio: 1439 S Ocean Blvd. 212
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.39

Case #: 18050019– Property Maintenance
Property Owner: Whiteleather, Daniel
Address/Folio: 1439 S Ocean Blvd. 115
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.40

Case #: 18050049 – Property Maintenance
Property Owner: Schweitzer, Michael K
Address/Folio: 1439 S Ocean Blvd. 112

Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.41

Case #: 18050050– Property Maintenance
Property Owner: Galullo, Kathy Ann
Address/Folio: 1439 S Ocean Blvd. 118
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.42

Case #: 18050021– Property Maintenance
Property Owner: Schaefer, Curtis L & Catherine A
Address/Folio: 1439 S Ocean Blvd. 117
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.43

Case #: 18050028– Property Maintenance
Property Owner: Sawicki, Stanley D
Address/Folio: 1439 S Ocean Blvd. 217
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.44

Case #: 18050047– Property Maintenance
Property Owner: Guthrie, Timothy F Guthrie, Carla M
Address/Folio: 1439 S Ocean Blvd. 204
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.45

Case #: 18050004 – Property Maintenance
Property Owner: Robitaille, Andre
Address/Folio: 1439 S Ocean Blvd. 106
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.46

Case #: 18050030– Property Maintenance
Property Owner: Tamaz, Mariane
Address/Folio: 1439 S Ocean Blvd. 301
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.47

Case #: 18050017– Property Maintenance
Property Owner: Goddard, Dulce Galindo Goddard, Gary William
Address/Folio: 1439 S Ocean Blvd. 211
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)

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

ITEM #V.48

Case #: 18050045– Property Maintenance
Property Owner: Anne Michaelides Rev Tr Michaelides, Anne Trstee
Address/Folio: 1439 S Ocean Blvd. 317
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.49

Case #: 18050002 – Property Maintenance
Property Owner: Senoj Enterprise LLC
Address/Folio: 1439 S Ocean Blvd. 102
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.50

Case #: 18050042– Property Maintenance
Property Owner: Moussa, Soufaine Ben Touatl, Hedi
Address/Folio: 1439 S Ocean Blvd. 314
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.51

Case #: 18050059 – Property Maintenance
Property Owner: Jochimsen, Sharon E
Address/Folio: 1439 S Ocean Blvd. 104
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.52

Case #: 18050048– Property Maintenance
Property Owner: Pouliot Fam Limited Partnership
Address/Folio: 1439 S Ocean Blvd. 114
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.53

Case #: 18050035– Property Maintenance
Property Owner: Pouliot Family Limited Partnership
Address/Folio: 1439 S Ocean Blvd. 306
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.54

Case #: 18050044– Property Maintenance
Property Owner: Pouliot Family Limited Partnership
Address/Folio: 1439 S Ocean Blvd. 318
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.55

Case #: 18050003 – Property Maintenance
Property Owner: Bland, Rosa
Address/Folio: 1439 S Ocean Blvd. 105
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.56

Case #: 18050058– Property Maintenance
Property Owner: Imperial Sun LLC
Address/Folio: 1439 S Ocean Blvd. 316
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.57

Case #: 18050046 – Property Maintenance
Property Owner: Pizzi, Thomas III Pizzi, Thomas Jr. ET AL
Address/Folio: 1439 S Ocean Blvd. 108
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.58

Case #: 18050020– Property Maintenance
Property Owner: Trezza, Anthony Trezza, Jeana
Address/Folio: 1439 S Ocean Blvd. 116
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.59

Case #: 18050006 – Property Maintenance
Property Owner: Lima, Gail A
Address/Folio: 1439 S Ocean Blvd. 109
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)

ITEM #V.60

Case #: 18050038– Property Maintenance
Property Owner: Viola Maximilian
Address/Folio: 1439 S Ocean Blvd. 309
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.61

Case #: 18050001 – Property Maintenance
Property Owner: Dicaire Louise Nadeau Richard Louise
Address/Folio: 1439 S Ocean Blvd. 101
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.62

Case #: 18050026– Property Maintenance
Property Owner: Dansa Corporation

Address/Folio: 1439 S Ocean Blvd. 215
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.63

Case #: 18050034– Property Maintenance
Property Owner: Kline, Norman & Marlyn
Address/Folio: 1439 S Ocean Blvd. 305
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.64

Case #: 18050016– Property Maintenance
Property Owner: Rand, Joeanna Rand, Jory
Address/Folio: 1439 S Ocean Blvd. 209
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.65

Case #: 18050009– Property Maintenance
Property Owner: Galvin, John R & Andrea A
Address/Folio: 1439 S Ocean Blvd. 201
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.66

Case #: 18050013– Property Maintenance
Property Owner: G&L USA LLC
Address/Folio: 1439 S Ocean Blvd. 206
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.67

Case #: 18050027– Property Maintenance
Property Owner: Armas, Victoria Asuaje
Address/Folio: 1439 S Ocean Blvd. 216
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.68

Case #: 18050014– Property Maintenance
Property Owner: Zimmerman, Annette Zimmerman, James
Address/Folio: 1439 S Ocean Blvd. 207
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.69

Case #: 18050039– Property Maintenance
Property Owner: Rose Vitale
Address/Folio: 1439 S Ocean Blvd. 310

Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.70

Case #: 18050012– Property Maintenance
Property Owner: Wilding, Loraine
Address/Folio: 1439 S Ocean Blvd. 205
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.71

Case #: 18050037– Property Maintenance
Property Owner: Strom, Terje Mikal Strom, Mona Kristin FILTVEDT
Address/Folio: 1439 S Ocean Blvd. 308
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

Inspector Robert Harrison testified that this is a co-op called Whittier Towers. This was previously brought in front of the Special Magistrate at the September 27, 2018 hearing. The order was that this property is to be brought into compliance by December 26, 2018 or a fine of \$5/violation/case/day. The carport permit has still not been closed. There are other permits that have not been applied for and one permit that was applied for was denied plus the \$350 Hearing Costs have not been paid. The Town was recommending certification of the \$350 Hearing Costs because each letter sent out was sent via certified mail. Town staff recommends not recording it yet but by March; it would cost about \$150/unit to record each lien.

The Special Magistrate invited anyone from Whittier Towers to come up and speak. Marilyn Kline said that she lives in unit #305. Ms. Kline answered the Special Magistrate that they have a management company. No one was in attendance today from the management company. They discussed that the carport is not done and there are repairs to the building that still need to be fixed, etc. This is for maintenance issues in the common area. Building Official Randall Clutter testified that Hillman Engineering told them that it would take about nine months to complete. The Town issued a demo permit for the carport area and repairs are pretty much done. The building and the seawall repairs were delayed. He answered the Special Magistrate that they are doing the proper barricading of the areas they are working in to assure safety. However, the Building Department has not been called out to do any inspections as of yet.

Ms. Kline said she did not get a notice of this hearing but her friend did. Inspector Harrison explained again why they do not want to record the \$350 Hearing Costs lien yet but in March, they would and it would cost \$150/unit. The Special Magistrate told Ms. Kline that Mr. Hillman or someone from his firm should show up as well as someone from the management company. The Special Magistrate swore in Development Services Director Linda Connors. She spoke about the Hearing Costs and that each unit owner has to come into the Development Services Department and pay their \$7/unit cost for the outstanding \$350 Hearing Costs. She explained that if it is not paid, then to record this lien for each unit would cost each unit \$150 plus their outstanding \$7 portion of the Hearing Costs. She then spoke about what the Special Magistrate ordered at the November hearing: 1) the carport permit needs to be closed, 2) other permits were applied for by the contractor for the violations documented by the Town but there were problems with the submittals and this must be handled so that all required permits get issued, and 3) each unit is to pay their \$7 for the Hearing Costs. Ms. Kline and Ms. Connors were to meet after hearing this

case and the Special Magistrate invited anyone from Whittier Towers to speak with Ms. Connors as well. The Special Magistrate ordered \$350 Hearing Costs (\$7/unit) to be certified but not recorded until at least March 2019 when each unit owner would then have to pay \$150/unit to reimburse the Town for the recording fee.

OLD BUSINESS

ITEM #V.11

***TAKEN OUT OF SEQUENCE**

Case #: 18010004 – Building Code Violations
Property Owner: Oefelein, Felicitas
Address/Folio: 4616 Bougainville Dr. 1-2
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

ITEM #V.12

Case #: 18010005 – Zoning Violations
Property Owner: Oefelein, Felicitas
Address/Folio: 4616 Bougainville Dr. 1-2
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-137 (c) (3)

Code Inspector Robert Harrison testified that for case #18010004, this is a Status Hearing to determine if mitigation or continuance is merited. Town staff is recommending recording the lien and he informed the Special Magistrate of the history of this case. Development Services Director Linda Connors gave the timeline of this whole process. She explained that they are at a standstill because they have not gotten any comments back from the architect. Currently, the lien was certified and the amount due as of today is \$16, 650. They have not recorded the lien because they are trying to work with Ms. Oefelein.

Ms. Connors answered the Special Magistrate that the driveway permit was not issued yet because they have been unresponsive to the zoning comments. Ms. Oefelein said that the architect was to be here this evening but just sent her a text that he is not coming. She thought she purchased a three-family house originally. Discussion ensued about doing all the work and then the lack of a permit for the driveway. The Special Magistrate suggested to Ms. Connors a meeting with Ms. Oefelein. Ms. Connors said she would be glad to meet with her again. She spoke about this duplex in an RM-25 zoning district. You have to follow the driveway requirements for a duplex property. There are two options: 1) have tandem parking or 2) go by the original approval of three parking spaces and a tree. The Special Magistrate said to meet with Ms. Oefelein tomorrow, preferably with Mr. Smith, the architect. After the meeting, Ms. Oefelein should know what to do and the architect should know what to do to get this resolved. Discussion ensued about applying for a variance. The Special Magistrate accepted Ms. Oefelein's exhibit on behalf of the respondent. The Special Magistrate ordered both agenda items continued to the February 28, 2018 Hearing with the fines still running.

ITEM #V.14

Case #: 18030016 – Permits Required Violations
Property Owner: 2024 Ocean Mist Dr. LLC
Address/Folio: 2024 Ocean Mist Dr
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Inspector Robert Harrison testified that notice was first sent March 2018 and service was obtained by certified mail. Per the May 24, 2018 Order, access was to be granted no later than June 4, 2018, a permit was to be obtained by June 8, 2018 and full compliance by July 23, 2018 or a \$50/day fine. As of today, there is an issued permit for the addition of the garage and alterations that were done. Inspector Harrison spoke to the engineer once but never with the contractor or the property owner. There was no one present today to represent the property owner. Mr. Harrison has not seen any progress through today. Fines have been running since July 24, 2018 and as of today, \$8,550 is owed. Since today was just a Status Hearing, the Special Magistrate asked Inspector Harrison to try one more time to notify the people and then put this agenda item on the January 24, 2019 Hearing Agenda for certification. The Special Magistrate ordered this agenda item to be on the January 24, 2019 Hearing Agenda for certification.

NEW BUSINESS

ITEM #V.15

Case #: 18100015 – Permits Required Violations
Property Owner: 2024 Ocean Mist Dr. LLC
Address/Folio: 1984 Windward Dr
Code Section(s): Florida Building Code Section 105.1 – Permits. Required

There was no one present to represent the property owner. Inspector Robert Harrison testified that while performing a vacation rental inspection, they found that there was an enclosure of the garage that was never permitted and it needs an after-the-fact permit. He spoke with the owner about this and told the Special Magistrate that the Town was requesting thirty days to comply or \$50/day fine plus \$50 Hearing Costs. The Special Magistrate ordered compliance by obtaining an after-the-fact permit by February 11, 2019 or a fine of \$50/day plus \$50 Hearing Costs due immediately.

CERTIFICATION OF LIEN

ITEM #V.19

Case #: 18080008 – Vacation Rental
Property Owner: ATJ Max LLC
Address/Folio: 231 Hibiscus Ave 1-2
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-377(e)

There was no one present to represent the property owner. Inspector Joseph Sanzone testified that service was originally obtained via a signed green card. On October 26, 2018 there was a Final Order with a compliance date of January 7, 2019 by obtaining a Short-Term Rental Certificate. Inspector Sanzone spoke with Lisa (of the Town) who informed him that the paperwork was partially completed. The Special Magistrate suggested hearing this case at the January 24, 2019 Hearing because they have started to make progress. Inspector Sanzone explained that the Town was recommending \$50 Hearing Costs and to continue the \$200/day fine. The Special Magistrate asked Mr. Sanzone to reach out to the people and let them know that fines are running and will continue to run and that they have to complete their paperwork or a lien could follow. The Special Magistrate ordered continuation to the January 24, 2019 Hearing for Certification of Lien.

ITEM #V.20

Case #: 18080009 – Vacation Rental
Property Owner: Nouyen, Dung K Quach, Dung A
Address/Folio: 235 Hibiscus Ave 1-2

Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(e)

There was no one present to represent the property owner. Inspector Joseph Sanzone testified that this is basically the same case as above because these owners also did not obtain a Short-Term Rental Certificate by January 7, 2019. The difference is that when Inspector Sanzone spoke with Lisa, she said that these owners have not applied for a Short-Term-Rental Certificate. The Town is requesting certification of \$50 Hearing Costs and \$200/day fine for the days out of compliance. The Special Magistrate ordered certification of \$200/day fine for the total amount of days out of compliance plus \$50 Hearing Costs.

ITEM #V.21

Case #: 18080010 – Landscape Violations
Property Owner: Shanahan, George C
Address/Folio: 2036 Coco Palm Pl
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(c)

There was no one present to represent the property owners. Inspector Robert Harrison testified that the owners of this property are undergoing some health issues and would like to request a revised order for compliance as they are working to get this done. He suggests a new compliance date of February 25, 2019. The Special Magistrate ordered a Revised Final Order to reflect a new compliance date of February 25, 2019.

CONTINUED

ITEM #V.5

Case #: 17060017 – Business Tax
Property Owner: SJM By The Sea LLC
Address/Folio: 256 E Commercial Blvd
Code Section(s): Chapter 12 – Licenses Section 12-2(a)

There was no one present to represent the property owner. Inspector Robert Harrison testified that he met with the owner of this commercial property. As the owner is close to compliance, the Town was suggesting extending the compliance date to February 26, 2019. The Special Magistrate ordered a Revised Final Order to reflect a new compliance date of February 26, 2019.

Special Magistrate Clerk Kaliah Lewis read into the record cases listed on the agenda as either complied or continued.

COMPLIED				
1	C#:	18100016	2060 Coco Palm Pl	
2	C#:	18100008	4900 N Ocean Blvd #314	
3	C#:	18110020	4400 N Ocean Dr	
CONTINUED			TO	
4	C#:	18060013	4548 Poinciana St	2/28/19
6	C#:	18120005	238 Corsair Ave	2/28/19
7	C#:	18120006	3220 Cypress Creek	2/28/19
8	C#:	18100012	4449 Poinciana St	1/24/19
9	C#:	18100014	239 E Commercial Blvd	2/28/19

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on January 10, 2019 at approximately 6:29 PM.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:



Kaliah Lewis, Special Magistrate Clerk
Town of Lauderdale-By-The-Sea, Florida