

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room
Monday, November 18, 2013 at 5:00 P.M.

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at 5:00 p.m. on Monday, November 18, 2013. Assistant Town Attorney Alan Gabriel, Town Planner Linda Connors, Code Compliance Officer Tuchette Torres, and Code Compliance Officer Sharon Foster were present at the hearing. Also present was Clerk Idalia Gutierrez to record the minutes of the hearing.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

Special Magistrate Tom Ansbro explained procedures for the hearing. He also spoke about the new State law that allows public comments for any particular matter or any agenda item heard tonight. He called for public comments but no one wished to be heard at this time.

1. APPROVAL OF MINUTES OF PREVIOUS HEARING

October 21, 2013 Code Compliance Hearing – The minutes of 10/21/2013 were not discussed.

IV. CODE CASES

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

COMPLIED

- | | | |
|---------|----------|-----------------------|
| 1. C#: | 13110006 | 273 Miramar Ave |
| 2. C#: | 13110007 | 274 Miramar Ave |
| 3. C#: | 13110008 | 269 Harbor Dr |
| 4. C#: | 13110011 | 1400 S Ocean |
| 5. C#: | 13020033 | 3221 Spanish River Dr |
| 6. C#: | 13090002 | 3241 Spanish River Dr |
| 7. C#: | 13100012 | 4449 W Tradewinds Ave |
| 8. C#: | 13100014 | 266 Avalon Ave |
| 9. C#: | 13070034 | 4660 N Ocean Dr |
| 10. C#: | 13070035 | 4660 El Mar Dr |
| 11. C#: | 13100003 | 229 Hibiscus Ave |
| 12. C#: | 13100032 | 4116 N Ocean Dr. |
| 13. C#: | 13100030 | 240 Imperial Ln. |

CONTINUED until the December 16, 2013 Hearing

- 14. C#: 13090012 4630 Poinciana St.
- 15. C#: 13080008 251 Imperial Ln.
- 16. C#: 13110004 259 Hibiscus Ave.

CONTINUED until the January 27, 2014 Hearing

- 17. C#: 13050020 4209 Seagrape Dr

ITEM #IV.28

***TAKEN OUT OF SEQUENCE**

Case #: 13090020 – Permits Required Violations
Property Owner: Lumels Jack
Address/Folio: 4013 N Ocean Dr.
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-241(a)(1) a & b. RM-25 district-Apartments and lodging (a) Use.
Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres said that this was heard at the last hearing in reference to work done without permits and a denture lab in the condo unit. They came into compliance with the denture lab. Officer Torres said that the Town was asking for a Final Order in reference to this violation and to give them sixty (60) days to comply. There are Administrative Costs of \$150.

Attorney Tom Johnston is representing the respondent in this matter. He said the general contractor came in and qualified with the Town. He submitted a permit which was a little broad and it was rejected because no plans were submitted with it. The architect just prepared the plans. The Condo Association wrote that they want to see and know what is happening with this unit. Mr. Johnston said that this unit would undergo a substantial remodel. His client, who is in the audience tonight, just received the plans and handed them to Mr. Johnston. These plans will be submitted to the Building Department at the end of this week or early next week. He expects the permit to be issued in about a month. Then it should take 60 to 90 days to finish the work. His client's request is for the Town to allow them 120 days and not impose a Final Order today.

Assistant Town Attorney Alan Gabriel said the Town requests the Special Magistrate order the Final Order with 60 days for completion. As things take time, they could ask for an extension which the Town should not object to. He felt that without a Final Order, the Town wasted time in terms of enforcement purposes. A fine has not been imposed yet but there were Administrative Costs of \$150. If they submit the paperwork for an extension and substantiate adequate work was being performed, we can agree outside of these proceedings that an extension was warranted.

The Special Magistrate ordered 60 days noting the Town's offer of an extension if the work is being done diligently. A fine of \$150 per day would be imposed if the work was not being done diligently. The Administrative Costs of \$150 must be paid separate and apart from the fines. Officer Tuchette Torres informed the Special Magistrate that she had pictures to be submitted into evidence for this case. The pictures were accepted without objection as Town's Exhibit.

ITEM #IV.29

Case #: 13090026 – Citizen Complaints
Property Owner: Oceantime LLC
Address/Folio: 4200 El Mar Dr.
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(1)(a),
Chapter 6 – Building and Building Regulations Section 6-37(1)(a),
Florida Building Code Section 105 Section 105.1 Required.

ITEM #IV.30

Case #: 13090029 – Citizen Complaints
Property Owner: Ocean Treasure LLC
Address/Folio: 4308 El Mar Dr.
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(1)(a),
Chapter 6 – Building and Building Regulations Section 6-36(4),
Chapter 6 – Building and Building Regulations Section 6-37(1)(a),
Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres said that she was able to do an inspection of the buildings. She said that the two cases were continued from the last hearing. For the record, for case #13090026, she would like to withdraw items 1 and 2 as there were no violations found for these two items. However, there was work done on the property without permits. For the record, for case #13090029, she would like to withdraw items 1, 2 and 3. However, they did find some work done without permits. The Town was asking for sixty days for both cases and Administrative Costs of \$250 per building. These are commercial buildings. Officer Torres submitted a copy of her findings as well as the findings from Jack Morrell, Building Official. She answered the Special Magistrate that Mr. Johnston was given a copy.

Attorney Tom Johnston is representing the respondent in these two cases. He informed the Special Magistrate of the unit-by-unit inspection of both properties. The northern property had very slight issues. The other property had some issues but was mainly about electrical panels. One unit did not have a number on its exterior door. There was also discussion about a one-hour fire door code requirement between units that were connected internally. Mr. Johnston said that both buildings recently passed their 40-year old inspections and was concerned why these issues were not found then. His client hired a Town-qualified general contractor. Mr. Johnston does not feel that the Town met the statutory burden to assess Administrative Fees. Once the inspections were done, on behalf of his client, Mr. Johnston said 99.9% of the complaints were unfounded. His client feels that he is the victim in this case. Mr. Johnston answered that he is unsure how long it will take to order and hang the fire-rated doors. He spoke with Assistant Town Attorney Alan Gabriel who has agreed to an extension if the Town is shown good cause. Mr. Gabriel said that Mr. Johnston has informed the Special Magistrate of the situation. He feels that a Final Order is warranted and 60 days should be more than adequate to bring the property in compliance for both buildings. If for any reason further time is necessary, an extension may be warranted. The Town was asking for Administrative Costs. If a fine was necessary, that amount was up to the Special Magistrate. Under rebuttal, Mr. Johnston said he represents a distinguished lawyer. His client feels that under Florida law, that before a Notice of Violation for the cases filed, a preliminary Notice must go out. The Town did not send him a preliminary Notice of their intent. He feels that there is no basis to consider fines or Administrative Costs. Mr. Gabriel said that a request for inspection was part of the Notice of Violation. It was refused. The Town believes the process was followed by Statute. There are no deficiencies of any type. Officer Torres responded about the 40-year inspection. It was

performed five years ago. She informed Mr. Johnston that his client was aware of the complaints because there was an inspection with the fire marshall on September 12, 2013. Mr. Johnston said that his client never received or was served a Notice of Violation. Steve Dobrosky testified that he is an officer of both LLCs that own the two properties. He never received a Notice of Violation. Even his public records request did not give him a copy of the Notice. He believes there is no statutory basis for Administrative Costs and fines. Mr. Gabriel said that the Notice was sent via Certified Mail. It was refused. We have evidence of that for both cases. We also have Affidavits of Posting for both properties.

Special Magistrate said that since compliance is under way, he would reduce the Administrative Costs down to one-half each, \$125 each. He ordered sixty (60) days to comply in his Final Order. He said that the Town has pledged that if the respondents are diligent in their compliance efforts, the Town would grant an extension if it is warranted. **The fine would be \$125/day, if the Order is violated.**

ITEM #IV.15

***TAKEN OUT OF SEQUENCE**

Case #: 13110014 – Garbage Carts
Property Owner: Fisherman's Pier Inc.
Address/Folio: Bougainvilla Dr.
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-28(g) – Maintenance.
Chapter 10 – Garbage and Refuse Section 10-31(1) – Dumpster type containers.
Chapter 30 - Unified Land Development Regulations Section 30-271.xxx B-1 district – Business Uses not listed.

ITEM #IV.16

Case #: 13110015 –
Property Owner: Anglin Fam Tr
Address/Folio: 2 E Commercial Blvd.
Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-271.(2)I 1-2 – B-1 district – Business.
Chapter 30 - Unified Land Development Regulations Section 30-261.(e)(l).
Chapter 30 - Unified Land Development Regulations Section 30-317(g) – Design standards.

Code Compliance Officer Tuchette Torres testified that on November 8, 2013 she inspected the property on Bougainvilla and Commercial Blvd. It is a vacant lot. Notice was given to the owner. It was signed for and service was obtained through personal service. Affidavit of Personal Service is in the file. The violation is two trash cans/carts stored in public view. There is a dumpster on the property that does not have a dumpster enclosure. The property is being used as a parking lot which is prohibited. Pictures were taken on November 7th and 18th of the property that accurately depict the condition of the property. Officer Torres wants to submit the pictures as evidence. For the record, no items have come into compliance. She requests an Administrative Fee of \$250. On April 16, 2013 the original owner was cited for the first two violations. He subsequently sold the property to the tenant who was made aware of the violations. The Town sent out a letter regarding conditional use. In November 2013, an e-mail was sent to the owner, Mr. Marchelos.

William Banks said that he represents Fisherman's Pier, Inc. He testified that they received these Notices on November 8th and requests a continuance. The Special Magistrate said that Officer Torres testified it has been going on for a while. Assistant Town Attorney Alan Gabriel said that Town Planner Linda Connors had conversations with the respondent on this and the next case and there is a potential settlement. There is an agreement as to the time frames and the work to be performed. Town Planner Linda Connors testified that both cases began in 2011. Due to an Ordinance for a conditional use permit, for paid private parking becoming effective, the Town gave time before enforcement of the Ordinance. On April 17, 2013, the Town sent out a letter outlining all the applications that were outstanding and the means for which they had to comply. In September staff went in front of the Planning & Zoning Board for review. In October, staff brought the matter in front of the Commission informing them that staff has to move forward with enforcing the violations existing on the property. Staff is moving forward today as the Commission directed. There are several violations on two, separate properties. The Town wants it to state that the area that was not permitted for outside seating became compliant by their removing the tables and the Town wants it to remain compliant. The beach parking needs to cease immediately by not allowing valet parking in their lot. The parking lot needs to be re-striped, landscaping added and the parking lot improved because it is in bad condition. The Town stipulated 90 days to come into compliance with the parking lot. The Town would like a Final Order so that staff does not have to come before the Special Magistrate again in December. William Banks said that Ms. Connors called it beach parking but it is pier and café parking. He said that parking will continue on that lot but not paid parking. Ms. Connors agreed that they can continue parking but not paid parking. Mr. Banks said that they just closed on the lot about 10 days ago and have a dispute with the Town as to whether it is a vacant lot or a parking lot.

The Special Magistrate ordered that the parking needs to cease immediately on the paid parking area or a fine of \$250/day will begin. For the other violations not in compliance, a fine of \$150/day would be imposed if not compliant in 90 days. Ms. Connors explained that for case #13110015 its Item 1 (paid, private parking) would cease immediately within 24 hours or a fine of \$250/day. Item 2 (item in compliance) is to remain in compliance or a fine of \$250/day. Item 3 (to improve the parking lot) would be compliant within 90 days or a fine of \$150/day. **The Administrative Costs were negotiated down to \$200/case.** For Fisherman's Pier, case #13110014, the Town gave them 90 days to bring in the plans and finish the construction to include relocating the dumpster and enclosing it or a fine of \$200/day. They need to meet the Town's sanitation requirements. Ms. Connors said that the zoning district did not permit standalone parking. The Town considers that lot a vacant lot and there should not be any parking on it. Until such time that the lot can be used for legitimate parking, the Town asks for no parking on the vacant lot. Mr. Banks said there is a legal business next door that requires a few parking spots. Ms. Connors said that there is a legal business next door but there is no parking agreement. Until such time that it is established as a parking lot, there cannot be parking on the vacant lot. The Town was seeking immediate cessation of parking now until Town's requirements are satisfied. They will be given 90 days to comply or a fine of \$250/day. Because they need to give employees time to find parking elsewhere, **the Special Magistrate amended his order from immediate cessation to stop parking in 7 days.** Officer Torres showed her pictures to Mr. Banks and then submitted them to the Special Magistrate which were accepted as the Town's evidence.

ITEM #IV.17

Case #: 13080003 - Permits Required Violations
Property Owner: HML Services Inc.
Address/Folio: 3261 Fiesta Way
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(a).

Code Compliance Officer Sharon Foster testified that Notice was sent but service was not obtained. The property was posted and an Affidavit of Posting is in the file. This property was cited on August 5th for construction not completed within 18 months after initial issuance date of the building permit on April 24, 2013. They did seek an extension from the Town Commission allowing them to finish the job by October 2nd. It was decided that fines should start running on October 5, 2013, if the job was not completed. There was a stipulated agreement between the attorneys that Ms. Foster submitted for the record but the Special Magistrate already had a copy in the file. It states that construction would be completed on December 9, 2013. The Town is seeking \$50/day fine starting December 10th, if construction is not completed. On January 9, 2014 it would start at \$100/day and thereafter, February 9, 2014, it would be \$250/day. The Town already received their check in the amount of \$250 for Administrative Costs.

Marie Chiarello, neighbor, said that this property has been an eyesore for almost two years. The contractor has been working on it since 2011. Code needed to be called about a chain link fence and the Police needed to be called about working on Sundays. The grass was not cut and garbage and debris were left all over. She explained that the pool was disgusting and that the Special Magistrate has those pictures. She asked that the Special Magistrate adhere to the 18 months and no longer. She asked for the fines to be imposed. Steve Silliman, neighbor, said that this started as a teardown two years ago and now the new house is three times as large and not finished. It has been built by gas powered, loud generators. They work beyond code times, on weekends and other times they are not supposed to work. The deck is well above grade and he is concerned where it will drain. He doesn't want this to start a bad precedent for tearing down houses and constructing new.

Assistant Town Attorney Alan Gabriel said that he has a letter signed by the property owner advising that his representative was present. For the record, Mr. Gabriel said that the Special Magistrate was not asked to extend the permit. The Special Magistrate does not have that jurisdiction. The Town was asking the Special Magistrate to give a certain time for when this should come into compliance. As they are moving forward, twenty days should be the time to bring the property into compliance. The fine should start running after the twenty-first day and continue to escalate. The Special Magistrate asked Mr. Gabriel to ensure the two neighbors have a copy of the Stipulation. He explained that this is progressive discipline. He told the general contractor that if he continues to violate noise limits affecting the neighbors at night, he will ask that the Police Department take care of the situation. **There would be no weekend working unless times are allowed by Code. Otherwise, he advises Mr. Gabriel and Ms. Foster to have the Police Department arrest the construction violators.** The neighbors have to live with the construction but do not have to tolerate it. He asked the representative to tell the homeowner to construct by the book and have it done on time and by code. Officer Foster said for the record they can work on Saturdays from 8:00 a.m. until 5:30 p.m. but not on holidays. **The Special Magistrate accepts the Stipulation but informs the representative to tell the owner to be a good neighbor.**

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

Case #: 13070030 - Nuisance
Property Owner: Rogers, James J & Kathryn J
Address/Folio: 3280 Seaward Dr.
Code Section(s): Chapter 21 – Vegetation section 21-26(a)

Code Compliance Officer Sharon Foster testified that this is about the 5 Palm Trees and FP&L. Carey Schuster, FP&L Vegetation Specialist, and James Rogers were present. Ms. Schuster said she worked as an Arborist for FP&L in Broward County. She said that she met with Mr. Rogers who handed her a proposal. She had it with her tonight. She said that FP&L would not accept all of the items on the proposal. They would remove the palms to ground level at no charge to the property owner. This would be extended to Mr. Rogers' entire neighborhood. Mr. Rogers gave the Special Magistrate a copy of his proposal for the file. He is concerned about removing the stumps for the five palm trees. If the stumps are not removed, the area is not usable. FP&L could use a grinder and suck in all the grindings in a vacuum truck. Ms. Schuster said that they do not have stump grinders as part of their normal agreement. She also answered the Special Magistrate that she could not remove the entire tree and relocate it. The Special Magistrate told Ms. Schuster that Mr. Rogers is being put at a great hardship. She said that this could bring a backlash from the other property owners in his neighborhood who would also want their palm tree stumps out. She told the Special Magistrate that removing the trees to the ground level is all FP&L can do. The Special Magistrate said that he cannot force FP&L to take out the tree stumps. Mr. Rogers felt that since the Town granted the tree permit, the Town bears some responsibility. The Special Magistrate said that he does not have the power to tell the Town what to do. He felt that Mr. Rogers could meet with the Town to see about recourse. **The Special Magistrate ordered this case to be continued for Code Compliance. He wants FP&L to proceed to cut the trees.** He asked Officer Torres and Officer Foster to see if the Town could help further. A meeting needs to be arranged. **He imposed thirty days to cut the trees down. There were no Administrative Costs or fines associated with this item.**

ITEM #IV.22***TAKEN OUT OF SEQUENCE**

Case #: 13090004 - Landscape Violations
Property Owner: Malkoon, Rosalie Y & Malkoon, Edmund F
Address/Folio: 2073 Ocean Mist Dr.
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-477(a)

Code Compliance Officer Tuchette Torres testified that on April 13, 2013 she inspected the property. On April 26th she called the owner and left a message. She spoke with the owner about a week ago about the lawn. On May 23rd she received an e-mail from the owner. On May 29th she gave him a three-month extension to get the lawn put in and the new inspection date was August 26, 2013. Notice was sent via certified mail on October 1, 2013. A new Notice was sent out because the original Notice had an incorrect hearing date. The property has areas of missing lawn. On April 24, 2013, November 8 and November 18, 2013, Ms. Torres took pictures of the property that accurately depict the condition of the property and she requests they be entered into evidence. The owner had no objection to the pictures. Ms. Torres answered the Special Magistrate that Administrative Costs would be \$100.

Mr. Malkoon said that he did not want to replace some grass because he was putting in a gate through Home Depot and did not want to have to dig up freshly planted sod. He spoke with Mr. Bentley. He said that Staff probably would have no problem with an extension of time until after the fence was installed. Ms. Torres said she did not have a problem with a sixty-day extension.

She needed a copy of the Home Depot receipt for her files. **The Special Magistrate ordered a Final Order for compliance within sixty days or a fine of \$150/day would be imposed for every day out of compliance. The Administrative Costs would be \$100.**

ITEM #IV.19

***TAKEN OUT OF SEQUENCE**

Case #: 13090030 - Citizen Complaint
Property Owner: Bandy, Judy Lynn
Address/Folio: 4554 Seagrape Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres said that on August 28, 2013 she inspected the property. Notice was sent out via certified mail and service was obtained through personal service. The Affidavit of Personal Service is in the file. Ms. Bandy had a laundry room relocated on the property without a permit. Officer Torres took pictures of the property on August 28, 2013 that accurately depict the condition of the property and she requests they be entered into evidence. Ms. Bandy has not come into compliance but Ms. Torres asked that the Administrative Fee be waived due to certain circumstances. Ms. Torres submitted the pictures to the Special Magistrate after showing it to Ms. Bandy. Ms. Torres said that Ms. Bandy has hired a contractor. Ms. Bandy showed copies of the checks she gave to her contractor. She showed the plans she was given. She said she is having difficulty getting a plumber, electrician, etc. She is requesting a little more time to pull this all together. She would like a list of qualified contractors from the Town. She understands she needs an after-the-fact permit. **The Special Magistrate said he would grant her 90 days (the date of the February Code meeting) to get the work done. He would not impose an Administrative Fee. The Special Magistrate asked Officer Torres to arrange for a meeting with Mr. Morrell and Jake to make sure everyone is on the same page.** The Special Magistrate said the Town would give her any help they can.

ITEM #IV.18

***TAKEN OUT OF SEQUENCE**

Case #: 13110010 - Citizen Complaints
Property Owner: US Bank National Assoc Trustee for JP Morgan
Address/Folio: 251 S Tradewinds Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(7)

Code Compliance Officer Tuchette Torres testified that on October 23, 2013 she inspected the property. Notice was sent via certified mail and service was obtained. The Broward Property Appraisers Office still shows the owner as Jason E Clark and Tanya L. Clark but the Bank bought the property. There is an infestation of bees on the south side of the property under the mansard. On October 23, November 8 and November 18, 2013, she took pictures of the property that accurately depict the condition of the property and she requests they be entered into evidence. The bees are still there as of today's date. She is requesting an Administrative Fee of \$250. She is also requesting in the Order that if there is no compliance in a certain amount of time that the Town could abate the nuisances. On October 23, 2013, Ms. Torres received a call about the bees from the complainant. She contacted the owner, Jason Clark, who said he would take care of it. On October 24th, she called Mr. Clark to tell him the location of the bees. On October 28th the complainant called that the bees were still there and Ms. Torres left another message with the owner. On October 28th she re-inspected. On October 29th an unknown caller said the property was being sold at auction today. From research, Ms. Torres learned it was being sold at 10:00 a.m. It was sold to the plaintiff, the bank. She spoke with Manny from public works and a lawyer from the bank. The bank has not done anything in reference to the bees. Ms. Torres submitted to the Special Magistrate copies of her pictures,

copy of the auction page to show it was sold, copies of the Final Summary Judgment on the mortgage foreclosure, and the Assignment of Mortgage. The house is vacant and they are unsure if the bees got into the house. Manny would keep the bees alive and give them to a farm. The cost would be \$1,500. The Special Magistrate thought there was a special service that did this for free. Ms. Torres was concerned if the free service kills the bees. **The Special Magistrate ordered compliance in 15 days (December 3, 2013) or a fine of \$250/day. Administrative Costs would be \$250. The Special Magistrate asked Ms. Torres to speak with the bank's attorney before anyone went on the property. He also encouraged her to find a free service (by contacting Dania) to relocate the bees.** He also told Ms. Torres to let the complainant know what transpired at the hearing today.

ITEM #IV.21

***TAKEN OUT OF SEQUENCE**

Case #: 13110005 - Permits Required Violations
Property Owner: The R Group LLC
Address/Folio: 4132 N Ocean Dr.
Code Section(s): Florida Building Code Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that on October 24 and November 1, 2013 she inspected the property. She originally sent a Courtesy Notice but then sent a Notice of Violation on November 4, 2013 via certified mail and service was not obtained. The property was posted and an Affidavit of Posting is in the file. There is a new wooden fence gate and enclosure being installed without a permit. On October 24 and November 18, 2013 she took pictures that accurately depict the condition of the property and she requests they be entered into evidence. The property manager said that the fence was temporary. He said in 8 months it would be gone. Ms. Torres informed him that he still needed a fence permit. The fence installer was lawn maintenance and not licensed to do the job. Administrative Costs were requested for \$150. As of today, no permit was applied for. Copies of the pictures were submitted to the Special Magistrate. **The Special Magistrate ordered Administrative Costs of \$150 and the after-the-fact permit was to be applied for within 15 days (December 3, 2013) or a fine of \$150/day would be imposed.**

ITEM #IV.24

***TAKEN OUT OF SEQUENCE**

Case #: 13100008 - Building Code Violations
Property Owner: Cole Bn Lauderdale FL LLC
Address/Folio: 276 E Commercial Blvd
Code Section(s): Florida Building Code Section 109.6 Section 110.15 Building Safety Inspection Program

Code Compliance Officer Tuchette Torres said that on October 8, 2012 a letter was sent to the property owner by the Building Official notifying that a 40-year inspection was required. On October 16th, Notice was sent. Service was obtained. The building does not have the proper 40-year inspection. She took a picture of the building on November 18th which accurately depicts the condition of the building. She submitted the picture to the Special Magistrate as well as the copy of the letter from the Building Department as evidence. She is requesting Administrative Costs of \$250. She has not heard from the owner. **The Special Magistrate ordered 60 days to comply by contacting the Town and letting staff know respondent hired a contractor. The inspection report had to be sent to the Building Department, if not a fine would be imposed for \$250/day. Administrative Costs of \$250 were also imposed.** Officer Torres will try to contact the owner as she did not hear from anyone. Since it is a restaurant, the Special Magistrate told her to drop by and give the general manager a copy of the information for the owner.

ITEM #IV.26***TAKEN OUT OF SEQUENCE**

Case #: 13100033 - Citizen Complaints
Property Owner: Kiroglu, Murat H
Address/Folio: 240 Imperial Ln
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(1)(a),
Chapter 6 – Building and Building Regulations Section 6-37(1)(a),
Chapter 6 – Building and Building Regulations Section 6-38(2)

Code Compliance Officer Tuchette Torres testified that she inspected the property on October 24, 2013. Notice was sent via certified mail. Service was obtained. The property was in violation of a seawall in disrepair. It needs to be reinforced. It is leaning into the waterway forcing the pool pavers to come apart. For the record, item #1 came into compliance. On October 24 and November 18, 2013 she took pictures of the property that accurately depict the condition of the property and she requests they be entered into evidence. She is requesting an Administrative Fee of \$250. The contractor came in this morning to show they put the pool pavers back in place. Jack Morrell explained to the contractor that the seawall needs to be taken care of. Ms. Torres was supposed to meet the contractor at the property today but he was not there. He is aware of the hearing and is not here now. This property has been in front of the Special Magistrate several times. Officer Torres suggested giving them thirty days to get started. **The Special Magistrate ordered Administrative Fees of \$250.** Officer Torres told the Special Magistrate that the neighbor is concerned that this seawall would cause damage to her property. **The Special Magistrate ordered 30 days to comply or a fine of \$250/day would be imposed.** He said this is a serious matter.

ITEM #IV. 31***TAKEN OUT OF SEQUENCE**

Case #: 13050007 – Property Maintenance
Property Owner: Loguercio, Stephen T Loguercio, Elizabeth Rev Liv Tr
Address/Folio: 4552 N Ocean Dr.
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(12)
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)

The Special Magistrate said this was a certification of lien. Code Compliance Officer Tuchette Torres testified that the owner was in attendance tonight but she believes he must have gone home. The fine started to run on August 17, 2013 at \$100/day for two violations. The property was brought into compliance on October 21, 2013. The fine ran for 65 days for two violations totaling \$13,000 for a car without a current tag and cracked pavers. There were no Administrative Costs. At the last hearing, the owner wanted an extension. The owner gave Ms. Torres a copy of a document showing that the car was sold. The car was off the property on October 21, 2013. They are in complete compliance. **Due to very unfortunate circumstances experienced by the respondent, the Special Magistrate mitigated the fine down to zero and as mentioned previously, there are no Administrative Costs.**

ITEM #IV. 32

Case #: 13080034 – No Garbage/Trash Service
Property Owner: Howard, Benjamin R
Address/Folio: 218 Pine Ave
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(1).

Code Compliance Officer Sharon Foster testified that she received an e-mail from Mr. Howard who was asking for an extension for payment. At the last hearing, his violation was that he did not pay his waste services account. He did come into compliance but he was out of compliance for 22 days. At the last hearing, the Special Magistrate imposed Administrative Costs of \$100 but if he paid the fine within 30 days, the Administrative Costs would be waived due to his financial hardship. Mr. Howard has not received the monies he was expecting, so Mr. Howard was asking for an extension for payment of the Administrative Costs. **The Special Magistrate reduced the Administrative Costs to \$50 and gave him fifteen days (December 3, 2013) to pay that and no fines.** Officer Foster said that he is current with his trash bills.

ITEM #IV.33

Case #: 13090001 - Nuisance
Property Owner: Grassano, Cindy K, Grassano, Nicholas R.
Address/Folio: 2020 Waters Edge
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

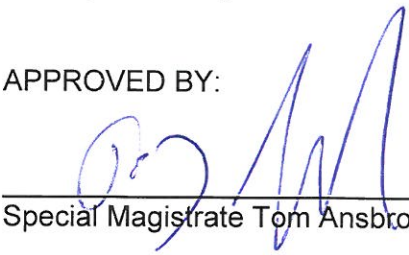
Code Compliance Officer Sharon Foster testified that fines started running on November 6, 2013 at \$200/day. The property is not in compliance. There are Administrative Costs of \$150. There has not been any contact with the owners. **They have been out of compliance for 17 days for a total fine of \$3,400 and Administrative Costs of \$150 for a total owed of \$3,550.** Officer Foster has not heard from the owners and has posted the property. No one has called and she tried to contact them and did not get a response. **The Special Magistrate ordered the lien certified for the full amount.**

V. FIRE CASES

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on November 18, 2013 at 6:50 p.m.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


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