APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, November 17, 2022 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:10PM on Thursday, November 17, 2022 with Town Attorney Alan Gabriel, Senior Code Inspector Bethany Banyas, Development Services Director Jhanelle Campbell, Building Official Simo Mansor, and Special Magistrate Clerk Megan Small to record the minutes.

II. SWEARING OF WITNESSES

The Special Magistrate administered the oath to everyone speaking today, except not to lawyers.

III. OPENING STATEMENT

Please note for the record that this is an in-person hearing.

IV. PUBLIC COMMENTS

No one from the public wished to speak now on items not on the agenda.

V. CODE CASES

Cases were typed in the order they were called.

OLD BUSINESS
ITEM #V.9 ***TAKEN OUT OF SEQUENCE**
Case #: 18020015 – Property Maintenance
Property Owner: Anglin Fam Tr % Raymond Anglin
Address/Folio: 2 E Commercial Blvd
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

David Atkinson, owner's representative for Fisherman's Pier Inc., and Spiro Marchelos said that they were here in attendance. Senior Code Inspector Banyas testified that the Town has brought this agenda item in front of the Special Magistrate for monthly status reports. She reminded through evidence that the pier sustained damage in 2017 from Hurricane Irma which was being worked on and last week, the pier was again damaged. This time, the severe damage was caused by the overnight storms Wednesday night into Thursday morning. A portion of the pier was washed away. The pier has been closed and the Building Official and Fire Marshal posted the pier as unsafe and closed the electricity from the bait shop east. Now the bait shop and café were open but everything else for the entire pier was closed. As of yesterday, lights were professionally installed along the pier to prevent any accidents for boaters, swimmers, etc. She explained that the new contractor was Dave Atkinson and the previous contractor was no longer on the job. Inspector Banyas answered the Special Magistrate that no one was allowed to go onto the pier.

The Special Magistrate said that this was an unfortunate huge blow, as they were already working hard fixing the pier which is an important piece of this Town.

David testified that he was not the contractor but the owner's representative right now but maybe in the future, he would be the contractor. Because the scope of work has changed so drastically now with the new conditions, paperwork has been voided. They were asking tonight for a stay on these proceedings until they could get the scope of work verified by engineers and other professionals, so they could move forward with a new set of plans and a new contractor (whether it was him or someone else). They provided a letter from Dane Hancock, professional engineer, stating the existing structure that was standing was safe to hold its own weight under normal conditions. Their next step was to do a Field Report with a more detailed evaluation of the pier. There would be a Special Emergency Hearing on December 9, 2022 regarding the pier.

Development Services Director Jhanelle Campbell explained that the Town was asking that before December 9, 2022, all loose debris was to be removed, they submit an action plan with a proposed timeline of what the Town could expect and when, plus submit an engineer's report for the part of the pier (bait shop and restaurant) that remained open (if not received or if an unfavorable report was received, then the Town would move to close the entire structure and declare it an unsafe structure). She explained that the debris which washed up on shore was already removed. The owner's representative said that their plan was to stack and secure the deck boards and make sure it's safe. They would go out in a boat on Monday to verify the conditions and the engineer would do a visual inspection and take pictures for the field report. They would also have a secondary evaluation of the area on the beach that was part of the pier. The Special Magistrate asked if anyone from the Town wanted to accompany them on the boat to see what they were doing.

Building Official Mansor testified that everything done had to be via a professional engineer. There would be no opinions, just signed and sealed reports via a professional engineer and no one from the Town had to accompany them on the boat. The Special Magistrate asked if the reports could be presented on December 9, 2022 via slides on the screen so everyone could see what they were talking about and describing. Director Campbell reminded that the December 9, 2022 Special Hearing would be at 10:00AM. The Special Magistrate was asked about a stay and he replied that this would be discussed after the December 9, 2022 Special Hearing. Spiro Marchelos thanked the Staff and Employees of Lauderdale-By-The-Sea (LBTS) for their support and help. The Special Magistrate explained that this was a private pier and would not be fixed by Town money. The Town wanted to ensure the pier's safety and that it got restored to its heyday. Mr. Marchelos said that he was thankful that no one got hurt.

CERTIFICATION OF LIEN

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

Case #: 22070029 –	Permits Required Violations
Property Owner:	Endeavor Capital LLC Homestead Financial Mortgage LLC
Address/Folio:	4344 E Tradewinds Ave
Code Section(s):	Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that this agenda item was before the Special Magistrate at the last hearing. The Final Order was for an obtained permit for the kitchen renovations done without permit and the rear balcony needed an engineer's report verifying the beam's safety and submit for a permit to repair, replace or demolish. David Barban was here to speak for the ownership. Mr. Barban testified that he was the building manager. They hired a general

contractor to help them get the engineers they needed for both the outside and the inside violations. They were waiting for the drawings before they applied for permits. The Special Magistrate said that having an engineer for both the inside and outside violations really did not comply with the order and asked the Town what they recommended. Inspector Banyas testified there were a few options like an extension to the comply-by date, continuing the case to the next hearing (January 26, 2023), allowing the fines to continue accruing and then mitigation, or certifying the lien. The Special Magistrate felt that certifying the lien would be premature. Building Official Mansor testified that he would like to continue to January 26, 2023 with fines accruing. The Special Magistrate explained that he had the jurisdiction to mitigate fines when compliant and also to abate fines if warranted. The Special Magistrate ordered continuance to the January 26, 2023 Hearing with fines still running and if in compliance, they would come back to the January 26 Hearing for possible mitigation or abatement of fines.

Special Magistrate Clerk Megan Small called the next three cases to be heard together. Inspector Banyas explained that two of the three were scheduled tonight for certification of lien. One was a repeat violation and that lien was already certified.

ITEM #V.37 ***TAKEN OUT OF SEQUENCE**

Case #: 22100008 –	NAB Case
Property Owner:	827 NW 114 St LLC
Address/Folio:	230 Pine Ave
Code Section(s):	Chapter 6 – Building and Building Regulations Section 6-41 (a)(18)

Senior Code Inspector Banyas testified that this was for overgrown landscaping. After the previous hearing, the respondent did have someone come out and cut the grass. Fines accrued in the amount of $2,000 after the comply-by date. The total fines were $9,600 ($9,500 fines plus $100 hearing cost) to date and this case was complied. The $9,600 was due and the Town planned to record this lien. She said that this was not older than 90 days but she reminded the Special Magistrate that this was the property where the Town, at the previous hearing, requested permission to foreclose on liens older than 90 days. She answered the Special Magistrate that there was no Town recommendation for this case as the Town intended to record the lien. If the fines were paid, the Town would not record the lien and she stated that an order was not required.

The attorney for the owner, Cristobal Padron, stated that the parties that own this entity have been embroiled in pre-suit litigation which he explained in this situation was a disagreement between two partners. One has been tapped out of funds to rehab this project and the other partner refused to contribute at all. However, they were in the process of resolving this issue. The bees have been removed and the grass was cut and would remain cut as a property manager was hired. They were requesting that the Special Magistrate deny the request to record. In light of the attorney's explanation, the Special Magistrate asked Inspector Banyas what did the Town wish to do. He would not be able to reduce a lien amount and only the Town Commission could do that. She reminded that there were already liens recorded on this property. The owners brought this on themselves. This was a single-family home that was sold to an investment company and the property was not maintained. She went over the previous violations and explained that the Town requested to record this lien. The Special Magistrate explained why he would let the lien be recorded and explained about a mass relief request that could go in front of the Town Commission. The attorney wanted to let the Town know that he would be the point of contact from now on for a smoother process going forward and his office was open until 7:30PM.
The Special Magistrate told the attorney that he wanted the grass maintained and the debris out of there tomorrow and not to reoccur. Development Services Director Campbell testified that they

have been authorized to proceed with the foreclosure proceedings. If they rectify the cases, the Town may not proceed with that action.

ITEM #V.38
Case #: 22100009 – NAB Case
Property Owner: 827 NW 114 St LLC
Address/Folio: 230 Pine Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41 (a)(7)

Senior Code Inspector Banyas testified that this was a violation regarding an infestation of bees in a couple of different places in a Strangler Fig Tree in the backyard. This violation was abated by the owners. They killed the bees. The Special Magistrate said they were told to handle this humanely and to transport and rehome the bees. The Special Magistrate explained to the attorney that when he stated this in his order, he wanted the bees safely removed by a beekeeper and not killed. He was not happy at all with how the owners handled this. Attorney Cristobal Padron said they hired a contractor to take care of the bees and he did not know what transpired. The Special Magistrate asked about his option to impose a fine due to the fact that this was not handled humanely. Town Attorney Alan Gabriel confirmed that the fine could be up to $5,000 for being irreparable. The Special Magistrate said he would order a $2,500 fine for not handling the bees humanely which was irreparable. The attorney wanted to know if they had all the facts and evidence regarding this being native Florida Honey Bees. Inspector Banyas testified that the Town did have John Caldwell, licensed apiary expert, ready to handle the bees if the owners did not. He went out the next day after the owners handled the bees and said he hoped bees would come back. He did not bill for this service call. The Special Magistrate said that what the owners did was irreparable and his order stood and was due within thirty days. Inspector Banyas said the Town requested $200 hearing cost for this case and that she personally spoke by phone with one gentleman for this property on Saturday after the hearing plus the contractor, Eileen, reminding that the bees were to be removed humanely. The Special Magistrate ordered $2,500 fine for not humanely handling (transporting and rehoming) the bees plus $200 hearing cost for today's hearing, both due withing thirty days.

ITEM #V.39
Case #: 22100010 – NAB Case
Property Owner: 827 NW 114 St LLC
Address/Folio: 230 Pine Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41 (a)(1)

Senior Code Inspector Banyas testified that this was regarding trash/garbage, debris, litter and a dead iguana. This case was complied as of Monday but there was more of the same now including more dead iguanas that they think someone was exterminating but not removing. Today was a request to certify the $2,850 lien plus $200 hearing cost for today's hearing. Attorney Padron said the original violation was cured and they did not have any control over what neighbors did to the property. A property manager was hired to take control of this and this violation would not occur again. This was a new issue and his client did not reside at the property. The property would be made into a very high-end property and there should not be issues going forward. He was requesting the Magistrate not to certify the lien and afford them the opportunity to correct this new problem. Inspector Banyas testified that the violation was complied but fines accrued from November 4, 2022 through November 14, 2022 for non-compliance. She left phone messages and Eileen's phone was no longer working or taking messages. As of today, the case was still compliant but she was requesting to certifying the fines that were for non-compliance. The Special Magistrate ordered certification of lien for $2,850 fines plus $200 hearing cost for today's hearing

for a total of $3,050. He warned the attorney that his client had to have a phone that worked and was accessible to his people and that whatever was accumulated on the property now had to be removed by tomorrow. He could not order this removal but would remember it if it was not taken care of. They also have to hire some type of critter control to remove the live iguanas from that tree. Attorney Padron said he gave his phone number to Inspector Banyas as he was now the contact person and he would handle everything. The Special Magistrate hoped that he did not see these cases in front of him again.

ITEM #V.40
Case #: 22100012 – NAB Case
Property Owner: Shanahan, George C Est
Address/Folio: 2036 Coco Palm Pl
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-313(p) (2) Swimming pool enclosures

For the record, there was no one in attendance to represent the property. Senior Code Inspector Banyas testified that she had evidence to submit to the Special Magistrate depicting a picture of the abated property with orange screening that was put up securely and a bill from the abatement company, Greco, that installed the orange screening. He accepted this into evidence as Town's Composite Exhibit. Inspector Banyas explained that the pool was definitely not open as before. The Special Magistrate asked the Building Official if the way they put the fence together was secure enough and he answered that it would suffice. Inspector Banyas answered the Special Magistrate that the house's fence itself was already accruing fines for maintenance as a separate issue but this case was for protection against getting into the unsecured pool.

The Town's request was for a certification of lien as fines did accrue, also assess the cost of the $375 abatement done by Greco, and $200 hearing cost for today's hearing and the Town intended to record the lien. Inspector Banyas said she received a call from a local pool maintenance company that a neighbor contacted and they would try to assist the lady living there with anything in their power but they would have to get paid. The Special Magistrate asked about the pool and was told that it still had dark green/black water in it. That company started shocking the pool and the Town would go to check on it. That should take care of the mosquitoes. They should be able to cut vegetation away from the property line. She explained the iguana situation to the company as well. The Special Magistrate said that the lady living there should be warned about the diseases carried by iguanas and contracted by humans especially if the iguanas go onto a human's roof. The Special Magistrate ordered certification of lien to include the fines that did accrue before compliance of the unsecure pool, and the $375 abatement cost for securing the pool, plus $200 hearing cost for today's hearing.

Town Attorney Alan Gabriel left the meeting at approximately 5:57PM.

ITEM #V.35 ***TAKEN OUT OF SEQUENCE**
Case #: 22080012 – Permits Required Violations
Property Owner: Seagrape One Apartments LLC
Address/Folio: 4300 Seagrape Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-477 (a) Maintenance of landscaped area
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that today this was scheduled for certification of lien. There was work done without permits for multiple mini-split a/c units and a front door replacement

for unit 8. Two separate permits have been submitted, reviewed, and there were comments requesting additional information. Denise Romano, property manager, was in attendance on behalf of the property. She said she submitted information for the comments on the door. The a/c vendor was working on getting the information for the a/c permit. She was just asking for a little more time with this last after-the-fact permit. Inspector Banyas agreed that the property manager was being diligent and the inspector would recommend an extension to the comply-by date of three weeks, December 8, 2022, and the Building Official agreed. Inspector Banyas requested the $50 hearing cost paid from the prior hearing and $25 hearing cost for today's hearing. The Special Magistrate ordered a revised Final Order with a new comply-by date of December 8, 2022 to obtain the after-the-fact permits plus $50 hearing cost from a prior hearing and $25 hearing cost for today's hearing both due immediately but payable within thirty days.

NEW BUSINESS

ITEM #V.20 ***TAKEN OUT OF SEQUENCE**

Case #: 22090005 – Permits Required Violations
Property Owner: Dung Kim Nguyen Rev Tr Nguyen, Dung Kim Trs
Address/Folio: 233 Hibiscus Ave
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that this was a new case. An inspector in the front yard observed work without permits. Both the Building Official and the Fire Marshal went to the property and determined that work was being done without a permit. A Stop Work Order was posted and a Notice of Violation was issued and sent to the property owner at their address of record. The violation was interior renovation and demolition. The required action was to obtain an approved after-the-fact permit(s) through a licensed contractor. She met with Mr. Ball who is the brother-in-law of the owner. There was discussion about an entire set of signed and sealed drawings from an architect or engineer showing the entire dwelling unit which was needed with an "as is" status plus the proposed construction or improvement. The Town believed that the unpermitted renovations did previously exist in the kitchen area. There was substantial demolition and partial construction done to the bathroom areas. In order to achieve service, the property was posted.

She showed the respondent her photos and then gave them to the Special Magistrate for evidence. The Town requested a Final Order with compliance by December 18, 2022 or a fine of $250/day to accrue thereafter. Compliance was obtaining approved permits for all unpermitted items. She informed the Special Magistrate that this was a licensed vacation rental and the building was a duplex. The Special Magistrate asked the respondents if anyone lived in there and was told that no one lived there. As there were no bathrooms, the Special Magistrate said no one could stay in there until all the work was approved. He also explained about things such as a certificate for vacation rental, state approval, business tax receipt, etc. He accepted the evidence as the Town's Composite Exhibit without objection. Inspector Banyas testified that the Building Official was requiring a Master Structural Permit Application from a licensed general contractor and sub-permits for the disciplines of mechanical, plumbing and electrical. Other permitting might be determined to be needed upon further review.

The brother-in-law, Mr. Ball, answered for the owner, Dung Kim Nguyen. He said there was a roof leak and the insurance company took off all the drywall but never came back for three months. So, his brother-in-law bought some drywall and patched up the bathroom. He also threw out the vanity and extra tiles. Then they got the Stop Work Order. They never touched the kitchen since they bought the structure back in 2005. They stopped all work when they saw the order. He

wanted to obey the laws but why did he need architectural drawings? Building Official Mansor explained what transpired and who he talked to regarding what was needed. As of today, the Building Official received an email from Mr. Ball who was complaining to the Commissioners about him. He was trying to explain how to comply but Mr. Ball was not accepting what Mr. Mansor was explaining. He clarified that he would need a general contractor, a plumber, an electrician, etc. The Building Official said there was resistance and that was making everything take longer. He spoke about a Florida Statute among other things. The Special Magistrate tried to explain that the property needed a lot of work and what the law was when costs for labor and material were over $30,000. He said they could challenge and ask questions but that was delaying work getting done. If they want to get the property fixed up and done, they have to do what the Building Official said needed to be done. There was still a lot of work that had to be done. The Building Official said that they were here to ask for an extension but they wasted two months by not starting. The Special Magistrate explained to the Building Official that they just did not understand how this process worked but tonight, they would understand clearly how this worked.

The Building Official asked the Special Magistrate if the respondents agree with what has to be done? Discussion ensued about getting started and asking for more time. It was decided that the Town would give the owner to January 25, 2023 to get started by obtaining approved permits for all work done without permit including the kitchen and bathrooms or a fine of $250/day to accrue thereafter plus $50 hearing cost for today's hearing. The Special Magistrate explained that Mr. Nguyen or his brother-in-law, Mr. Ball, would have to get an architect to get the other people to start working with a general contractor and get this work done. You have to get the approved permits issued so that work could get started on everything even the kitchen that you did not do but were responsible for because you own the property. He explained that the approved permits must be issued by January 25, 2023 and the permits could not just be applied for. If permits were not obtained, everyday beginning on January 26, 2023, a fine of $250/day would start until approved permits for all unpermitted work were obtained. The Town did not want fine money but rather they wanted compliance by obtaining the approved after-the-fact permits for all work done without permits and the $250/day fine would begin January 26, 2023 until you obtain the permits. You must do what the Code says has to be done and the Building Official lets you know what the Code required. It would be good to get along and listen to the Building Official. Mr. Ball questioned what the Special Magistrate said. He felt that they were citizens and they had rights. The Special Magistrate suggested that they talk to a lawyer. The Building Official testified that he said the same thing to him about having rights, etc. Building Official Mansor asked Mr. Ball to stop this attitude and just comply so things could go okay. Mr. Ball then said he had until January 25, 2023 to comply with the law and the Special Magistrate said that he was correct. He had until January 25, 2023 to obtain the approved permits for all work done without permit(s). The Special Magistrate reminded Mr. Ball that the owner of the property, his brother-in-law, had to comply by January 25, 2023 by obtaining all the permits for work done without permits or the $250/day fine would begin on January 26, 2023 until compliance was achieved. No one could live in this structure. There was also a $50 hearing cost due within thirty days and this was for time spent on this case by the Town. He also told Mr. Ball that he should help his brother-in-law to get this done by January 25, 2023 as he now understood what needed to be done. The Special Magistrate ordered compliance by obtaining approved after-the-fact permits for all work done without permits by January 25, 2023 or a fine of $250/day to accrue thereafter plus $50 hearing cost for today's hearing due immediately or payable within thirty days.

CERTIFICATION OF LIEN
ITEM #V.30 ***TAKEN OUT OF SEQUENCE**

Case #: 21080006– Building Code Violations
Property Owner: Isla Bella LLC
Address/Folio: 4324 Seagrape Drive, 1-4
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1. Permits. Required

Senior Code Compliance Inspector Bethany Banyas testified that this used to be Greg Wienbarg's case. The Town met with the respondent and reached an agreement. They accepted the owner's written request for an extension to January 25, 2023 at the same fine amount that was previously assessed in 2021 ($150 per day). She answered the Special Magistrate that fines were running now but an extension tonight would remove all of those fines. She explained what transpired and that the owner received approval from the Town Commission to retain the fourth unit which needed a variance. They have been working diligently with their contractor to prepare plans and the appropriate documents to submit for the permits to (a) legalize all the inherited work that was done without permits that was found at the BTR Inspection and (b) later on they would submit separately to make the fourth unit on the second floor safe. She answered the Special Magistrate that they decided to legalize the first floor and then work on the second floor to make that floor completely legal. The Special Magistrate asked if that would include the egress for the one unit on the 2nd floor that needed that egress and the inspector answered in the affirmative. The Special Magistrate was happy that the Town had a very productive meeting with them and happy with the progress they made. She added that the structure remained vacant. For the record, there was someone in attendance tonight for this property but did not testify. The Special Magistrate ordered a revised Final Order for the extension of the comply-by date to January 25, 2023 or a fine of $150/day would accrue thereafter plus $25 hearing cost due immediately or payable within thirty days.

NEW BUSINESS

ITEM #V.11 ***TAKEN OUT OF SEQUENCE**

Case #: 22070023 – BTR Housing Inspection
Property Owner: Bucur-Drugan, Cristina Bucir-Drugan, Alexandru
Address/Folio: 6000 N Ocean Blvd, 7B
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(e) Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Inspector Banyas testified that this was a new case for which the owner applied for a Business Tax Receipt last year and in December 2021, Inspector Wienbarg did an inspection. There was a light hanging from the ceiling that needed to be corrected and the kitchen had been renovated without any permits. Once they let the owner know of the violations, she did retain the services of a contractor in August of this year. However, there were no submittals to date. Inspector Banyas did tell her that today the Town would be recommending a final order requiring compliance by obtaining permits for the renovation of the kitchen and also fixing the hanging light by January 25, 2023 or a $250/day fine to accrue thereafter plus $50 hearing cost for today's hearing. She gave evidence to the Special Magistrate who accepted it into the file as Town's Composite Exhibit. The Special Magistrate ordered a Final Order for compliance by January 25, 2023 by obtaining after-the-fact permit(s) for the kitchen renovation done without permits and fixing the hanging light or a fine of $250/day to accrue thereafter plus $50 hearing cost for today's hearing due immediately or payable within thirty days.

ITEM #V.12

Case #: 22080023 – Vacation Rentals Inspection

Property Owner: Nguyen, Phuong Dinh Van, Tan
Address/Folio: 3 Sunset Ln
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a) Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Inspector Banyas testified that this was a new case for which the owner requested a vacation rental inspection which was completed on August 30, 2022 for a BTR and Vacation Rental Certificate. Service was achieved by a signed green card that was in the file. The violations were for work without a permit for two a/c units, water heater, pool water heater, PVC deck and dock, kitchen renovation and bathroom renovations. Another violation was for the shed door that needed to be repaired (Section 6-36(a)). The property owner submitted an application online in the first week of November. An email was sent to them advising they did not submit everything that was needed. They needed to upload plans, applications, and supporting documentation. None of that was done. Inspector Banyas had photos to submit as well as a copy of that email which were accepted into the file by the Special Magistrate as Town's Composite Exhibit. The Town was requesting a Final Order requiring compliance by obtaining an approved permit for all of the items listed that were done without permit as well as repairing the shed door by January 25, 2023 or a fine of $250/day/violation to accrue thereafter plus $50 hearing cost for tonight's hearing. The Special Magistrate ordered a Final Order requiring compliance by obtaining an approved permit for all of the work done without permits as well as repairing the shed door by January 25, 2023 or a fine of $250/day/violation to accrue thereafter plus $50 hearing cost for tonight's hearing due immediately or payable within thirty days.

ITEM #V.14 *TAKEN OUT OF SEQUENCE
Case #: 22010004 – Permits Required Violations
Property Owner: Esteves, John P
Address/Folio: 2011 Coral Reef Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Inspector Banyas testified that this case was in regard to a pool lift which was installed at least in January 2022 along with other items installed on the property without permits. The Notice of Violation was sent to the property owner who corrected most of the items that needed permits including an electrical permit for new wiring. The gentleman who installed the pool lift submitted for the after-the-fact permit to legalize it. Comments were sent back and because it won't take the owner long to comply, the Town was requesting a comply-by date of December 18, 2022 and $50 hearing cost for today. The fine of $250/day is to accrue thereafter for work without permits if not complied. The Special Magistrate ordered compliance by December 18, 2022 by obtaining an approved after-the-fact permit(s) for work done without permit or a fine of $250/day to accrue thereafter plus $50 hearing cost for today's hearing due immediately but payable by December 18, 2022.

ITEM #V.23 *TAKEN OUT OF SEQUENCE
Case #: 22100004 – Permits Required Violations
Property Owner: Iliakis, Cleopatra LE
Address/Folio: 1480 S Ocean Blvd, 222
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Inspector Banyas testified that the work without permits was observed at a recent business tax receipt inspection. The inspector observed work without permits that has accumulated over the years. The violation details were kitchen remodel, front doors, water heater, through-wall a/c with new electrical work, and new bathroom tiling. The action required was to obtain a permit for all the work done without permit. The Building Official explained why you need a permit for bathroom tile going on a wall. Service was achieved by the signed green card in the file. Inspector Banyas spoke with the owner's daughter who understood and agreed to a Final Order giving until January 25, 2023 to obtain approved permits for all the work done without permits or $250/day fine. She further stated that the hearing cost for today would be $50. The Special Magistrate ordered a Final Order for compliance by January 25, 2023 by obtaining approved permits for all the work done without permits or $250/day fine to accrue thereafter plus $50 hearing cost for today's hearing due immediately but payable within thirty days.

ITEM #V.25 ***TAKEN OUT OF SEQUENCE**

Case #: 22100006 – Permits Required Violations
Property Owner: Santayana, Rodolfo R & Stacy
Address/Folio: 220 Codrington Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owners. Senior Code Inspector Banyas testified that she had photos to submit which were entered into the file by the Special Magistrate without objection as Town's Composite Exhibit. The work without permits violation was observed when the Town was onsite conducting a business tax receipt inspection. This was slated to be a vacation rental property. The owners did have an advertisement up but they did remove it and the property was vacant. Their responsiveness was why the Town would give them so much time to comply. Service was achieved by a signed green card in the file. The violation details were for work without permits for things that the Town believed they inherited which were a water heater, installation of two mini-split a/c's, change out of a regular a/c, whirlpool in the backyard with new electrical and plumbing outdoor connections, a gazebo in backyard with new outdoor electrical connection, and pavers set into concrete in the backyard. The Town was requesting an obtained, approved after-the-fact permit(s) for all the work done without permits by January 25, 2023 or a fine of $250/day to accrue thereafter plus $50 hearing cost for today's hearing. The Special Magistrate ordered a Final Order to comply by obtaining an approved after-the-fact permit(s) for all the work done without permits by January 25, 2023 or a fine of $250/day to accrue thereafter plus $50 hearing cost for today's hearing due immediately or payable within thirty days.

Building Official Simo Mansor left at approximately 6:42PM.

CERTIFICATION OF LIEN

ITEM #V.27 ***TAKEN OUT OF SEQUENCE**

Case #: 22010002 – Vacation Rentals Inspection
Property Owner: Kelley, Sean Kelley, Renee
Address/Folio: 238 Corsair Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-327.(d)
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owners. Senior Code Inspector Banyas testified that the respondents complied. There was a minor delay and fines accrued but the Town was recommending mitigation of the fines down to zero (owing no fines). The Special Magistrate ordered mitigation of the fines to zero (owing no fines).

ITEM #V.28

Case #: 22040004 – BTR Housing Inspection
Property Owner: Faurer, Martin Faurer, Yarlin
Address/Folio: 262 Tropic Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owners. Senior Code Inspector Banyas testified that the Town has spoken with the owners and was accepting their request for an extension of time to comply. The contractor submitted the request for an extension to December 18, 2022 and the Town recommended that the Special Magistrate accept that new date for compliance plus $25 hearing cost for today. She answered the Special Magistrate that a fine was already running. The Special Magistrate ordered a revised Final Order for an extension of the comply-by date to December 18, 2022 plus $25 hearing cost for today's hearing due immediately but payable by December 18, 2022.

ITEM #V.29

Case #: 22070017 – BTR Housing Inspection
Property Owner: Rumbaugh, George F & Rumbaugh, James L
Address/Folio: 6000 N Ocean Blvd, 16D
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owners. Senior Code Inspector Banyas testified that she made contact with the owner who said he would have a general contractor legalize the wall and the additional bedroom that had been created some time ago. The Town accepted his request for an extension of the comply-by date to January 25, 2023 to obtain a permit. She answered the Special Magistrate that there was a fine running but an extension would reset that. She also asked for $25 hearing cost for today. The Special Magistrate ordered a revised Final Order for an extension of the comply-by date to January 25, 2023 plus $25 hearing cost for today's hearing due immediately but payable within thirty days.

ITEM #V.31

Case #: 22040017 – Permits Required Violations
Property Owner: ACS 218 LLC
Address/Folio: 222 E Commercial Blvd
Code Section(s): Chapter 12 – Licenses Sec 12-2(a)
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Inspector Banyas testified that she and the Building Official accepted their request for an extension to January 25, 2023 to obtain the approved permit for the water heater plus $25 hearing cost for today's hearing. The Special Magistrate ordered a revised Final Order for an extension

of the comply-by date to January 25, 2023 plus $25 hearing cost for today's hearing due immediately but payable within thirty days.

ITEM #V.32
Case #: 22060001 – Permits Required Violations
Property Owner: Royal Imperial Group LLC
Address/Folio: 259 Miramar Ave
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Inspector Banyas testified that there was already a Final Order issued on this property. The Town determined that if they could remove all the advertisements for the vacation rental that was not approved yet and vacate the property by moving reservations somewhere else and maintain the property as vacant, the Town would extend the comply-by date to January 25, 2023. The Special Magistrate asked if they trusted them to keep it vacant and Inspector Banyas said that they were monitoring the property. The Town also requested $25 hearing cost for today's hearing. The Special Magistrate ordered a revised Final Order for an extension of the comply-by date to January 25, 2023 plus $25 hearing cost for today's hearing due immediately but payable within thirty days.

SPECIAL SET
ITEM #V.41 ***TAKEN OUT OF SEQUENCE**
Case #: 21080003
Property Owner: Amato, Katheryne Amato, Salvatore
Address/Folio: 5200 N Ocean Blvd, 1415A

For the record, there was no one in attendance to represent the property owners. Senior Code Inspector Banyas testified that the Town changed its procedures for Work Without Permits over the past year. Now compliance would be obtaining an approved permit and before it was finaling out the permit. This case was caught in between the change in procedures. The Town was recommending full mitigation of fines because the original final order ordered finaling out the permit and not obtaining an approved permit. This was being done for consistency. The inspector answered the Special Magistrate that they were in compliance now. The Special Magistrate ordered full mitigation with no fines for this case.

ITEM #V.42
Case #: 22030017
Property Owner: Carson Creek Corp
Address/Folio: 4454 Seagrape Dr, 1-2

For the record, there was no one in attendance to represent the property owner. Senior Code Inspector Banyas testified that they came into compliance with the work without permit violation. The Town accepted their request for an extension of time because they were unable to ask for an extension. The Building Official and Development Services Director agreed that they were eligible for a reduction of the fines and recommended that the Special Magistrate accept their mitigation request for zero fines. The Special Magistrate ordered mitigation to zero fines.

Special Magistrate Clerk Megan Small called into the record cases to be continued (and some were complied).

CONTINUED / COMPLIED			
Item #	**Case #**	**Property Address**	**Hearing**
1	22040002	4213 El Mar Dr, 1-6	CONTINUED TO JANUARY 26, 2023
2	22070010	4655 Bougainvilla Dr	COMPLIED
3	22070026	265 Commercial Blvd	CONTINUED TO JANUARY 26, 2023
4	22070027	249 Commercial Blvd	CONTINUED TO JANUARY 26, 2023
5	22090001	1948 Sailfish Pl	CONTINUED TO JANUARY 26, 2023
6	22090004	5200 N Ocean Blvd, 1006B	CONTINUED TO JANUARY 26, 2023
7	21080007	1501 S Ocean Blvd	CONTINUED TO JANUARY 26, 2023
8	22080025	216 E Commercial Blvd	CONTINUED TO FEBRUARY 23, 2023
10	22070006	2049 Ocean Mist Dr	CONTINUED TO JANUARY 26, 2023
13	21100021	4900 N Ocean Blvd	CONTINUED TO JANUARY 26, 2023
15	22050002	229 E Commercial Blvd	CONTINUED TO JANUARY 26, 2023
16	22050003	233 E Commercial Blvd	CONTINUED TO JANUARY 26, 2023
17	22060003	239 E Commercial Blvd	COMPLIED
18	22080010	220 Codrington Dr	CONTINUED TO JANUARY 26, 2023
19	22090002	250 Miramar Ave	CONTINUED TO JANUARY 26, 2023
21	22100002	4900 N Ocean Blvd, 212	CONTINUED TO JANUARY 26, 2023
22	22100003	2049 Tropic Isle	CONTINUED TO JANUARY 26, 2023
24	22100005	233 Neptune Ave	CONTINUED TO JANUARY 26, 2023
26	22100007	1821 W Terra Mar Dr	COMPLIED
34	22080002	4109 N Ocean Dr, 1-8	CONTINUED TO JANUARY 26, 2023
36	22080017	263 Commercial Blvd	COMPLIED

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on November 17, 2022 at approximately 7:00PM.

APPROVED BY:

Special Magistrate Tom Ansbro

ATTEST:

Special Magistrate Clerk Megan Small
Town of Lauderdale-By-The-Sea, Florida