

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, September 28, 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, September 28, 2023 with Pompano Beach Fire Inspector Ashley Zalewski, Fire Consultant Stephen Paine, Senior Code Compliance Officer Eric Villanueva, Code Compliance Officer Hector Barrett, 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 and the cases called first were for people who were attending the hearing. All discussions/actions in the matters were not limited to the case summaries typed below.

OLD BUSINESS

ITEM #V.35

***TAKEN OUT OF SEQUENCE**

Case #: 18020015 - Property Maintenance

Property Owner: Fishermans Pier Inc

Address/Folio: 2 E Commercial

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37 (a)(1).

Code Compliance Officer Barrett testified that this was a Status Hearing for the pier. Development Services (DS) Director Campbell answered the Special Magistrate that she wanted this to come back today so she could see what progress was made since the last hearing. Spiro Marchelos gave the progress by reporting on paperwork going to Tallahassee and they were meeting with the Adache Group Architects on Tuesday who would make sure that everything going up to Tallahassee was in the proper order. He said that they also added at Angler's Beach Café and the Bait and Tackle Shop new, approved hurricane roofs. They secured that area and with FPL, they have new powerlines. Mr. Marchelos answered the Special Magistrate that the Adache Group would make sure everything being submitted to Tallahassee was correct because it would

be very hard to amend afterwards. DS Director Campbell asked if the plans would be submitted within the next thirty days to Tallahassee and Mr. Marchelos said that he assumed so. He further stated that the Adache Group would not only look over the paperwork but also do renderings required by the State. He said the renderings would be of a new existing pier that might move to the north or south based on the findings because it was private property. She requested that this agenda item come back in October for a Status Hearing. Mr. Marchelos said that was fine and he would have Mr. Chappell here. She would also like a summary of what was decided after his Tuesday meeting with the Adache Group and Mr. Marchelos agreed to that as well. The Special Magistrate ordered this agenda item back for a Status Hearing at the October 26, 2023 Hearing and Mr. Marchelos would let Mr. Chappell know plus they would provide a summary of the Tuesday meeting with the Adache Group outlining the plan going forward.

CASES TO BE CONTINUED

ITEM #V.22

***TAKEN OUT OF SEQUENCE**

Case #: 23060001 – Building Code Violations

Property Owner: Piccadilly USA Inc.

Address/Folio: 1600 S Ocean Blvd 1804

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

Special Magistrate Clerk Small explained to the respondent that this case was continued to next month's hearing. Mike Ward wanted to explain what was going on. The Special Magistrate allowed this tonight even though the case was continued to next month. Code Compliance Officer Villaneuva testified that this was for work without permits. He had a conversation with whom he believed was the unit owner, that the permit was in review and they okayed a continuance with the fines running. Michael Ward clarified that he was the general contractor and the owner lived in the Bahamas. Mr. Ward testified that there was a leak in the shower and the plumber suggested taking a tile out. They took the tile out by the valve and saw there was work being done next door. That work caused the leak. There was only one tile taken out. He was contacted as the general contractor and he started the paperwork and gave the timeline as to when he got things done. He was in the process of getting the permit but he has not received it yet. The owner was supposed to come to a June meeting but he did not. No work has been done but they were being fined for one tile taken out to see what was being done. The code compliance inspector deferred to Building Official Mansor as he was the one who inspected the property.

Building Official Mansor asked the general contractor if he was in the apartment and Mr. Ward answered that he was not. However, he did say he went to the apartment after someone cut the tile out. The Building Official gave the full story stating that someone tried to change the valve in this apartment and cut through the pipe in this apartment. The cut did not come from the other side who was working with permits. The cuts were in Mr. Ward's side as someone was there trying to do the work without a permit. Mr. Ward said he knew the guy for over thirty years who told him the story and that they did not do work without a plumber. All they did was take a tile out. The Building Official explained that the cut came from their side and not from the backside. Mr. Ward asked to see the picture in the file and he did. Building Official Mansor testified that he was there when it happened fresh. Mr. Ward said the valve was never changed and Building Official Mansor explained that the guy did not have a chance to change the valve because he stopped him from working. Building Official Mansor understood that the general contractor did not get the whole story. Their water was turned off and the unit was not affected.

Code Compliance Inspector Villaneuva said this case already had a Final Order and fines were running for work without permit. The Special Magistrate said it would behoove them to get the permit to stop the fines as he heard from the Building Official that work was done in the unit

although not good work. The general contractor maintained that no work was done other than taking out one tile. The Special Magistrate said that he was taking the Building Official's testimony under oath that work was done in that apartment. He explained that the fines were running but at the end when there was compliance, they could come back to try to reduce the fines, if warranted. Code Compliance Inspector Villaneuva answered that the continuance was to the October 26th Hearing. If an approved permit was obtained before that, they would use that time to try to mitigate the fines, if warranted. Obtaining the approved permit was compliance. The general contractor asked if the unit next door had a permit and was told that they did. The Special Magistrate ordered continuance to the October 26, 2023 Hearing with the fines running and no costs for today's hearing.

COMPLIED CASES

ITEM #V.10

***TAKEN OUT OF SEQUENCE**

Case #: 23060012 – Landscape Violations
Property Owner: Alfonso, John M H/E Kowalska, Aneta Katarzyna
Address/Folio: 254 Tropic Dr
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 6-36(e)

Special Magistrate Clerk Small explained to the respondents at the podium (John Alfonso and Aneta Kowalska) that this case was complied. Code Compliance Officer Villanueva testified that this was for property maintenance and some electrical wiring that needed to be capped off. He said that per the paperwork in the file, the inspector did an inspection and the case was complied. The Special Magistrate asked about a half-destroyed column near the door that needed to be safely demolished. The Code Compliance Officer testified that the demolition was not done. The Special Magistrate asked who was the inspector. The Code Officer answered that the paperwork showed it was Hector Barrett. He further answered the Special Magistrate that there were no fines as there was no Final Order and no costs due. Code Officer Villanueva said they were comfortable that this case was complied and this case could be released with no fines or costs. The Special Magistrate ordered that this was complied with no fines and no costs due.

OLD BUSINESS

ITEM #V.30

***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. WWOP. Permits. Required

Code Compliance Officer Villaneuva testified that this was a case of work without permits. We obtained a Final Order and they did get permits and complied. During the time of non-compliance, fines added up to \$7,300. He said that the owners were here today to try to mitigate the fines and that the Town had no objection to a full mitigation. The Code Compliance Officer said that they owe \$50 in costs. The owners, Alex Semeno and Lawrence Kurtasky, were in attendance. The Special Magistrate ordered full mitigation of fines but that the \$50 cost was due immediately but payable within thirty days.

ITEM #V.32***TAKEN OUT OF SEQUENCE**

Case #: 23050005 – Landscape Inspections
 Property Owner: Martin, Joan Kovach %S FI Guardianship Program
 Address/Folio: 1672 Bel-Air Ave
 Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-477(a)

Code Compliance Officer Barrett testified that this was a previous case from Sonya Lowe. The Town suggested a Final Order for \$200 as this case has been going on since May 2023 and was continued several times. He thought the owner was here to ask for an extension or another continuance. He answered the Special Magistrate that this case was not in compliance and all that it needed was to replace sod. Kathleen Nickels testified that she was in the process of inheriting the home which was her stepmother's. It was still in probate because her attorney passed away before they could transfer the assets. She did not get the keys until mid-June. She explained what she and her husband did so far outside the home while staying in a hotel as they lived in Gainesville. She finally hired a yard service that would come by monthly but she did not have the funds to relandscape the yard. There were Ficus Tree roots in a plumbing pipe that went right through the front yard and the tub did not drain. She could not afford this house and probably would not keep it. She was coming every two weeks to keep the yard neat. She had photos and said the part that did not have grass now was behind the Ficus Tree. The grass in the front yard has mostly grown in. The bare spot could not be sodded as it did not get any sun and rocks were very expensive. There was no irrigation and no one to water the yard plus no sunshine in spots, so she did not replace sod. She just hired another attorney but was waiting for the guardianship attorneys. She could not do anything without her stepmother's assets.

The Code Compliance Officer answered the Special Magistrate that the Town was recommending a continuance for sixty days. The Special Magistrate said that should be enough time to get the guardianship completed, the property in Ms. Nickels' name, and if she chooses to sell it, she had to tell the Town that there was a contract for sale. If it sold, the new owner would be responsible for all these things. A continuance of sixty days would be to the November Hearing but because of the holidays, they decided to make it the January 2024 Hearing. The Special Magistrate suggested, if okay with staff, that she could attend the hearing via Zoom. He cautioned Ms. Nickels that whatever was left to be done needed to be done by January 24, 2024 and attend the January 25, 2024 Hearing. DS Director Campbell asked Ms. Nickels to keep Hector Barrett in the loop with updates on the progress. If they get inquiries from neighbors, they could let them know that she was actively working on mitigating the problems. She also said that she could attend the January 25, 2024 Hearing by Zoom. The Special Magistrate spoke about finishing things that were visible to the neighbors as quickly as possible because they had to live with this. The Special Magistrate ordered continuance of this agenda item to the January 25, 2024 Hearing with no costs for today's hearing.

ITEM #V.36***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 FBC BCA Section 110.15 Building Safety Inspection Program

Code Compliance Inspector Barrett testified that this was a Status Hearing. Cheryl Calcagni, president of the association, testified that there were two issues going on. This case number had to do with the concrete restoration only. Their update was they have a new concrete company

and had a Letter of Intent with them. She was working on an assessment with the owners so this project could move forward. She requested a continuance on this going forward. The Special Magistrate asked about the concrete restoration and she agreed that it was for where the piece fell off. In reference to the railings (which was a separate agenda item today), Ms. Calcagni testified that they were brought back on property and were reassembling them and putting them on the building. The engineer was onsite and the brackets were being checked and making sure that everything said to be repaired was repaired. She was told that it would take approximately three weeks to complete the railing project. She was requesting this inspection before she gave the company any more money. Code Compliance Inspector Barrett said that the Town was recommending continuance for this case to the January 25, 2024 Hearing with fines running at \$250/day. The Special Magistrate explained that the fines would run but he could mitigate them if the work was done and the Town supported that request. Also, the property must be safe for the people walking around there.

The Special Magistrate asked Building Official Mansor about the concrete. The Building Official said the safety side had been done. It has been cleared. He informed Ms. Calcagni that he would need the report log from her contractor done by a special inspector (her engineer) of the reinspection. The Special Magistrate ordered continuance to the January 25, 2024 Hearing with \$250/day fines running but no costs for today's hearing.

FIRE CASES

ITEM #V.40

***TAKEN OUT OF SEQUENCE**

Case #: 21-1336

Property Owner: South Leisure By The Sea Association

Address/Folio: 234 Hibiscus Ave

Stephen Paine, fire consultant for the Town of Lauderdale-By-The-Sea (LBTS), on behalf of the City of Pompano, testified that Pompano would be doing the inspections in LBTS and he has been retained as a consultant for about a year. Today this agenda item was for an update on the railing process and the respondent was asked to come back tonight to give the update. The Special Magistrate asked if Mr. Paine was okay with the three weeks Ms. Calcagni reported during the previous agenda item that it would take for the railings' project to be complete. He said that they could call for an inspection when the railings were complete. There would be an inspection for both structural and fire. Ms. Calcagni felt that they did not need until the January 2024 Hearing to comply this case. Mr. Paine answered the Special Magistrate that the railings were the only thing that remained for the fire case. Ms. Calcagni asked if they could come back to the October 26, 2023 Hearing to discuss the fines as this project should be done by then. The Special Magistrate ordered continuance to the October 26, 2023 Hearing for this agenda item with no costs for today's hearing.

CASES TO BE CONTINUED

ITEM #V.24

***TAKEN OUT OF SEQUENCE**

Case #: 23050002 - Building Code Violations

Property Owner: Common Area

Address/Folio: 4520 El Mar Dr

Code Section(s): FBC 40/50 Year Inspections 110.15 Building Safety Inspection Program

Code Compliance Inspector Villaneuva testified that this was for the 40 year certification process. They received the Notice of Violation on May 20, 2023. The Town was requesting an update. Jackie Roman testified that she was the acting property manager for the association. They did

what needed to be done for emergency repair and have the job site inspection from their engineer. They have a contractor pulling permits for the structurals getting done and for the flat roofs and then starting work. They hired for the concrete restoration. The electrical boxes violation was already completed. The Special Magistrate clarified that the inspection report was turned in and what she just outlined were the repairs to be done under it. She explained that there were three separate buildings all under the association. This was a condo and the Special Magistrate asked why it stated common area and Code Compliance Officer Villaneuva explained. Ms. Roman stated that there were 23 units altogether. Mr. Villaneuva answered the Special Magistrate that they were okay with their progress and to continue this agenda item to the October 26, 2023 Hearing for another Status Hearing. The Special Magistrate said it was important to get things done because it was for safety. He ordered continuance to the October 26, 2023 Hearing with no costs for today's hearing.

COMPLIED CASES

ITEM #V.6

***TAKEN OUT OF SEQUENCE**

Case #: 23070009 – Building Code Violations
Property Owner: Picchetti, Mary
Address/Folio: 1481 S Ocean Blvd 204E
Code Section(s): Florida Building Code FBC BCA Section 105.1. WWOP. Permits. Required

For the record, there was no one in attendance to represent the property owner. Special Magistrate Clerk testified that this case was complied. The Special Magistrate ordered this case was in compliance.

OLD BUSINESS

ITEM #V.31

***TAKEN OUT OF SEQUENCE**

Case #: 21060005 – Permits Required Violations
Property Owner: Ameijeiras, Maria H/E Harris, Jonathan Etal
Address/Folio: 3210 Oleander Way
Code Section(s): Florida Building Code Sixth Edition (2017) FBC BCA Section 105.1. Permits. Required

For the record, there was no one in attendance to represent the property owner. Code Compliance Inspector Villaneuva testified that this was a prior case where the Town obtained a Final Order and imposed a lien on the property. The Town would like to vacate the Final Order and release the lien. For the record, service was not achieved properly on the lien or the Final Order. There also was no proper notice. The Special Magistrate asked if the Town had to go back and redo this and DS Director answered that the case was complied. The Town reviewed the case via the mitigation application and realized that proper service was not obtained from the onset when the original violation was sent out. We were vacating the Final Order which would subsequently allow the Town to release the lien. The Special Magistrate ordered the Final Order vacated and the lien released.

NEW BUSINESS

ITEM #V.37

***TAKEN OUT OF SEQUENCE**

Case #: 23080007 – Building Code Violations
Property Owner: O'Sean Villa LLC
Address/Folio: 4641 N Ocean Dr Units 1-8
Code Section(s): Florida Building Code Section 105.1. WWOP. Permits. Required

For the record, there was no one in attendance to represent the property owner. Code Compliance Officer Villaneuva thought the people would be here tonight. Since they were not here, the Town would continue their case to the October 26, 2023 Hearing. The Special Magistrate ordered continuance to the October 26, 2023 Hearing with no costs for today's hearing.

OLD BUSINESS

ITEM #V.33

***TAKEN OUT OF SEQUENCE**

Case #: 23080005 – Vacation Rental
 Property Owner: Aphex Developers LLC
 Address/Folio: 254 Capri Ave
 Code Section(s): Chapter 13 – Noise Section 13-6 (a)
 Chapter 30 – Unified Land Development Regulations Section 30-327(d)

For the record, there was no one in attendance to represent the property owner. Code Compliance Officer Barrett testified that the Town was requesting a Finding of Fact. He gave a BSO Report to the Special Magistrate who accepted it into the file as Town's Exhibit. The officer said that this case has been complied but the violations did occur on August 14, 2023. It was complied prior to the hearing. If the same violation(s) come back to the Special Magistrate within five years under the same property ownership, it may be deemed a repeat violation subject to immediate and higher fines. The Special Magistrate ordered a Finding of Fact that the violations existed but were complied prior to this hearing and if the same violation(s) come back to the Special Magistrate within five years under the same property ownership, it may be deemed a repeat violation subject to immediate and higher fines. Code Compliance Officer Villaneuva said for clarification that one violation was for renting for less than seven days and the other was a noise violation (happened twice within 48 hours). The BSO Report was submitted for evidence. Officer Villaneuva answered the Special Magistrate that this was a registered property.

Special Magistrate Clerk Small read into the record the cases that were complied for which the Special Magistrate ordered compliance.

COMPLIED CASES		
Item #1	Case #	Property Address
1	23080003	1 Sunset Lane
2	23080004	4648 Bougainvilla Dr 1-5
3	23080008	1431 S Ocean Blvd 30
4	21100021	4900 N Ocean Blvd
5	23040003	239 E Commercial Blvd 101/102
7	23080010	Hibiscus Ave
8	23060016	1965 S Ocean Blvd 207
9	23080009	241 Oceanic Ave
11	23080001	4433 Poinciana St
41	23-1378	4404 Bougainvilla Dr

Special Magistrate Clerk Small read into the record the cases that would be continued to the October 26, 2023 hearing for which the Special Magistrate ordered continuance.

CONTINUED CASES (October 26, 2023)			
Item #	Case #	Property Address	Continued To:
13	21120003	2000 S Ocean Blvd	10/26/23
14	23080002	1800 S Ocean Blvd 509	10/26/23
15	23080006	1800 S Ocean Blvd 511	10/26/23
16	21120018	3900 N Ocean Dr	10/26/23
17	23070004	1584 Blue Water Ter	10/26/23
18	22070008	4553 Bougainvilla Dr	10/26/23
21	22050002	229 E Commercial Blvd	10/26/23
23	23070005	4230 N Ocean Dr	10/26/23
25	23060017	1431 S Ocean Blvd 41	10/26/23
26	23080011	217 E Commercial Blvd	10/26/23
27	23030011	4209 El Mar Dr 1 - 9	10/26/23
29	23060003	2031 Coco Palm Pl	10/26/23
34	23040014	1439 S Ocean Blvd 202	10/26/23
39 (fire case)	23-1379	1900 Oceanwalk Lane (Ray Veas signed in for tonight's hearing)	10/26/23

Special Magistrate Clerk Small read into the record the cases that would be continued to the November 16, 2023 hearing for which the Special Magistrate ordered continuance.

CONTINUED CASES (November 16, 2023)			
Item #	Case #	Property Address	Continued To:
20	23010007	1530 S Ocean Blvd	11/16/23
28	23040001	260 Allenwood Dr	11/16/23

Special Magistrate Clerk Small read into the record the cases that would be continued to the January 25, 2024 hearing for which the Special Magistrate ordered continuance.

CONTINUED CASES (January 25, 2024)			
Item #	Case #	Property Address	Continued To:
12	21100022	1620 S Ocean Blvd	01/25/24
19	21100051	1850 S Ocean Blvd	01/25/24

NEW BUSINESS

ITEM #V.38

***TAKEN OUT OF SEQUENCE**

Case #: 23080012 – Recreational Vehicles & Boats Violations

Property Owner: Solomos Holdings Inc

Address/Folio: 231 Marine Ct 1-8

Code Section(s): Chapter 5 – Beaches and Waterways Section 5-60(a)

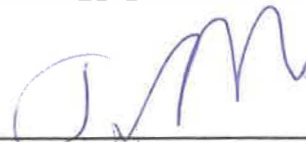
For the record, there was no one in attendance to represent the property owner. Code Compliance Officer Barrett testified that the Town was requesting a Finding of Fact and he gave a photo to the Special Magistrate of a boat on its side. The Special Magistrate accepted it into the file as Town's Exhibit. The Code Compliance Officer testified that they went to court on this

violation and it has been complied. The Town was requesting a Finding of Fact that the violation did occur but it was complied prior to this hearing. If this violation of a watercraft in a junk or abandoned state should occur again within five years, it may be deemed a repeat violation subject to immediate and higher fines. The Special Magistrate ordered a Finding of Fact that the violation existed but was complied prior to this hearing and if the same violation come back in front of the Special Magistrate within five years, it may be deemed a repeat violation subject to immediate and higher fines.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the Hearing on September 28, 2023 at approximately 5:55PM.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:



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