

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, July 27, 2023 at 5:00PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:05PM on Thursday, July 27, 2023 with Fire Marshal Stephen Paine, Code Compliance Inspector Eric Villanueva, Code Compliance Inspector Sonya Lowe, 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, other than 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

The cases were heard in the order they were typed. All discussions/actions in the matters were not limited to the case summaries typed below.

OLD BUSINESS

ITEM #V.20

***TAKEN OUT OF SEQUENCE**

Case #: 23010015 - Building Code Violations
Property Owner: South Leisure By The Sea Association
Address/Folio: 234 Hibiscus Ave
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

Code Compliance Inspector Lowe testified that they were here for a Status Hearing. Fire Marshal Stephen Paine testified that a building representative was here to speak about this item. Building Official Simo Mansor testified that for his case, they did comply. He thought that the plans were in. He reminded that this case was for both their forty-year inspection and their railings. Shari Fields, property manager and the owner of the management company, testified that they removed the railings the next day after the last hearing and put signs all over. The signs reflected to beware of falling debris and that there were no railings. She had pictures, if the Special Magistrate wanted them for the record and showed them to him. She answered that no other concrete has fallen. She had the engineer here this evening. He was the one to work on the plans. Different railings were installed properly. The Special Magistrate returned the photos and thanked Ms. Fields for

her timeliness in addressing the danger of the railings and posting warning signs. The Building Official corrected and testified that he was told by the Fire Marshal the plans were not submitted. There would be a change in contractor, so that status was the same as before. However, the danger of the railings and the falling debris were taken care of.

John Gabler, project manager and engineer for the association, testified that he did send an updated timeline. The Building Official verified that they were good on the safety side, however, things still needed to be done. The engineer said that he was trying to work with the contractor but they were very difficult. The shop drawings were updated by another engineer, a separate firm from his, who handled specialty designs for handrails in particular. The engineer said that they reviewed and approved it, after they made some modifications. They were getting the building taken care of but a new contractor has not been selected yet. They have an open permit and would meet with a new contractor. They would submit the proper change of contractor form and the new contractor would submit the drawings as a revision.

Special Magistrate Clerk Megan Small answered the Building Official that today was a Status Hearing and fines were running. Building Official Mansor said that there should be another Status Hearing next month. John Gabler answered the Special Magistrate that by the next hearing, they should have a new contractor. Building Official Mansor testified that his main concern was the railings and the stuff that was falling down which were taken care of. The danger was stopped. The Special Magistrate said that the fines would continue to run. However, he did not want to have to punish the owners with huge fines which could be worked out when the case was in compliance.

Development Services Director Campbell testified that fines were running on the fire case and the forty-year inspection. There were two cases. Building Official Mansor clarified that the forty-year inspection case was still not complied but they were working on it and we would give them an extension on that. He was not aware of what was going on with the fire case. Fire Marshal Paine testified that once the railings were back in according to the plan and pass inspection, the fire case would be complied. John Gabler asked if he could have an expedited review when the updated drawings get submitted. Building Official Mansor said that as soon as the drawings were submitted, they would look at them.

Someone in the audience residing in the condo was asked if she wanted to speak and she answered the Special Magistrate that she did not. He asked her if anything was still falling and from the audience she said that nothing was falling. The Special Magistrate ordered a continuance to the August 24, 2023 Hearing with fines running and no costs for today. Code Compliance Inspector Lowe asked the Special Magistrate to accept Ms. Fields' photos into the record and he did as a Composite Exhibit on behalf of the respondent with no objection from the Town. He was appreciative that they did what he asked them to do in a timely manner for the safety issues. He said to try to get everything wrapped up and they would work with them on the fines.

SPECIAL SET

ITEM #V.27

***TAKEN OUT OF SEQUENCE**

Case #: 23-1376 (Fire Case)

Property Owner: Z&K Property Corp., Inc.

Address/Folio: 4433 N Ocean Dr

Fire Marshal Stephen Paine testified that this was before the Special Magistrate last month regarding work done without permits and creating a hazard to life safety. This was the Shore

Haven Hotel and power was shut to the building. The owner had his contractor come in and got a permit. He complied with the notice. Today the Town was asking for a Finding of Fact that the violation existed and was complied but if the same violation happened again in the future by the same owner, it may be deemed a repeat violation subject to a fine of \$500/day. The general manager, Arthur Franczak, and Carlos, the contractor doing the work, were both in attendance. Carlos said last month that they would complete this in one month and they did. He met with the Building Official and had his letter from the engineer. The Fire Marshal said there were no fines as he came into compliance before the compliance date. The Special Magistrate ordered that the violation occurred and it was complied but if it reoccurred for the same owner, under State Law and Town Ordinance, it could be deemed a repeat violation and a much higher fine (\$500/day) could be imposed and there were no costs for today. The Special Magistrate explained that no one wanted that big fine to happen. Carlos told the Special Magistrate that he just got permits to put windows in one of the units and Arthur Franczak spoke about new projects that they would do with permits.

OLD BUSINESS

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 23050003 – Permits Required Violations

Property Owner: 3261 Seaward Dr LLC

Address/Folio: 3261 Seaward Dr

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

Code Compliance Inspector Villaneuva testified this case was for work without permit for interior alteration. There already was a Final Order on this and fines started running at \$250/day. The property owner was here today to request stopping the fines. He had permits in progress and maybe that could be considered. The inspector said he was not objecting to this request because there was a permit in progress. The inspector explained that the permit was denied and he resubmitted corrections recently. Alex Semenov testified that he was the owner. The house was bought in rundown condition and they started working on it. They were looking to get this project up and running as soon as possible. Per the Building Official, the Town's position was that once the permit got issued with the corrections, they would stop the fine but not until then. The permit was currently under review. The Special Magistrate explained that the fines would continue to run and they started running on July 7, 2023. The Special Magistrate said to the owner if he got the permit done and the Town supported a reduction, he was willing to hear that. In other words, if the facts warranted an abatement, he would hear it. The Special Magistrate ordered a continuance to the August 24, 2023 Hearing with fines still running and no costs today.

ITEM #V.19

***TAKEN OUT OF SEQUENCE**

Case #: 23050004 – Permits Required Violations

Property Owner: Luisa Alonso

Address/Folio: 1967 S Ocean Blvd 112-C

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

Code Compliance Inspector Villaneuva testified that this was a case for work without permits for interior renovation. At the last hearing, there was a Final Order with fines to start running today, if a permit was not issued. To his knowledge, the permit still has not been issued. He believed the owner was here to ask for an extension. The owner, Luisa Alonso, testified that she submitted for all permits but they keep requesting more paperwork. She was requesting another month and as an example she told the Special Magistrate how long architectural drawings take and that was out of her hands. She believed she submitted everything to the Town. Building Official Mansor asked what she had and she told him all the permits she applied for. He told the Special

Magistrate that he would check on her permit status tomorrow and she would need to come back next month to verify all that was done. He would give her an extension with no fines starting today. The Special Magistrate ordered a revised Final Order with a new comply-by date of August 23, 2023 and to come back to the August 24, 2023 Hearing with no costs for today.

Special Magistrate Clerk Small read into the record the cases that would be continued to the August 24, 2023 hearing for which the Special Magistrate ordered continuance.

CONTINUED CASES (August 24, 2023)			
Item #	Case #	Property Address	Continued To:
2	21100051	1850 S Ocean Blvd	8/24/23
3	23010007	1530 S. Ocean Blvd	8/24/23
4	23030011	4209 El Mar Dr, 1-9	8/24/23
5	22050002	229 E Commercial Blvd	8/24/23
10	23040006	231 Lake Ct, 1-4	8/24/23
11	23040014	1439 S Ocean Blvd, 202	8/24/23
12	23050002	4520 El Mar Dr	8/24/23
13	23040001	260 Allenwood Dr	8/24/23
14	23040003	239 E Commercial Blvd 101/102	8/24/23
15	23060001	1600 S Ocean Blvd, 1804	8/24/23
16	23060003	2031 Coco Palm Pl	8/24/23
17	21120018	3900 N Ocean Dr	8/24/23
22	23070004	1584 Blue Water Ter	8/24/23
23	23060008	5100 N Ocean Blvd, 1006	8/24/23
24	23060009	5100 N Ocean Blvd, 1108	8/24/23
25	23060017	1431 S Ocean Blvd, 41	8/24/23
26	23060016	1965 S Ocean Blvd, 207	8/24/23

Special Magistrate Clerk Small read into the record the cases that would be continued to the September 28, 2023 hearing for which the Special Magistrate ordered continuance.

CONTINUED CASES (September 28, 2023)			
Item #	Case #	Property Address	Continued To:
1	21100022	1620 S Ocean Blvd	9/28/23
6	21120003	2000 S Ocean Blvd	9/28/23
9	23050005	1672 Bel-Air Ave	9/28/23

Special Magistrate Clerk Small read into the record the cases that would be continued to the February 22, 2024 hearing for which the Special Magistrate ordered continuance.

CONTINUED CASE (February 22, 2024)			
Item #	Case #	Property Address	Continued To:
8	21080002	N Ocean Dr	2/22/24

Special Magistrate Clerk Small read into the record the case that was complied.

COMPLIED CASE		
Item #	Case #	Property Address
7	22020002	262 Commercial Blvd

Special Magistrate Clerk Small read into the record the case that would be extended to the August 24, 2023 hearing with a new comply-by date of August 23, 2023 and no fines started today for which the Special Magistrate ordered the extension.

EXTENDED CASE (August 24, 2023)			
Item #	Case #	Property Address	Extended To:
21	21080006	4324 Seagrape Dr. 1-4	8/24/23

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the Hearing on July 27, 2023 at approximately 5:37PM.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


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