

APPROVED

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

*Town Commission Meeting Room
Thursday, November 15, 2018 at 5:00 PM*

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:00 PM on Thursday, November 15, 2018. Building Official Randall Clutter, Development Services Director Linda Connors, Senior Code Compliance Inspector Bethany Banyas, Code Compliance Inspector Robert Harrison, Code Officer Marcio Chavez, and Planner Jhanelle Campbell were present as well as Special Magistrate Clerk Kaliah Lewis to record the minutes.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

The Special Magistrate explained the procedures for the Hearing for Code Compliance.

IV. PUBLIC COMMENTS

The Special Magistrate spoke about public comments at this time or when a case was called. No one from the public wished to speak now.

V. CODE CASES

Special Magistrate Clerk Kaliah Lewis called the following code cases for which Development Services Director Linda Connors, Building Official Randall Clutter, or both would speak.

OLD BUSINESS

ITEM #V.15

***TAKEN OUT OF SEQUENCE**

Case #: 18080029 – Nuisance

Property Owner: 4326 Ocean Drive LLC

Address/Folio: 4326 N Ocean Drive

Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(7)

Inspector Banyas asked to table this until the Development Services Director arrives. After hearing agenda item 56 below, this case was recalled. Inspector Harrison testified that this is a Status Hearing for a repeat violation regarding infestation of bees. The owner of the property, Tarn Tantiki, gave permission for the Town and a professional beekeeper to come to the property and make an assessment of the conditions. Inspector Harrison went with John, Urban Beekeeper, who is a certified beekeeper, and he determined that there are no bees there now but in order to determine that they won't come back, he would have to ensure the comb of the hive is gone. Inspector Harrison said that we have not received a letter from John yet. The Town would like to certify the fines based on the compliance date from when the owner hired an

exterminator. He would research that date and was asking for a continuance this evening. The Special Magistrate ordered continuance to the January 10, 2019 Hearing.

NEW BUSINESS

ITEM #V.56

***TAKEN OUT OF SEQUENCE**

Case #: 18080037 – Vacation Rental
Property Owner: 3221 Seaward Dr LLC
Address/Folio: 3221 Seaward Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(d)
Chapter 30 – Unified Land Development Regulations
Section 30-327(j) (4)

Inspector Harrison testified that this vacation rental property was being rented for less than seven consecutive days. There were also vehicles parked in the non-designated parking spaces. The Town is seeking a Finding of Fact for multiple issues as they complied prior to this hearing. His photos were shown to the respondent and then given to the Special Magistrate who accepted them as the Town Composite Exhibit. Inspector Harrison answered the Special Magistrate that notice was achieved by posting the property. He said that one of the tenants, Karen, stated that she arrived August 24th and was leaving August 25th and that was why they were cited for less than a seven consecutive day rental.

Annika Thibant testified that she manages properties in the Town and that there was a car parked in the street because the owner's car was parked there as well. She rented a couple of homes to the same group of people that week. It was a film crew/production company. The tenant they spoke with was there probably a day or two at that specific home but probably also stayed at the other rental. The rest of the crew was there for the complete seven days at that location. She has a statement from the guest that there was no less than a seven day stay. She has the original contract for which there is a copy in evidence and she has the guest's letter. Inspector Harrison looked at her evidence. The Special Magistrate said that if she is correct, the only issue would be the parking and not the amount of days. She also has pictures showing that the owner's car has been parked there since October. Inspector Harrison answered the Special Magistrate that there should not be a Finding of Fact on the length of stay because the contract was for seven days and the crew stayed there seven days. Karen was just a guest. Parking is the issue because the owner's car was in one of the parking spaces. The Special Magistrate returned the original contract to Ms. Thibant. The Special Magistrate was answered by Inspector Harrison to withdraw the case. As Ms. Thibant was previously before the Special Magistrate, she was reminded that she should know the rules and to let the property owners know that the spaces allocated for the guests/renters need to be available for them. The Special Magistrate ordered this case withdrawn with no charges to the property owner. Special Magistrate Clerk Lewis re-called agenda item #15 above.

OLD BUSINESS

ITEM #V.17

***TAKEN OUT OF SEQUENCE**

Case #: 18030024 – Permits Required Violations
Property Owner: Wens Holding LLC
Address/Folio: 4329 El Mar Dr.
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Inspector Banyas testified that along with this case for Wens Holding, there are others and Special Magistrate Clerk Lewis called them into the record (see below). At the last hearing, Inspector Banyas said that there were several stipulations with which they had to comply. There is one left which is for the architectural review not being complete. The Town was willing to entertain the idea of an extension. The Town would recommend that across all of the cases and set a second step for compliance. She requested that each agenda item meet the following two stipulations:

#1 – the architectural review is to be complete by February 27, 2019 or a return to the February 28, 2019 Hearing.

#2 – the administrative site plan amendment is to be approved by Town Staff by February 27, 2019 or a return to the February 28, 2019 Hearing. Should either one not be met by February 27, 2019, across all six of the remaining cases (the seventh was brought into compliance), a fine of \$50/violation/day. The Town was also requesting \$50 Hearing Costs for each of the six cases and to re-convene February 28, 2019. Ms. Banyas said that she was just informed by the Development Services Director that Hearing Costs for this second revision should be \$25/case. Crystal Wong testified that she agrees to what Inspector Banyas requested and she understands that \$150 Hearing Costs (\$25/case for six cases) are due when this Order is sent out.

The Special Magistrate ordered for all six cases (18030024, 18030023, 18030025, 18030026, 18030027 and 18030028) (a) the architectural review is to be completed by February 27, 2019 or \$50/day fine for each case and (b) the administrative site plan amendment is to be approved by Town Staff by February 27, 2019 or \$50/day fine for each case plus \$25 Hearing Costs for each of the six cases (for a total of \$150 Hearing Costs due when the Order is sent out). These six agenda items would be brought back to the February 28, 2019 Hearing.

ITEM #V.39

***TAKEN OUT OF SEQUENCE**

Case #: 18030023 – Property Maintenance

Property Owner: Wens Holding LLC

Address/Folio: 4321 El Mar Dr.

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

Section 30-477(a)

Chapter 6 – Building and Building Regulations Section 6-41(a)(1)

Chapter 6 – Building and Building Regulations Section 6-41(b)

The Special Magistrate ordered for all six cases (18030024, 18030023, 18030025, 18030026, 18030027 and 18030028) (a) the architectural review is to be completed by February 27, 2019 or \$50/day fine for each case and (b) the administrative site plan amendment is to be approved by Town Staff by February 27, 2019 or \$50/day fine for each case plus \$25 Hearing Costs for each of the six cases (for a total of \$150 Hearing Costs due when the Order is sent out). These six agenda items would be brought back to the February 28, 2019 Hearing.

ITEM #V.40

Case #: 18030025 – Property Maintenance

Property Owner: Wens Holding LLC

Address/Folio: 4329 El Mar Dr.

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

Section 30-477(a)

Chapter 6 – Building and Building Regulations Section 6-36(f)

Chapter 6 – Building and Building Regulations Section 6-41(b)

The Special Magistrate ordered for all six cases (18030024, 18030023, 18030025, 18030026, 18030027 and 18030028) (a) the architectural review is to be completed by February 27, 2019 or \$50/day fine for each case and (b) the administrative site plan amendment is to be approved by

Town Staff by February 27, 2019 or \$50/day fine for each case plus \$25 Hearing Costs for each of the six cases (for a total of \$150 Hearing Costs due when the Order is sent out). These six agenda items would be brought back to the February 28, 2019 Hearing.

ITEM #V.41

Case #: 18030026 – Property Maintenance
Property Owner: Wens Holding LLC
Address/Folio: 4333 El Mar Dr.
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(b)

The Special Magistrate ordered for all six cases (18030024, 18030023, 18030025, 18030026, 18030027 and 18030028) (a) the architectural review is to be completed by February 27, 2019 or \$50/day fine for each case and (b) the administrative site plan amendment is to be approved by Town Staff by February 27, 2019 or \$50/day fine for each case plus \$25 Hearing Costs for each of the six cases (for a total of \$150 Hearing Costs due when the Order is sent out). These six agenda items would be brought back to the February 28, 2019 Hearing.

ITEM #V.42

Case #: 18030027 – Property Maintenance
Property Owner: Wens Holding LLC
Address/Folio: 4337 El Mar Dr.
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(7)
Chapter 6 – Building and Building Regulations Section 6-41(b)

The Special Magistrate ordered for all six cases (18030024, 18030023, 18030025, 18030026, 18030027 and 18030028) (a) the architectural review is to be completed by February 27, 2019 or \$50/day fine for each case and (b) the administrative site plan amendment is to be approved by Town Staff by February 27, 2019 or \$50/day fine for each case plus \$25 Hearing Costs for each of the six cases (for a total of \$150 Hearing Costs due when the Order is sent out). These six agenda items would be brought back to the February 28, 2019 Hearing.

ITEM #V.43

Case #: 18030028 – Property Maintenance
Property Owner: Wens Holding LLC
Address/Folio: 4341 El Mar Dr.
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(b)
Chapter 6 – Building and Building Regulations Section 6-36(c)

The Special Magistrate ordered for all six cases (18030024, 18030023, 18030025, 18030026, 18030027 and 18030028) (a) the architectural review is to be completed by February 27, 2019 or \$50/day fine for each case and (b) the administrative site plan amendment is to be approved by Town Staff by February 27, 2019 or \$50/day fine for each case plus \$25 Hearing Costs for each of the six cases (for a total of \$150 Hearing Costs due when the Order is sent out). These six agenda items would be brought back to the February 28, 2019 Hearing.

ITEM #V.35***TAKEN OUT OF SEQUENCE**

Case #: 17100002 – Zoning Violations
Property Owner: Marina-By-The-Sea LLC (previously Silver Shores Yacht Basin)
Address/Folio: 226 Basin Dr.
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-311(c)(2)
Chapter 30 – Unified Land Development Regulations
Section 30-311(d)

Inspector Banyas testified that they believe both cases (17100002 and 17100004) are in compliance as a decision may have brought the marina into compliance at the last Town Commission Meeting. They were seeking a revised Final Order tonight with a compliance date of January 9, 2019 just to give time for Staff to do their due diligence and no Hearing Costs for tonight's hearing. The Special Magistrate ordered a revised Final Order with a new compliance date of January 9, 2019 with no Hearing Costs for today's hearing.

ITEM #V.36

Case #: 17100004 – Zoning Violations
Property Owner: Marina-By-The-Sea LLC (previously Silver Shores Yacht Basin)
Address/Folio: 230 Basin Dr.
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-311(c)(2)
Chapter 30 – Unified Land Development Regulations
Section 30-311(d)

Inspector Banyas testified that they believe both cases (17100002 and 17100004) are in compliance as a decision may have brought the marina into compliance at the last Town Commission Meeting. They were seeking a revised Final Order tonight with a compliance date of January 9, 2019 just to give time for Staff to do their due diligence and no Hearing Costs for tonight's hearing. The Special Magistrate ordered a revised Final Order with a new compliance date of January 9, 2019 with no Hearing Costs for today's hearing.

ITEM #V.44***TAKEN OUT OF SEQUENCE**

Case #: 18080001 – Property Maint/Respondent Request To Appear (**Special Set A**)
Property Owner: The R Group LLC
Address/Folio: 4132 N Ocean Dr (Construction site)
Code Section(s): Chapter 19 – Traffic and Motor Vehicle Section 19-21(b)(3)
Chapter 6 – Building Regulations Section 6-8(a)
Chapter 6 – Building Regulations Section 6-8.1(d)(1)

Inspector Banyas testified that this case was before the Special Magistrate previously. The Special Magistrate ordered certification of the existing fines and \$200 Hearing Costs at the last hearing but deferred recording until after the November 15, 2018 Hearing to see if anyone would show to represent the property owner requesting mitigation. The violations are complied but the fines are \$3,600 and \$250 Hearing Costs remain. The Town is open to hearing a mitigation request but with a clear start date for re-commencement of a work date in writing. This is part of the Sealord Hotel. This area is very visible to the public. Attorney Chad Muney is here on behalf of the owner. He advised that they are planning to commence construction in March and would put it in writing. He said that there has been an open permit this whole time. The owner was not able to start construction because of the hurricane. This is an isolated incident because this owner owns other property in Town. There was a misunderstanding about the storage shed

because he understood that you could have a storage shed on site. He explained that what was called construction debris was actually construction material specially made for this property.

Ms. Banyas explained that the site is in compliance but this has been going on since the July 13th Courtesy Notice and did not come into compliance until November 8, 2018. The construction site has been sitting idly for quite some time. The building permit is active because of the extensions for hardship issues. Development Services Director Linda Connors was sworn in. She explained what the applicant did to extend the permit. This is an eyesore to the community. The construction date keeps getting pushed off. The construction site is vacant with no ground cover. It has a fence and a trailer on the site and it's like an office is there but no construction. The Town's position is that the Special Magistrate could consider a little lower fine because they did clean up the site. The attorney explained that the owner uses the construction trailer to coordinate construction but Ms. Connors said that there has been no construction in a long time. If that trailer is an office, it is in violation of the zoning code.

The Special Magistrate said that this is tourist season and lots of people will be passing by El Mar and A-1-A and have to look at it. The Special Magistrate stated that he would reduce the fine from \$3,600 to \$900 plus \$250 Hearing Costs are due, if the trailer is removed within 15 days. If it is not removed, it would revert back to the total fine of \$3,600 plus \$250 Hearing Costs due within 15 days. Discussion ensued and it was decided instead of 15 days, it would be 21 days, December 6, 2018 and he answered the attorney that the trailer could be brought back when construction resumes with an active permit.

The Special Magistrate ordered reduction of the fine from \$3,600 to \$900 plus \$250 Hearing Costs, if the trailer is removed within 21 days by December 6, 2018. If it is not removed, it would revert back to the total fine of \$3,600 plus the \$250 Hearing Costs and the fine and the hearing costs are due within 21 days by December 6, 2018

ITEM #V.46

***TAKEN OUT OF SEQUENCE**

Case #: 18080003 – Property Maintenance

Property Owner: Pereira, Patricia

Address/Folio: 4648 Bougainville Dr. 1-5

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

Chapter 30 – Unified Land Development Regulations

Section 30-512(a)

Chapter 6 – Building and Building Regulations Section 6-36(b)

Chapter 6 – Building and Building Regulations Section 6-36(c)

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

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

Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Inspector Banyas asked to table this agenda item. Special Magistrate Clerk Kaliah Lewis recalled it after hearing case #18090002 on page 12 of these minutes.

Inspector Banyas testified that at the last hearing, Mrs. Pereira was present and the Special Magistrate requested the case to be continued until the November 15, 2018 hearing and that in the meantime, Staff was to meet with Mrs. Pereira onsite to walk the property and discuss the alleged violations and then to meet subsequently with Mrs. Pereira and the Development Services Director to discuss and document in Town offices the ways to come into compliance. Present today are Mrs. Pereira and the Development Services Director. Development Services Director Linda Connors has a timeline that was discussed and she would give a copy to the Special

Magistrate. Development Services Director answered the Special Magistrate that Mrs. Pereira was here yesterday to discuss the timeline and the dates. A copy of the timeline was also given to Mrs. Pereira. Ms. Connors went through each of the deadlines. 1) *to create a service account with Waste-Pro*. Mrs. Pereira wanted to speak with the Town Manager first so the Town was recommending January 1, 2019 as the compliance date. 2) *pole sign in poor condition with discoloration and fading and needs to be repaired*. February 1, 2019 was agreed upon as the compliance date. 3) *gutters are observed to be in disrepair*. The Building Official said that it did not need a permit and the agreed upon compliance date is January 15, 2019. 4) *electrical fixtures on the exterior need to be repaired and lightbulbs installed where needed* has a January 1, 2019 compliance date. 5) *painting the exterior of the building* has a March 30, 2019 compliance date.

Mrs. Pereira said that she spoke with an attorney and there seems to be a lot of pressure for her to do the Waste-Pro service account and she should not be forced to do that. Also, the hotel behind her was draining water on her property. The Special Magistrate said that Mrs. Pereira had ample time to hire an attorney or do whatever needed to be done for item #1, so he would start those fines. No one can force Mrs. Pereira to do this but he could start the fines now. He asked her to choose what she wants for that violation. She then spoke about the tree in her gutter. Ms. Connors said the Town suggests that if Mrs. Pereira does not agree to these terms, then she can give a reasonable date to comply or just go to sixty days for everything. Building Official Randall Clutter testified that he spoke with Mrs. Pereira about the discharging water and explained what he told her. After speaking with Mrs. Pereira, he spoke with the plumbing inspector. Special Magistrate Ansbro told Mrs. Pereira the Broward County Ordinance says that for anyone who has rainwater, it is to be contained on their own property. However, the Special Magistrate is not discussing rainwater now but only the five violations and he repeated all of the compliance dates listed on the timeline which he was told that Mrs. Pereira agreed to yesterday. Discussion ensued and he informed her that she can either comply with the timeline or he would order all of the compliance dates to sixty days from now, by January 4, 2019.

Mrs. Pereira said that there are no wires hanging out of her exterior electrical fixtures because she tucked them in today. Discussion ensued and the Special Magistrate asked Mrs. Pereira again if she would agree to the timeline schedule dates or sixty days, by January 4, 2019, to come into compliance for all of the violations. As she would not answer about the timeline dates or sixty days to come into compliance, etc., the Special Magistrate ordered sixty days, by January 4, 2019, to come into compliance for all five violations or \$250/day fine for each of the five violations not in compliance by the compliance date plus \$50 Hearing Costs due when Mrs. Pereira gets the Order. (the next agenda item heard after this case is on page 14 - case #1810006.)

CERTIFICATION OF LIEN

ITEM #V.66

***TAKEN OUT OF SEQUENCE**

Case #: 18100004 – Sidewalk Café Violations

Property Owner: Kavon Enterprises Inc. c/o Paul Novak

Address/Folio: 106 E Commercial Blvd

Code Section(s): Chapter 17 – Streets, Sidewalks, and Other Public Places
Section 17-91(g) Sidewalk café permits.

Inspector Banyas testified that this is a repeat violation of sidewalk café encroachment for the restaurant into the pedestrian pathway. The sidewalk café for Vincent's was observed to be expanded. On October 9, 2018, the Town provided notice to the owner and to the proprietor of the restaurant. There is a green card in the file from the owner and service was achieved by hand delivery to the proprietor. The violation occurred on September 22, 2018. Ms. Banyas has photos that she showed Vincent Foti who had no objection to the photos. The Special Magistrate entered

them into evidence as Town Composite Exhibit. Ms. Banyas said that the Finding of Fact for this violation was ordered at the April 2018 hearing. The Town was requesting \$500/occurrence fine for the one day she had photos and it should be due in thirty days. She explained from the photos where the violation was and which furniture was not approved. Development Services Director Linda Connors explained how the size of the outdoor café is determined allowing the patrons of the downtown to have adequate room to go back and forth. Vincent Foti, Vinny's By The Sea, said the photos show that the table is encroaching in the pedestrian walkway. The Special Magistrate reduced the fine from \$500 to \$250 but warned Mr. Foti that if he sees this again, he would impose the maximum fine next time and thereafter. Ms. Banyas said that this is for certification and would request that the Special Magistrate certify the fine which would not get recorded if the \$250 was paid within thirty-three days. The Special Magistrate informed Mr. Foti to pay the fine within 33 days to avoid a lien on the property. The Special Magistrate ordered certification of \$250 fine which the Town would not record for thirty-three days giving Mr. Foti time to pay the fine to avoid a lien on the property.

ITEM #V.67

Case #: 18100018 – Sidewalk Café Violations
Property Owner: Kavon Enterprises Inc. c/o Paul Novak
Address/Folio: 106 E Commercial Blvd
Code Section(s): Chapter 17 – Streets, Sidewalks, and Other Public Places
Section 17-91(g) Sidewalk café permits.

Inspector Banyas testified that this is the same issue as the above case. She has photos to submit as evidence which she showed to Mr. Foti. The Special Magistrate accepted the photos into evidence without objection as the Town Composite Exhibit. As he did for the previous case #1810004, the Special Magistrate reduced the fine from \$500 to \$250 but warned Mr. Foti that if he sees this again, he would impose the maximum fine next time and thereafter. Ms. Banyas said that this is for certification and would request the Special Magistrate certify the fine which would not get recorded if the \$250 was paid within thirty-three days. The Special Magistrate informed Mr. Foti again to pay the fine within 33 days to avoid a lien on the property. The Special Magistrate ordered certification of \$250 fine which the Town would not record for thirty-three days giving Mr. Foti time to pay it to avoid a lien on the property.

OLD BUSINESS

ITEM #V.16

***TAKEN OUT OF SEQUENCE**

Case #: 18080026 – Building Code Violations
Property Owner: Katharine Mastronardi Fam Tr Mastronardi, Katharine Trstee
Address/Folio: 1907 Coral Reef Dive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section
105.3.2.1 – Permits. Time Limit

Inspector Harrison testified that this is a single-family residence cited for an expired fence permit. Service was obtained by posting the property and said that he has also been in contact with the homeowner. He informed that there was no re-submittal of the permit. The Town was requesting a Final Order with compliance in thirty-three days or \$100/day fine plus \$50 Hearing Costs. The Special Magistrate ordered compliance within thirty-three days or \$100/day fine plus \$50 Hearing Costs due immediately but must be paid within 33 days.

ITEM #V.19

***TAKEN OUT OF SEQUENCE**

Case #: 18070017 – Property Maintenance
Property Owner: Arrieta Myriam LE Garay, Javier & Garay, Custodio

Address/Folio: 1751 S Ocean Boulevard #101W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.20

Case #: 18070018 – Property Maintenance
Property Owner: Baker, Marlene S
Address/Folio: 1751 S Ocean Boulevard #104W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.21

Case #: 18070020 – Property Maintenance
Property Owner: Busztein, Trudy & Adam
Address/Folio: 1751 S Ocean Boulevard #107W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.22

Case #: 18070021 – Property Maintenance
Property Owner: Candiotti, Americo L Candiotti, Alfred A
Address/Folio: 1751 S Ocean Boulevard #207W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.23

Case #: 18070022 – Property Maintenance
Property Owner: Araujo, Sinval P & Gina Maria SMPW QUADRA 14 Conjunto
Address/Folio: 1751 S Ocean Boulevard #108W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.24

Case #: 18070023 – Property Maintenance
Property Owner: Enright, Kevin O'Connor, Dennis
Address/Folio: 1751 S Ocean Boulevard #206W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.25

Case #: 18070024 – Property Maintenance
Property Owner: Harmony Liv Tr Green, Marvin D Trstee Etal
Address/Folio: 1751 S Ocean Boulevard #109W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.26

Case #: 18070025 – Property Maintenance
Property Owner: Hughes, Karen L
Address/Folio: 1751 S Ocean Boulevard #306W
Code Section(s): Chapter 30 – Unified Land Development Regulations

Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.27

Case #: 18070027 – Property Maintenance
Property Owner: Kobryn, Charles W Vitale, Charlene P
Address/Folio: 1751 S Ocean Boulevard #309W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.28

Case #: 18070027 – Property Maintenance
Property Owner: Mazewski, Aloysius Mazewski, Janice
Address/Folio: 1751 S Ocean Boulevard #208W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.29

Case #: 18070028 – Property Maintenance
Property Owner: Mazewski, Marilyn
Address/Folio: 1751 S Ocean Boulevard #305W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.30

Case #: 18070029 – Property Maintenance
Property Owner: Pell, Abbil
Address/Folio: 1751 S Ocean Boulevard #102W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.31

Case #: 18070030 – Property Maintenance
Property Owner: Reedy, Gigi M William H & Zula Reedy Tr
Address/Folio: 1751 S Ocean Boulevard #209W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.32

Case #: 18070031 – Property Maintenance
Property Owner: Tierney, David H
Address/Folio: 1751 S Ocean Boulevard #308W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.33

Case #: 18070032 – Property Maintenance
Property Owner: Wheatley, Mark H & Andrea J
Address/Folio: 1751 S Ocean Boulevard #103W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)

Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.34

Case #: 18070033 – Property Maintenance
Property Owner: Yockey, Harry R
Address/Folio: 1751 S Ocean Boulevard #205W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

ITEM #V.47

***TAKEN OUT OF SEQUENCE**

Case #: 18070019 – Property Maintenance
Property Owner: Budzinski, Anna M Budzinski, Vincent J
Address/Folio: 1751 S Ocean Boulevard #307W
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(17)

Inspector Harrison testified that this was before the Special Magistrate at the prior hearing for extensive damage to the railings and stucco in disrepair in the common area. The Special Magistrate expressed concern for the residents living there and Fire Marshal Stephen Paine, Building Official Randall Clutter, and Inspector Harrison went to the property the next day. Building Official Clutter said they determined that the railings were not safe. They were made out of pre-cast concrete three stories tall. They could come apart and fall hurting people. The fire marshal cited the property giving them a deadline but they did not make the deadline. He told the residents that they have to leave. On October 26, 2018, he posted his notice. It took two to three days to make the railings safe enough so they would not fall. They went back to the property to inspect the temporary railings (pictures show plywood holding the railings in place). They removed the notices from the doors of the units and allowed the residents to return. He reported that they are in the process of getting the repairs done and he answered the Special Magistrate that the people did leave. They complied to the life safety issue and now working on permits.

The Special Magistrate was answered that people know to stay away from the railings. Discussion ensued about repairing the concrete spalling. The Special Magistrate wanted to know from a structural engineer, unless the Building Official feels confident to say, if people could live and walk around there. Building Official Randall Clutter feels that it is safe enough for people to live and walk around there. Their contractor, Roberto Torres, is not here tonight but his plan is to do a section at a time removing the concrete railings and replacing them with aluminum railings. Mr. Clutter answered that he has not received the engineer's signed and sealed opinion yet. Marilyn Mazewski, board member and owner, said that they will not get that until the requested work is done but the engineer's report for the forty-year inspection does not show any major issues. The Special Magistrate accepts the pictures into the record without objection as the Town Composite Exhibit. Inspector Harrison said it was concluded that this project could be finished in 180 days and the Town wants to make sure this gets done. He is requesting a Final Order with compliance in 90 days and to come back for a Status Hearing to see how this is progressing. If needed, it could be extended another 90 days. For the record, Adam Burstein, owner and board member, was also standing at the podium. The Special Magistrate would like to see signs approved by the Building Department placed by the plastic webbing warning not to touch or lean on it. If anyone finds this unacceptable, he wants them to report this back to the Building Official. The signs are to be made so that they remain there and have language informing of the danger. The Building Official said that the building only has sixteen units and only seven are occupied. Inspector Harrison reminded that the expense for this common area violation is across all the

owners of the property so the daily fine would be \$14 for each unit across the property and \$7 Hearing Costs for each unit across the property.

The Special Magistrate ordered (1) compliance within 90 days and to come back for a Status Hearing to see how this is progressing, it could be extended another 90 days depending on the progress or a \$14/day fine per unit across the property, (2) signs approved by the Building Department to be placed by the plastic webbing warning not to touch or lean on it and if anyone finds this unacceptable, he wants them to report this back to the Building Official. The signs are to be made out of material allowing them to remain there the whole time and have language informing of the danger, and (3) \$7 Hearing Costs for each unit across the property due when they get the Order.

Special Magistrate Clerk Kaliah Lewis called the case below which was not listed on the agenda.

ITEM #V

Case #: 18090002 – Nuisance

Property Owner: FDG South LLC

Address/Folio: 4116 North Ocean Drive

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(4)

Inspector Banyas testified that this is a vacant hotel (the old Holiday Inn) on the south end of Town with debris on the roof. The Special Magistrate issued a Final Order at the last hearing requesting fifteen days, by November 9, 2018, to come into compliance by removing the debris (and arranging a site inspection or a fine of \$200/day). She answered the Special Magistrate that there was no effort to do this. The Town was requesting certification of the fine. The Special Magistrate was informed that the Town has received a request for a demolition permit for all three buildings last week and then all of the fines would go away through the demolition. The property manager advised the Town that they want to demolish the property and not pay to have the debris taken off the roof. However, the Town still wants the debris removed. She answered the Special Magistrate that the debris was loose and could get blown away in a windstorm.

Attorney Nectaria Chakas, representing FDG South, said that they did apply for permits for this building as well as the 4110 and 4108 buildings. The permits are pending because asbestos was found on the property and they have to do asbestos remediation. They are also in discussions with the Town to stop demolition of the 4116 building. She said the reason the debris is not removed is because it is complicated. It is actually the roof membrane and it would have a domino effect of causing other things on the roof to become loose. The cost to remove the debris is what prompted the thought to demolish the building. They were requesting that their compliance date is extended so that they could re-appear in front of the Town Commission on December 11, 2018 with mitigation applications to mitigate fines on other properties that are in compliance. She spoke about count one in the Final Order and how it is not applicable. This property is closed and if someone was there it would be trespassing. They were asking for the first count to be dismissed. Development Services Director Linda Connors testified that the Town had no objection to reducing this to one violation.

The Town's pictures were shown to Attorney Chakas and then given to the Special Magistrate. He felt that the debris could be blown around in a windstorm. He wanted to know if they could come up with some way to keep the debris from blowing. It could be left there if securing it renders it safe and the Building Official lets him know if this would work. Ms. Connors said that blocks on the roof to hold the debris down would be a hazard in a windstorm. They would not be opposed

to another plan but remember that there is a large condominium that overlooks the property and has been very vocal about this property being an eyesore. The Special Magistrate said to have a meeting with the Building Official to try to come into accord with this. Ms. Connors asked for certification tonight because these things tend to drag on and on and we have to move forward. Attorney Chakas said that there are demo applications and the buildings would be demolished if they don't come up with an agreement at the Town Commission Meeting. The Special Magistrate suggested continuing this to the January 10, 2019 Hearing and depending on whatever happens at the Town Commission Meeting on December 11, 2018, he would make a ruling at the January 10, 2019 Hearing.

Ms. Connors said that this is a really complicated issue. They applied for demolition permits and they have discussed the Town's reluctance to have the 4116 building demolished because it is legal non-conforming at the height it is now. If the property is demolished without an approved site plan, then they lose their non-conforming status and all they can build on that property is 33 feet. They would lose a lot of their hotel units and the Town would lose an anchor hotel. We are trying to find ways to work together but we don't know if they are going to move forward, as they change their mind so many times. She would like the fines to continue running and they can mitigate them with the Town Commission.

The Special Magistrate asked Building Official Randall Clutter how they can secure the debris on the roof. He suggested punching a hole in the roof and dumping the debris into one room on the top floor as the "sacrificial lamb" to get the debris off the roof. Then the roofing material would not blow off the roof. The Special Magistrate gave Attorney Chakas the option of doing this or taking the fine. She said she would not want to agree to something that her client might find problematic. Ms. Banyas said that they could board up and protect that area from rain. The Special Magistrate gave Attorney Chakas until December 11, 2018 to decide or the fines would start to run. This would be an extension until December 11, 2018. The Town Commission could come into some sort of agreement taking this into account or if the violation is not complied as ordered, a fine of \$100/day on the one count would continue but the other count would be withdrawn. There are previous \$50 Hearing Costs due plus \$50 Hearing Costs for today's hearing. He accepted the photos into evidence as the Town Composite Exhibit without objection. This case would be brought back to the January 10, 2019 Hearing.

The Special Magistrate ordered (1) the first violation 6-41(a)(1) to be dismissed/withdrawn, (2) FDG South communicate with the Building Official for solution regarding debris on the roof, (3) there would be an extension until December 11, 2018 where the Town Commission could come into some sort of agreement for a solution on December 11, 2018 or if violation 6-41(a)(4) is not decided at the Town Commission Meeting, then a fine of \$100/day on the one count would continue per the Special Magistrate's order to remove debris from the roof, (4) \$50 Hearing Costs is due from the previous hearing plus \$50 Hearing Costs for today's hearing is due when they get the Order, and (5) this case would be on the January 10, 2019 agenda. He accepted the photos into evidence as the Town Composite Exhibit without objection.

Special Magistrate Clerk Kaliah Lewis recalled case #18080003 which was originally tabled on page 6. Then the next case below was heard.

NEW BUSINESS

ITEM #V.49

***TAKEN OUT OF SEQUENCE**

Case #: 18100006 – Permits Required Violations

Property Owner: Ceballos, Jorge

Address/Folio: 4449 Poinciana Street

Code Section(s): Florida Building Code Section 105.1 – Permits. Required.

Inspector Harrison testified that this is a vacant property cited for work without permit. There was a Stop Order posted on the property on October 9, 2018 for installation of an exterior door and electrical fixtures. Service was obtained by green card plus it was posted in Town Hall. There have been no permits submitted or obtained at this time. The Town recommends thirty days to come into compliance or \$100/day fine plus \$50 Hearing Costs. No one was in attendance to represent the property owner. The Special Magistrate ordered thirty-three days to come into compliance or a fine of \$100/day plus \$50 Hearing Costs due upon receipt of this Order.

CERTIFICATION OF LIEN

ITEM #V65

***TAKEN OUT OF SEQUENCE**

Case #: 18070005 – Property Maintenance

Property Owner: John Pryor

Address/Folio: 4633 Bougainvillea Dr

Code Section(s): Section 30 – Unified Land Development Regulations Section 30-477(a)

Chapter 6 – Building and Building Regulations Section 6-36(a)

Chapter 6 – Building and Building Regulations Section 6-37(a)(2)

Chapter 6 – Building and Building Regulations Section 6-41(a)(1)

Inspector Banyas testified that all of the violations are complied for this case as ordered other than the landscape which is currently running fines. The Town is open to an extension of the one violation because that violation ties directly into the other case below for sealing and striping without a permit as this would require landscape work to be done. The Town does not want Mr. Pryor to do landscape that might impact the other case. All Hearing Costs for this case have been paid. The Town suggests an extension for this case till January 23, 2019 as well as the case below and then come back to the January 24, 2019 Special Magistrate Hearing with the understanding that everything would be done by then for both cases (permit, landscaping, etc.). John Pryor said that this has been going back and forth for a while. The Special Magistrate ordered an extension to January 23, 2019 for both cases (#18070005 and #18070004) and both to return to the January 24, 2019 Hearing plus \$25/case Hearing Costs for tonight's hearing (total \$50 for both cases due upon receipt of the Order).

ITEM #V68

Case #: 18070004 – Zoning Violations

Property Owner: John Pryor

Address/Folio: 4633 Bougainvillea Dr

Code Section(s): Section 30 – Unified Land Development Regulations Section 30-137(c)(3)

The Special Magistrate ordered an extension to January 23, 2019 for both cases (#18070005 and #18070004) and both to return to the January 24, 2019 Hearing plus \$25/case Hearing Costs for tonight's hearing (total \$50 for both cases due upon receipt of the Order).

Ms. Banyas asked to recall the next five cases which were called to be heard (agenda items #58 through #62) as a group after the other people in attendance here this evening have been called. The people who were here for these cases have left because the Town told them what they were proposing and they were in agreement. These cases were heard later on in the hearing.

ITEM #V.58

Case #: 18080006– Permits Required Violations
Property Owner: White Cap of FI, Inc.
Address/Folio: 4620 Bougainvilla Dr 1 - 9
Code Section(s): Florida Building Code Section 105.1 – Required

Inspector Banyas testified that the Town was recommending an extension of two weeks through a revised Final Order with a new comply-by date of November 25, 2018 (instead of November 11, 2018). There are no Hearing Costs this evening for this agenda item. The Special Magistrate ordered a revised Final Order with a new comply-by date of November 25, 2018 (instead of November 11, 2018) and no Hearing Costs for tonight's hearing.

ITEM #V.59

***TAKEN OUT OF SEQUENCE**

Case #: 18080015– Permits Required Violations
Property Owner: White Cap of FI, Inc.
Address/Folio: 4620 Bougainvilla Dr 1 – 9
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1 – Permits. Required

Inspector Banyas testified that the Town was recommending an extension of two days through a revised Final Order with a new comply-by date of November 13, 2018 (instead of November 11, 2018) because they were in compliance on November 13, 2018 and no fines would be due. There are no Hearing Costs this evening for this agenda item. The Special Magistrate ordered a revised Final Order with a new comply-by date of November 13, 2018 (instead of November 11, 2018) and no Hearing Costs for tonight's hearing. Later on in the hearing, Ms. Banyas said that this item was in compliance and there is no need for a revised Final Order. Without objection, the revised Final Order would be rescinded and revert back to the original Final Order assessed October 25, 2018 because this item is in compliance.

ITEM #V.60

***TAKEN OUT OF SEQUENCE**

Case #: 18080016– Permits Required Violations
Property Owner: White Cap of FI, Inc.
Address/Folio: 4620 Bougainvilla Dr 1 - 9
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1 – Permits. Required

Inspector Banyas testified that the Town was recommending an extension of two days through a revised Final Order with a new comply-by date of November 13, 2018 (instead of November 11, 2018) because they were in compliance on November 13, 2018 and no fines would be due. There are no Hearing Costs this evening for this agenda item. The Special Magistrate ordered a revised Final Order with a new comply-by date of November 13, 2018 (instead of November 11, 2018) and no Hearing Costs for tonight's hearing.

ITEM #V.61

Case #: 18080017– Permits Required Violations
Property Owner: White Cap of FI, Inc.
Address/Folio: 4620 Bougainvilla Dr 1 - 9
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1 – Permits. Required

Inspector Banyas testified that the Town was recommending an extension of two days through a revised Final Order with a new comply-by date of November 13, 2018 (instead of November 11,

2018) because they were in compliance on November 13, 2018 and no fines would be due. There are no Hearing Costs this evening for this agenda item. The Special Magistrate ordered a revised Final Order with a new comply-by date of November 13, 2018 (instead of November 11, 2018) and no Hearing Costs for tonight's hearing.

ITEM #V.62

Case #: 18080014– Permits Required Violations
Property Owner: White Cap of FL, Inc.
Address/Folio: 4620 Bougainvillea Dr 1 - 9
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1 – Permits. Required

Inspector Banyas testified that the Town was recommending an extension of two days through a revised Final Order with a new comply-by date of November 13, 2018 (instead of November 11, 2018) because they were in compliance on November 13, 2018 and no fines would be due. There are no Hearing Costs this evening for this agenda item. The Special Magistrate ordered a revised Final Order with a new comply-by date of November 13, 2018 (instead of November 11, 2018) and no Hearing Costs for tonight's hearing.

NEW BUSINESS

ITEM #V.54

***TAKEN OUT OF SEQUENCE**

Case #: 18090005 – Property Maintenance
Property Owner: Neptune Garden Shop
Address/Folio: 254 Neptune Ave 1-2
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)

Inspector Banyas testified that this is a vacant duplex. It has been vacant many years. On September 24, 2018 Notice of Violation was sent to the owner and service was achieved via posting the property and at Town Hall. The one violation that remains on the property as of this date is for the landscape. The grass needs to be fully sodded again on all sides. Everything else has been corrected but she does have photos of the landscape taken yesterday to submit into evidence. The new purchaser will close later this month and requests a specific timeline. The Town is open to a specific timeline giving the new owner time to do any renovations and to bring this item back to another hearing. Dominick, who is under contract to close on this duplex on December 19, 2018 and is the owner's representative today, said that a dumpster would be brought in but asks for enough time for workers to do repairs without trampling on new sod. The Special Magistrate suggests continuing to the January 10, 2019 Hearing because by then the prospective buyer would have purchased the property. There would be a new case number and a new owner but he told Dominick to work with Ms. Banyas about the repairs and what is being done with the duplex and about how much time was needed for the sodding. There were no objections to the photos and the Special Magistrate entered them into evidence as Town Composite Exhibit. The Special Magistrate ordered continuance to the January 10, 2019 Hearing under a new owner's name and case number (if property sold).

OLD BUSINESS

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 18080030 – Property Maintenance
Property Owner: Fistel, Liliana

Address/Folio: 267 Oceanic Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)

Inspector Banyas testified that this case was before the Special Magistrate at the last hearing ordering continuance to this hearing. The two violations are that the grass is in poor condition and needs to be replaced and the roof in in disrepair. Since then a permit for the roof was issued and work has commenced. She took a photo and said that the Town was willing to set a reasonable amount of time for compliance. The photo was accepted into evidence without objection as Town Exhibit. Building Official Randall Clutter felt that about two weeks would be enough time to finish. Liliana Fistel, homeowner, spoke about pavers but that would have to wait until the roof was finished. She also spoke about a fence permit. Ms. Banyas asked if there are any other renovations that would delay replacing the grass and Ms. Fistel spoke about a master bedroom addition. Ms. Banyas suggested a continuance to February 28, 2019 to get an understanding of how this is progressing. The Special Magistrate informed Ms. Fistel that by then, she should know when the grass would be replaced. Ms. Fistel said that if she decides not to do the addition, then she would do the pavers and then the grass. By the February 28, 2019 hearing, she is to report what progressed and when the grass would be replaced. The Special Magistrate ordered continuance to the February 28, 2019 with a complete update on the progress of this home.

NEW BUSINESS

ITEM #V.53

***TAKEN OUT OF SEQUENCE**

Case #: 18100017 – Nuisance
Property Owner: Celenza, Joseph and Rhonda
Address/Folio: 4537 Bougainvilla Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(15)

Inspector Banyas testified that this is in compliance.

CERTIFICATION OF LIEN

ITEM #V.64

Case #: 18070002– Nuisance
Property Owner: Celenza, Joseph & Rhonda
Address/Folio: 4537 Bougainvilla Dr 1 - 2
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building Regulations Section 6-36(e)
Chapter 6 – Building Regulations Section 6-37(a)(1)
Chapter 6 – Building Regulations Section 6-37(a)(2)
Chapter 6 – Building Regulations Section 6-41(a)(1)

Inspector Banyas testified that the Town requested at the previous hearing compliance of all five violations by November 11, 2018 or a fine of \$100/day/violation. Fines have been running, however, on the last few days two violations, landscape and trash and litter have complied. However one more just came into compliance. The one remaining is for electric maintenance and Mr. Knight should be able to have it cured within ten days to two weeks. Thomas Knight is the acting contractor for Mr. Celenza and he was in attendance at this hearing. The Town was receptive to an extension request to a retroactive date for complete compliance and November

29, 2018 was chosen. The Special Magistrate ordered a revised Final Order with a new compliance date of November 29, 2019. If it is in compliance by that date, there would be no fines. No Hearing Costs for tonight's hearing. Mr. Knight had pictures and the Special Magistrate entered them into evidence as the Respondent Composite Exhibit without objection.

ITEM #V.63

***TAKEN OUT OF SEQUENCE**

Case #: 18080024— Permits Required Violations
Property Owner: Celenza, Joseph & Rhonda
Address/Folio: 4537 Bougainvillea Dr 1 - 2
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1 – Permits. Required

Inspector Banyas testified that this is a similar issue as the case above. The permit for the roof was closed four days late. The Town was open to hear an extension request to a retroactive date for complete compliance without fines. The Special Magistrate ordered a revised Final Order with a new compliance date of November 15, 2018. There would be no fines and no fees for this agenda item tonight.

NEW BUSINESS

ITEM #V.50

***TAKEN OUT OF SEQUENCE**

Case #: 18100010 – Permits Required Violations
Property Owner: 3RM Investments LLC
Address/Folio: 4144 El Mar Drive
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1 – Permits. Required.

Inspector Banyas asked to call one of Mr. Harrison's cases now before this one. After hearing the case below (#18090001), Special Magistrate Clerk Kaliah Lewis re-called this case.

Inspector Banyas testified that this is Parkhill Apartments. On October 15, 2018, a Notice of Violation was sent and the green card is in the file for service. This is a building violation of work without permit. The walkway decking exterior to the property was installed without a permit. The Building Official was at the property and posted a Stop Work Order on September 27, 2018. No permit has been obtained. The Town was requesting a Final Order giving them 33 days to come into compliance by obtaining an after-the-fact permit, finishing the work and closing out the permit or \$100/day fine and \$50 Hearing Costs. The Special Magistrate ordered thirty-three days to come into compliance by obtaining an after-the-fact permit, finishing the work and closing out the permit or \$100/day fine and \$50 Hearing Costs due upon receipt of the Order.

OLD BUSINESS

ITEM #V.45

***TAKEN OUT OF SEQUENCE**

Case #: 18090001 – Zoning Violations
Property Owner: Garden By The Sea S Condo Assoc
Address/Folio: 1541 S Ocean Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-317(i)(2)(c)

Inspector Harrison testified that this is a multi-family building. They installed new lighting in the parking lot for safety. The Town has received complaints that this lighting spills over onto surrounding properties. The photos given to the Special Magistrate were taken from the adjacent properties. Shielding was suggested but the manufacturer said that a shield was not made for these lights. These lights are also visible from the beach and would be a violation when it is sea

turtle season. The Special Magistrate said that they could have something tailor made to shield the lights. He would give them 33 days to either shield the lights (so source would not be visible), remove the lights, or lower the wattage. The Special Magistrate told Mr. Harrison to inform them that there have been complaints about the lights spilling over. The Special Magistrate ordered 33 days to either shield the lights (so source would not be visible), remove the lights, or lower the wattage or a fine of \$200/day plus \$50 Hearing Costs due upon receipt of the Order. Special Magistrate Clerk Lewis re-called case #50 above on page 15.

Special Magistrate Clerk Kaliah Lewis recalled agenda item numbers #58 through #62 (please see page number 15 of these minutes).

ITEM #V.48

Case #: 18050079 – Landscape Vio (**Special Set B**)/Revocation of Certification of Lien
 Property Owner: Guadalupe, Francys L Guadalupe, Luis
 Address/Folio: 211 Imperial Lane
 Code Section(s): Chapter 30 – Unified Land Development Regulations
 Section 30-480(a)

Inspector Banyas testified that a recent Town staff review showed that the violation was complied prior to the comply-by date of October 2, 2018 and the lien should not have been certified. The Town requests the Special Magistrate to revoke both the Certification of Fines and the associated \$200 Hearing Cost assessed at the October 25, 2018 Hearing. The Special Magistrate ordered revocation of both the Certification of Fines and the \$200 Hearing Costs assessed at the October 25, 2018 Hearing.

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

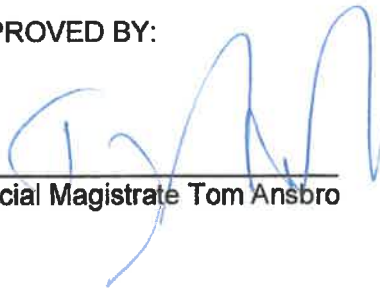
COMPLIED				
1	C#:	18080041	2051 Coral Reef Dr	
2	C#:	17080020	268 Imperial Lane	
3	C#:	18090007	1501 S Ocean Blvd #309	
4	C#:	18080039	2062 Ocean Mist Dr	
5	C#:	18080040	2049 Coco Palm Pl	
6	C#:	18080036	1948 Windward Dr	
7	C#:	18080038	4620 Poinciana St	
8	C#:	18030022	4321 El Mar Dr	
9	C#:	18100019	4312 Seagrape Dr	
51	C#:	18090008	218 E Commercial Blvd	

52	C#:	18080013	1760 Bel-Air Ave	
57	C#:	18100009	1911 Coral Reef Dr	
69	C#:	18080035	2 Sunset Ln	
CONTINUED				TO
10	C#:	18070009	230 Lake Ct	1/24/19
12	C#:	18030014	4303 Bougainvilla Dr	3/28/19
13	C#:	18070003	4633 Bougainvilla Dr	1/24/19
14	C#:	18060013	4548 Poinciana St	1/10/19
37	C#:	17060017	256 E Commercial Blvd	1/10/19
38	C#:	18080012	2070 Coco Palm Pl	1/24/19

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on November 15, 2018 at approximately 7:12 PM.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:



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