

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room
Monday, November 23, 2015 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the Hearing to order at 5:05p.m. on Monday, November 23, 2015. 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. APPROVAL OF MINUTES OF PREVIOUS CODE HEARING

October 26, 2015 Code Hearing – The minutes of 10/26/15 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 CASES

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

COMPLIED

- | | | |
|---------|----------|------------------------|
| 1. C#: | 15060025 | 2024 Coco Palm Pl |
| 2. C#: | 15070003 | 255 Bombay Ave |
| 3. C#: | 15070013 | 4116 N Ocean Dr |
| 4. C#: | 15080007 | 267 Bombay Ave |
| 5. C#: | 15090004 | 1530 S Ocean Blvd #204 |
| 6. C#: | 15100004 | 4641 Bougainvillea Dr |
| 7. C#: | 15100006 | 245 Corsair Ave |
| 8. C#: | 15100007 | 204 Washingtonia Ave |
| 9. C#: | 15100008 | 2020 Coral Reef Dr |
| 10. C#: | 15100010 | 1961 Coco Palm Pl |
| 11. C#: | 15100011 | 1810 E Terra Mar Dr |
| 12. C#: | 15100012 | 11 Sunset Ln |
| 13. C#: | 15100013 | 1948 Coco Palm Pl |
| 14. C#: | 15100015 | 4536 Seagrape Dr |
| 15. C#: | 15100016 | 227 Algiers Ave |
| 16. C#: | 15100017 | 222 Imperial Ln |

17. C#:	15100018	4419 W Tradewinds Ave
18. C#:	15100021	3261 Oleander Way
19. C#:	15100022	3271 Fiesta Way
20. C#:	15100024	4501 W Tradewinds Ave
21. C#:	15100027	1961 Ocean Mist Dr
22. C#:	15100035	211 Commercial Blvd
29. C#:	15100034	1500 S Ocean Blvd #1507
37. C#:	15080016	229 E Commercial Blvd
41. C#:	15100002	3900 N Ocean Dr #2-H
44. C#:	15100019	284 Allenwood Dr
45. C#:	15100020	4552 N Ocean Dr

CONTINUED

23. C#:	15060015	226 Basin Dr	(Continued To)
24. C#:	15080015	226 Basin Dr	(December 14, 2015 Hearing/4 pm)
25. C#:	15090018	4217 El Mar Dr	(December 14, 2015 Hearing/4 pm)
26. C#:	15100028	4529 N Ocean Dr	(December 14, 2015 Hearing/4 pm)
27. C#:	15100031	1900 S Ocean Blvd #5-D	(December 14, 2015 Hearing/4 pm)
28. C#:	15100033	1431 S Ocean Blvd #19	(December 14, 2015 Hearing/4 pm)
40. C#:	15090013	275 Commercial Blvd	(December 14, 2015 Hearing/4 pm)

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

CERTIFICATION OF FINE

ITEM #V.49

***TAKEN OUT OF SEQUENCE**

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

Code Compliance Inspector Carmen Sanchez testified that she is here today to certify the fines for this case. She said the Special Magistrate gave a revised Final Order to comply on October 28, 2015 or a fine of \$100/day for one violation of blacktopping and striping the parking lot without a permit. This case has been going on since January 2015. They have had two revised Final Orders and the property is still in violation for 26 days totaling \$2,600 plus \$75 Administrative Fee for today's hearing. Ms. Sanchez has an e-mail from the Building Department showing the permit has not been finaled. She gave it to the Special Magistrate for the record. He accepted it without objection as the Town's Exhibit. The permit actually expired which is another violation. Ms. Sanchez answered the Special Magistrate that she does not know why the permit has not been finaled.

Attorney for the property owners, Myrnabelle Roche, said that a permit was pulled delineating what work has been done. It is their position that the work has been done pursuant to the plans that were submitted and approved. The Town has been called to final this out but they have not approved the work. She said that the Town has agreed to provide documents stating who has been out inspecting the property and why the property has not been finaled. As the Permit Department is not here to testify, Ms. Sanchez said she would request a Status Report for December 14, 2015 with fines continuing to run. The property owners' attorney said she had a court reporter present and wanted to put something on the record. She put wording into the record regarding when they receive the documents, it is their intent to have the Town go out and final the work that has been done and pursuant to the Special Magistrate's powers, she would

like to have the inspector who goes out to inspect be present for the next meeting. Ms. Sanchez will try for that.

The Special Magistrate ordered to continue the case to the December 14, 2015 Hearing for a Status Report and the fines will continue to accrue.

ITEM #V.50

Case #: 15070025 – Building Code Violations
Property Owner: Florida Development Group Inc.
Address/Folio: 4108 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-313(d)i
Chapter 6 – Building and Building Regulations Section 6-37(a)

ITEM #V.51

Case #: 15070026 – Building Code Violations
Property Owner: Florida Development Group Inc.
Address/Folio: 4110 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-313(d)i

Code Compliance Inspector Carmen Sanchez testified that for these two cases, we are here to certify the fines. She said that both properties are in compliance. They ran fines for seven days at \$100/day per violation totaling \$700 per case plus \$75 Administrative Fee per case for this hearing. The attorney for the property owner, Ross Beckerman explained the problem that remained was the removal of the leased chain link fence. The company that owns the fence had a personnel problem and could not get it removed when they should have which was November 16, 2015. He does not think that his client should be fined \$1,400 for another company's failure. Ms. Sanchez did not have an objection if the Special Magistrate extends the compliance date until today.

The Special Magistrate ordered to change the compliance date to today, November 23, 2015, and imposed an Administrative Fee in the amount of \$150 to be paid by December 8, 2015.

NEW BUSINESS

ITEM #V.48

***TAKEN OUT OF SEQUENCE**

Case #: 15110001 – Vacation Rental
Property Owner: Spano, Ryan J, Spano, Montie Sue
Address/Folio: 237 Garden Ct
Code Section(s): Chapter 12 – Licenses Section 12 – 2.(e)(1)
Chapter 30 – Unified Land Development Regulations Section 30-327(a)
Chapter 30 – Unified Land Development Regulations Section 30-327(c)

Code Compliance Inspector Carmen Sanchez said this is a single-family residence. Notice was sent via certified mail and service was obtained. She said that this property is being rented as a vacation rental and they did not have a Business Tax Receipt and a Vacation Rental Certificate but are compliant now. The third violation that was cited was for vacation rental for less than seven consecutive days. Ms. Sanchez said this case was due to complaints by neighbors and

on or about October 15, 2015 she responded to the complaint about different tenants renting for less than seven days. On October 21, 2015, Ms. Sanchez sent a Courtesy Notice but the neighbors were still complaining. Officer Sanchez has a copy of a website, VRBO, which shows the advertisement for rental for a minimum of one night. Ms. Sanchez showed the neighbor's e-mails and the website advertisement to the owner. Ms. Sanchez said that neighbors are here to testify. The Special Magistrate entered the documents into evidence as Town's Composite Exhibit with one objection. Mr. Edward Spano, representing the owners, objected to just the copy of the website because he said they do not rent for one day. He said they paid the Town's fees and are compliant now. He further testified that they do not rent for less than seven days. He said there will be no further rentals other than a seven day minimum rental. He answered the Special Magistrate that there were less than seven day rentals in the past. Ms. Sanchez said that since he claims not to be in violation, she would like the Special Magistrate to do a finding of the fact for all three violations. In case it happens again in the future, it would become a repeat violation. She also requested \$150 Administrative Fee. Mr. Charles Fountas said that he is the next door neighbor and wanted the Special Magistrate to understand that renting for less than seven days has been ongoing. He is available to help enforcement. The Special Magistrate warned Mr. Spano about being very strict, if there is a repeat violation. He warned Mr. Spano to keep documentation for proof of rentals in case there is another complaint.

The Special Magistrate ordered an adjudication finding, a findings of fact, that if a violation occurs again, it will be a repeat violation. He imposed an Administrative Fee in the amount of \$150 to be paid by December 7, 2015.

ITEM #V.30

***TAKEN OUT OF SEQUENCE**

Case #: 15100009 – No Garbage/Trash Service

Property Owner: Breitberg, Dyanne

Address/Folio: 1931 Waters Edge

Code Section(s): Chapter 10 – Garbage & Refuse Section 10-27 (a) (1)

Code Compliance Inspector Sharon Foster testified that on July 24, 2015, Waste Pro sent the Town a list of accounts with delinquent garbage service. On August 10th, Notice was sent to the property owner. On October 6th, Waste Pro sent an updated list of accounts that were still delinquent. On October 8th, a Notice of Violation was sent to the property owner. The property was posted and the Affidavit is in the file. On November 20th, an updated list was sent from Waste Pro via e-mail depicting the property has not made a payment. The Town suggests \$10/day fine and \$100 Administrative Fee for today's hearing. Ms. Foster has copies of the e-mails for evidence for the file. Ms. Foster answered the Special Magistrate that there has not been any contact with the property owner. The e-mails were accepted into evidence by the Special Magistrate as the Town's Composite Exhibit.

The Special Magistrate ordered compliance in 14 days, by December 7, 2015, or a fine of \$10/day and imposed an Administrative Fee in the amount of \$100 to be paid by December 7, 2015.

ITEM #V.31

Case #: 15100014 – No Garbage/Trash Service

Property Owner: Eid, Naomi

Address/Folio: 1615 Blue Water Terrace N

Code Section(s): Chapter 10 – Garbage & Refuse Section 10-27 (a) (1)

Code Compliance Inspector Sharon Foster testified that on July 24, 2015, Waste Pro sent the Town a list of accounts with delinquent garbage service. On September 9th, a Courtesy Notice was sent. On October 6th, Waste Pro sent an updated list of accounts that were still delinquent. On October 8th, a Notice of Violation was sent to the property owner. The property was posted and the Affidavit is in the file. On November 20th, an updated list was sent from Waste Pro via e-mail depicting the property has not made a payment. The Town suggests \$10/day fine and \$100 Administrative Fee for today's hearing. Ms. Foster has copies of the e-mails for evidence for the file. The e-mails were accepted into evidence by the Special Magistrate as the Town's Composite Exhibit.

The Special Magistrate ordered compliance in 14 days, by December 7, 2015, or a fine of \$10/day and imposed an Administrative Fee in the amount of \$100 to be paid by December 7, 2015.

ITEM #V.32

Case #: 15100025 – Nuisance
Property Owner: Deutsche Bank Nat'l Tr Co Trustee % Ocwen Loan Servicing LLC
Address/Folio: 1724 Bel Air Ave
Code Section(s): Chapter 10 – Garbage & 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 testified that Notice was sent via Certified Mail and service was obtained. She explained that this property was previously cited for these violations but the property is now owned by the bank and being re-cited. She said that the previous cases were case #09KP00216 for the water heater installed without a permit, case #09KP00678 was for no connection to the sanitary sewer system and case #10CT00113 and case #13080032 were for not maintaining garbage service. Ms. Foster has an e-mail from the Building Department depicting that as of today, there have been no permits for either the water heater or for connecting to the sewer system. She would like to submit the e-mail for evidence and to ask for \$150 Administrative Fee for today's hearing. The Special Magistrate accepted her documentation as the Town's Exhibit. Ms. Foster answered the Special Magistrate that she has in the file proof that service for the certified mail was obtained from the bank.

The Special Magistrate ordered compliance by December 7, 2015, or a fine of \$10/day for delinquent garbage service and compliance by December 23, 2015 for after-the-fact permit or fine of \$150. He imposed an Administrative Fee in the amount of \$150 to be paid by December 23, 2015.

ITEM #V.33

Case #: 15100030 – Building Code Violations
Property Owner: Carlson, George A & Kimberly
Address/Folio: 1700 S Ocean Blvd #19-C
Code Section(s): Florida Building Code Section 105 Section 105.11.2.1

Code Compliance Inspector Sharon Foster testified that the property is a condo unit. Notice was sent via Certified Mail and service was obtained. The property is in violation of an expired permit. On September 15, 2015, the Building Department sent a Notice to the property owner because the permit expired on July 24, 2015 due to lack of progress. A Notice of Violation was sent on October 30th due to the property owners' lack of response. Ms. Foster said the Building Department sent her an e-mail today that the permit is still in expired status. She would like to

submit the e-mail into evidence. She would like to request \$150 Administrative Fee. The Special Magistrate accepted the e-mail into evidence as the Town's Exhibit.

The Special Magistrate ordered compliance in 30 days, by December 23, 2015 or fine of \$150/day and imposed an Administrative Fee in the amount of \$150 to be paid by December 23, 2015.

ITEM #V.34

Case #: 15100032 – Building Code Violations
Property Owner: Celeste, Maria B Celeste, Salvatore A
Address/Folio: 2048 Ocean Mist Dr
Code Section(s): Florida Building Code Section 105 Section 105.11.2.1

Code Compliance Inspector Sharon Foster testified that this property is a single-family home. Notice was sent via Certified Mail and service was obtained. The violation is an expired permit. On September 17, 2015, the Building Department sent Notice to the property owners for permits expiring August 12, 2015 due to lack of progress. On October 30, 2015, Notice of Violation was sent due to no response. As of today, the renewal has not had final inspections. The inspection request has been put on hold by the contractor. Ms. Foster has an e-mail from the Building Department that she would like to submit into evidence. She is requesting \$150 Administrative Fee. The Special Magistrate accepted the e-mail into evidence as the Town's Exhibit.

The Special Magistrate ordered compliance in 30 days, by December 23, 2015 or fine of \$150/day and imposed an Administrative Fee in the amount of \$150 to be paid by December 23, 2015.

ITEM #V.35

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 that on November 2, 2015 she observed a single-family house being advertised as a rental on Craig's List. Notice was sent via Certified Mail and service was obtained. This property needs to have a Business Tax Receipt and a Vacation Rental Certificate. On November 2nd and November 22nd, she took screen shots of the advertisements and requests the advertisements be entered into evidence. She is also asking for \$150 Administrative Fee.

The Special Magistrate ordered compliance in 30 days, by December 23, 2015 or a fine of \$200/day/violation and imposed an Administrative Fee in the amount of \$150 to be paid by December 23, 2015.

ITEM #V.36

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

Code Compliance Inspector Carmen Sanchez testified that this is mixed use. The property was posted. There was a dock and some other structure that needed repair. The Courtesy Notice that she sent in April mentioned that a permit was needed to repair the dock. On July 12th, she noticed the dock was repaired and no permit was pulled or issued. She spoke to the property owner and he is aware of what needs to be done. She has before-repairs and after-repairs pictures of the dock and an e-mail from the Building Department confirming that no permits were pulled. She was requesting \$150 Administrative Fee for today's hearing. The Special Magistrate accepted her documentation into evidence as Town's Composite Exhibit.

The Special Magistrate ordered compliance in 30 days, by December 23, 2015 or a fine of \$200/day and imposed an Administrative Fee in the amount of \$150 to be paid by December 23, 2015.

ITEM #V.38

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 testified that this is a co-op. Notice was sent via Certified Mail and service was obtained. The violation is an expired building permit for replacing a water heater. The permit has been expired since October 2, 2012. After sending a Courtesy Notice, she sent a Notice of Hearing since the property remained in violation. She has an e-mail from the Building Department depicting the permit was not renewed. She was requesting the e-mail be admitted into evidence. She was further requesting \$150 Administrative Fee. The Special Magistrate accepted the e-mail as Town's Exhibit.

The Special Magistrate ordered compliance in 30 days, by December 23, 2015 or a fine of \$200/day and imposed an Administrative Fee in the amount of \$150 to be paid by December 23, 2015.

ITEM #V.39

Case #: 15090005 – Building Code Violations
Property Owner: Zacard, Bruce Zacard, Lana
Address/Folio: 1620 S. Ocean Blvd #15-H
Code Section(s): Florida Building Code Section 105 Section 105.11.2.1

Code Compliance Inspector Carmen Sanchez testified that she was asked for a 45-day continuance for this case. She said she did not have an objection to this request.

The Special Magistrate granted the continuance and ordered to continue the case to the January 25, 2016 hearing.

ITEM #V.42

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 105.11.2.1

Code Compliance Inspector Carmen Sanchez testified that this is a condominium. The Notice was posted at the property. The violation is an expired building permit for a tankless water heater. It has been expired since October 24, 2012. A Courtesy Notice was sent after she received notice from the Building Department. Then on October 5, 2015, she sent the Notice of Violation. She requested the e-mail from the Building Department be entered into evidence. She further requested \$150 Administrative Fee. The Special Magistrate accepted her documentation into evidence as Town's Exhibit.

The Special Magistrate ordered compliance in 30 days, by December 23, 2015 or a fine of \$200/day and imposed an Administrative Fee in the amount of \$150 to be paid by December 23, 2015.

ITEM #V.43

Case #: 15100005 – No Garbage/Trash Service
Property Owner: Cheung, Chi Yoon, Sojin
Address/Folio: 4632 Seagrape Dr
Code Section(s): Chapter 10 – Garbage & Refuse Section 10-27 (a) (1)

Code Compliance Inspector Carmen Sanchez testified that in August 2015, Waste Pro (Waste Services) sent the Town delinquent notices. On August 26, 2015, a Courtesy Notice was sent to the property owners. Waste Services sent an updated list of delinquent accounts and a Notice of Violation was sent on October 5, 2015 via Certified Mail and service was obtained. On November 20, 2015, Waste Services sent another updated list and the property is still delinquent. She gave the Special Magistrate a copy of the updated delinquent list and he accepted it into evidence as Town's Exhibit. She was requesting \$10/day fine and \$100 Administrative Fee.

The Special Magistrate ordered compliance in 14 days, by December 7, 2015, or a fine of \$10/day and imposed an Administrative Fee in the amount of \$100 to be paid by December 7, 2015.

ITEM #V.46

Case #: 15100023 – Sign Violation
Property Owner: Seagrape Commons LLC
Address/Folio: 222 E Commercial Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-505(t)

Code Compliance Inspector Carmen Sanchez testified that this property is the Pronto Café. It is a multi-use property. Notice was sent via Certified Mail and service was obtained. The property is in compliance now but it was in violation of having a prohibited (feather) sign. This is a recurring violation previously cited on May 30, 2015 and July 14, 2015. The Notice of Violation was sent October 21, 2015. Ms. Sanchez would like a finding of facts so if it happens again it would be a repeat violation. She was requesting her pictures showing the prohibited sign be entered into evidence. She was also requesting \$75 Administrative Fee. The Special Magistrate entered her pictures into evidence as the Town's Exhibit.

The Special Magistrate adjudicated the finding of facts for this violation to be a repeat violation if it occurs again and imposed an Administrative Fee in the amount of \$75 to be paid by December 7, 2015.

ITEM #V.47

Case #: 15100026 – Garage Sale Violations

Property Owner: The R Group LLC

Address/Folio: 4132 N Ocean Dr

Code Section(s): Chapter 14.5 – Peddlers and Solicitors Section 14.5-2 – Permit required

Code Compliance Inspector Carmen Sanchez testified that this is a multi-family property. The property was in violation of having a garage sale without a permit. The property is in compliance now but this is a recurring violation. She is requesting a finding of fact so that if it occurs again, it would be a repeat violation. She gave her pictures taken during the garage sale to the Special Magistrate. The Special Magistrate accepted them as evidence for the file as Town's Exhibit.

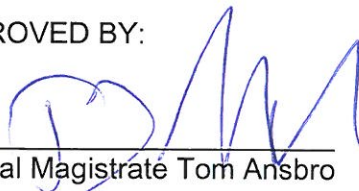
The Special Magistrate adjudicated the finding of facts for this violation to be a repeat violation if it occurs again and imposed an Administrative Fee in the amount of \$50 to be paid by December 7, 2015.

VI. FIRE CASES

VII. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the Hearing on November 23, 2015 at approximately 5:58p.m.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


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