

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, November 16, 2023 at 5:00PM

I. CALL TO ORDER, SPECIAL MAGISTRATE JUDITH SECHER

Special Magistrate Judith Secher called the hearing to order at approximately 5:05PM on Thursday, November 16, 2023 with Town Attorney Alan Gabriel, Development Services Director Jhanelle Campbell, Building Official Simo Mansor, Senior Code Compliance Officer Eric Villanueva, Code Compliance Officer Hector Barrett, Fire Consultant Stephen Paine, Pompano Beach Fire Inspector Ashley Zalewski, 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.10

***TAKEN OUT OF SEQUENCE**

Case #: 23060003 – Building Code (FBC) Violations
Property Owner: 2031 House Buyer LLC
Address/Folio: 2031 Coco Palm PI
Code Section(s): Florida Building Code FBC BCA Section 105.1. WWOP. Permits. Required

ITEM #V.12

***TAKEN OUT OF SEQUENCE**

Case #: 23100003 – Building Code (FBC) Violations
Property Owner: 2031 House Buyer LLC
Address/Folio: 2031 Coco Palm PI
Code Section(s): Chapter 21 – Vegetation Section 21-26 (a)
Chapter 6 – Building and Building Regulations Section 6-41 (c)
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 and both cases were called together. Senior Code Compliance Officer Villanueva testified that no one was here to speak for these two cases and both cases would be continued with their fines still running and to return to the January 25, 2024 Hearing for certification of liens. The Special Magistrate ordered both cases to be continued with the fines still running to the January 25, 2024 Hearing for certification of liens.

CERTIFICATION OF LIEN

ITEM #V.22

Case #: 23040001 – Permits Required Violations
Property Owner: JJTA Real Properties
Address/Folio: 260 Allenwood Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. WWOP. Permits. Required

ITEM #V.23

Case #: 23010010 – Vacation Rental Other
Property Owner: JJTA Real Properties
Address/Folio: 260 Allenwood Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(b) Vacation Rentals and Short Term Rentals.

Dane Meyer stated his name for the record and testified that he worked for the owner. He is the pool contractor for the property and he fixed everything in the house. He said that the owner did not live here but rather in Colorado (outside of Denver) and tasked him to comply the violations. He answered the Special Magistrate that the owner knew he was here this evening to represent him. The Town did not voice any objection to this.

Senior Code Compliance Officer Villanueva testified that both cases were complied but fines did accrue for both violations. For case #23010010, (not having a BTR [business tax receipt] in the Town), the Final Order for the fine amount should be revised because the fine was originally assessed at \$100/day and it should have been assessed at \$10/day for a total violation amount of \$1,550. For case #23040001, (work without permits), the fine was \$250/day for a total violation amount of \$24,850. The owner's representative would like to see if the Town was open to mitigation on that amount. The Special Magistrate asked for the Town's position and was told by the Senior Code Compliance Officer that the Town was open to mitigation but not to a zero amount. As this was Special Magistrate Judith Secher's first code hearing for Lauderdale-By-The-Sea (LBTS), the Senior Code Compliance Officer explained that the defendant was communicative. Development Services Director Campbell testified that there was a lot of staff time involved in this case and said \$4,000 was an acceptable amount considering staff's time and effort. The Town recommendation was: for the BTR case #23010010, the total fine amount was \$1,550 and for the work without permits case #23040001, the total fine amount would be reduced from \$24,850 to \$4,000. The Special Magistrate ordered a revised Final Order for case #23010010 depicting a revised fine amount of \$10/day and that total fine amount would be \$1,550 and for case #23040001, the \$24,850 fine amount would be reduced down to \$4,000 (total fine amount owed between both cases was \$5,550.00) to be paid within thirty days or if not timely paid, the fine would revert back to the original amount.

Town Attorney Alan Gabriel said that he was here today for certain cases but those parties were not in attendance. He just wanted the Special Magistrate to know that he was departing (approximately 5:20PM). He welcomed the Special Magistrate to her first LBTS Code Compliance Hearing and would see her at the next hearing in January 2024.

OLD BUSINESS

ITEM #V.13

Case #: 23090007 – Building Code (FBC) Violations

Property Owner: Introini, Amalia

Address/Folio: 1624 Bel-Air Ave

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(a)(2)

Andy Introini introduced himself as the new owner and Dan Dennis introduced himself as the general contractor. Senior Code Compliance Officer Villanueva testified that the Town was not enforcing the eighteen month limit for construction due to Covid but that was started up again. He explained that the Town sent out the sixty-day notice, per Code, and the property owner's time was up. At the last hearing, a Final Order was issued due to the fact that construction was not completed. It was to be completed by November 15, 2023 or a fine of \$50/day per Code. This amount was for the first thirty days out of compliance and then the Town could come back to increase the fine every thirty days. The Senior Code Compliance Officer answered the Special Magistrate that it was hard to communicate with anyone regarding this violation. He posted the property for the last hearing and a gentleman approached who said he was the brother of the owner and gave him an update. Then when he posted again, the contractor or someone reached out but had no timetable as to when the project would be finished. Both the new owner and the general contractor pointed out that the Town did not have the correct owner's name for this case. The Senior Code Compliance Officer said that according to BCPA (Broward County Property Appraiser), which was used as the standard, Amalia Introini was depicted as the owner and the mailing address was the house right next to this property. That was where all the correspondence was sent. Since the Town did not receive a signed green card, he posted the property. The new property owner answered the Special Magistrate that he did live in the house next door. The house that was being constructed (address of the home in the violation) was in his name and he testified that he did not get the notice.

Development Service (DS) Director Campbell testified that the mailing address for the property in this violation was the address of the house directly next door and Mr. Introini testified that he lived there in the house next door. The notice was sent to the correct mailing address as depicted in BCPA. Special Magistrate Secher asked Mr. Introini if he checked the mail where he lived and he testified that all the mail went into a box and he did not check Amalia's mail. The Special Magistrate then asked if he saw the posting on his property next door and the Senior Code Compliance Officer showed the Special Magistrate a picture of the posting which she accepted into the file (Town Exhibit). The contractor answered that he saw that posting about a week ago and that was why they were here today. The Special Magistrate said that since everyone was here, the Town needed to know what was going on. Mr. Introini testified that as far as he knew, he was in compliance right now. The DS Director testified that construction was not complete on his property and that was the violation. According to Code, they had 18 months to complete the project and they have not done that. The DS Director explained that a construction extension request was allowed but had to be made prior to the expiration of the 18-month timeframe to finish the project. That application was not received prior to the 18-month timeframe expiration and the community had to live with this construction site for an extended period of time. They need this project completed and the Town recommended that the fines should run until then.

The Special Magistrate asked if they ever had an extension before and was told that they did not. The general contractor pointed out that their permit was still current and did not expire. The DS Director testified that their permit did not expire but the 18-month period did expire.

Special Magistrate Secher asked what needed to be completed and when would it be completed. The general contractor testified that the electrical and mechanical finals would be within the next two weeks. They would probably need about sixty days to complete the project. The Special Magistrate explained why she did not have the authority to grant them an extension. Mr. Introini described how the house looked on the outside. Senior Code Compliance Officer Villanueva testified that even if the property did not look like a construction site, if the permits were not completed by the Building Department, this would not be considered completed. He further answered the Special Magistrate that it looked like they were probably missing just a handful of inspections but he was not sure what the inside of the house looked like. Since the Special Magistrate could not grant an extension in this case, the \$50/day fine would start accruing today and fines would run until this property was compliant. DS Director Campbell reminded that per Code Section 6-12(c), the fine would escalate and she read that section into the record. The Special Magistrate was answered that it was mostly interior work that needed to be finished and she said that the order would state the \$50/day fine started today and that the owner was aware that the fine escalated. Discussion ensued about mitigation. The Special Magistrate ordered the \$50/day fine to begin accruing today and that the property owner was aware that the fine escalated per Code.

CERTIFICATION OF LIEN

ITEM #V.24

***TAKEN OUT OF SEQUENCE**

Case #: 23100006 – Building Code (FBC) Violations

Property Owner: Empress Estates LLC

Address/Folio: 1900 S Ocean Blvd 16L

Code Section(s):

This case was called but the property owner's representative was still enroute to the hearing. It would be recalled later. For the record, it was recalled after item 16 (shown on the next page - case #23090009) was heard.

Margie Loden introduced herself and stated that she lived in the building. She is a friend and real estate agent for the people who purchased the unit that Empress Estates used to own (16L). Meena Maganti was the owner now. Ms. Loden had a letter of representation from her. It was accepted into the file as Exhibit One for Property Owner by the Special Magistrate. Stephen Paine, Fire Consultant for the Town of Lauderdale-By-The-Sea (LBTS), representing Pompano Fire Rescue reported that this case first came in front of the LBTS Special Magistrate in August 2022. Work was done in the apartment without a permit. The Fire Department was called on numerous occasions and the power was secured. Other issues came up and a \$250/day fine was running. The property was sold and a permit has been issued and signed off. Through today, the fines were \$46,000. There would be discussion to abate the fines and Fire Consultant Paine said LBTS staff suggested an abatement down to \$7,000.

Special Magistrate Secher said this fine began with the other property owner in August 2022. Ms. Loden answered the Special Magistrate that the new owner knew about the fine running. She explained that Special Magistrate Ansbro stayed the fines because the property could not be sold at a reasonable price with \$46,000 in fines increasing everyday by \$250. The new property owner hired a contractor who took care of everything. The unit was now habitable. It was uninhabitable before. She and her husband talked to the new property owner about that the fines could be reduced to \$7,000. Ms. Loden hoped it could be reduced to \$4,000 or \$5,000. The new owner's brother owned two units in this building and that was why the new owner wanted to live there.

The Special Magistrate asked the Town if they were interested in going even lower. DS Director Campbell said the Town was empathetic but this Code Case was going on for over a year and the Fire Marshal was called out several times to the property and so was the Building Official. The power was cut. There were quite a lot of life safety issues that took place in a effort to gain compliance and a reduction from \$46,000 to \$7,000 was a lot. The DS Director testified that the Town was amenable to going from \$46,000 to \$7,000 because the new owner brought the property into compliance in four months. The DS Director answered the Special Magistrate that the typical time given to come into compliance was 30 days but they could extend that in this case to sixty days. The Special Magistrate ordered the \$46,000 fine abated down to \$7,000 payable within thirty days or if they applied, it could be for sixty days, or the \$7,000 fine amount would revert back to the original \$46,000 fine amount if not paid timely.

OLD BUSINESS

ITEM #V.16

***TAKEN OUT OF SEQUENCE**

Case #: 23090009 - BTR Inspection/Commercial
Property Owner: Georgeann Z Trent Rev Tr % Tracy Trent
Address/Folio: 4412 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-271 (a)(2)k(i)(4)c

Hamilton Souza introduced himself as the valet company that uses the parking lot for leasing. He answered the Special Magistrate that the owner knew he was present. The Town answered that they had no objection to the owner not being present. Code Compliance Inspector Barrett testified that service was gained by posting. They were operating without a BTR (business tax receipt). He showed his evidence to the Special Magistrate who admitted it into the file (Town Exhibit). DS Director answered the Special Magistrate by explaining that a valet service required a conditional use and it took some time to get. It had to go in front of the Town Commission. She answered the Special Magistrate that the valet company has not yet applied. The Town's recommendation was for them to submit a conditional use application no later than December 8, 2023 or a fine of \$100/day.

Mr. Souza said that they were a very small business. They were affected by street closures, Uber, other parking entities in the area, etc. He was honored to be part of the Town and in serving LBTS. They were trying to keep the business running but the moment the sidewalk expansion was complete, he would not need the lot that would require a conditional use and would go back to the approved parking lot. The DS Director said that would be another avenue for his compliance, if the street opened up and he was able to vacate the lot needing a conditional use before December 8, 2023. Special Magistrate Secher asked Mr. Souza to clarify. He said that he did not want to go through the conditional use process because the moment the street opened, he was done with the parking lot that needed a conditional use. The Special Magistrate ordered a Final Order to either vacate the lot needing a conditional use before December 8, 2023 or submit a conditional use application by December 8, 2023 for that lot or a fine of \$100/day to accrue thereafter.

ITEM #V.14

***TAKEN OUT OF SEQUENCE**

Case #: 23090008 - Recreational Vehicle & Boat Violation
Property Owner: Archdiocese Of Miami Assumption Of The Blessed VM
Address/Folio: 2001 S Ocean Blvd
Code Section(s): Chapter 19 – Traffic and Motor Vehicles Section 19-21 (b) (2)

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Officer Villanueva testified that there was a Final Order to remove all the trailers and vehicles from the property. The Town did an inspection yesterday and all the recreational vehicles were gone and the case was considered complied. He answered the Special Magistrate that there were no outstanding fines and or fees. The Special Magistrate ordered this case complied with no fines and fees.

Building Official Simo Mansor departed the hearing at approximately 5:57PM.

FIRE CASES

ITEM #V.25

***TAKEN OUT OF SEQUENCE**

Case #: 23-1379

Property Owner: Common Area (Oceanwalk Condominium Assoc)

Address/Folio: 1900 Oceanwalk Lane

Special Magistrate Clerk Megan Small testified that this case was continued to January 25, 2024 and Fire Inspector Ashley Zalewski, Pompano Beach Fire Rescue, testified that they started the permit process for new fencing and updating the fencing. The Special Magistrate ordered continuance to the January 25, 2024 hearing.

Fire Consultant Stephen Paine and Pompano Beach Fire Inspector Ashley Zalewski departed the hearing at approximately 5:57PM.

OLD BUSINESS

ITEM #V.11

***TAKEN OUT OF SEQUENCE**

Case #: 23090004 – Property Maintenance (General)

Property Owner: Kal Realty Tr Laclair, Kenneth A Trstee

Address/Folio: 233 N Tradewinds Ave

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

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Officer Villanueva testified that this case was for work without permits. As of yesterday's inspection and speaking with the Building Official, this case was complied. They obtained all the permits for the property. The Special Magistrate ordered that this case was complied/closed.

ITEM #V.15

***TAKEN OUT OF SEQUENCE**

Case #: 23100007 – Building Code (FBC) Violations

Property Owner: Weintraub, David A & Robin K

Address/Folio: 1800 S Ocean Blvd 1405

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

Code Compliance Officer Barrett testified that this case was continued until January 25, 2024. The Special Magistrate ordered continuance to the January 25, 2024 Hearing.

ITEM #V.19

***TAKEN OUT OF SEQUENCE**

Case #: 23090002 – Building Code (FBC) Violations

Property Owner: Coleman, Patrick More, Andres

Address/Folio: 4640 Bougainvilla Dr 2

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. Code Compliance Officer Barrett testified at the last hearing that this was work done to the 2nd floor balcony without a permit and compliance was ordered by November 15, 2023 by obtaining an approved after-the-fact permit or a fine of \$250/day to accrue thereafter. Fines started running today and this case would be continued with fines still running to the January 25, 2024 Hearing. The Special Magistrate ordered continuance of this agenda item to the January 25, 2024 Hearing with fines running.

NEW BUSINESS

ITEM #V.20

Case #: 23100009 - Business Tax Receipt Req (BTR)
 Property Owner: Swanton Street 184 LLC
 Address/Folio: 239 E Commercial Blvd
 Code Section(s): Chapter 12 – Licenses Section 12-2 (a)

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Officer Villanueva testified that this was for a Final Order to obtain a BTR to run a business in Town. They were not complied as of today. The Town recommended a Final Order giving them until the 8th of December to comply or a fine of \$10/day. They were notified officially on October 24, 2023. The signed green card was in the file. He also handed the notice to both the owner of the business and the property manager. The Special Magistrate ordered compliance by December 8, 2023 by obtaining an approved BTR or a \$10/day fine to begin accruing on December 9, 2023 plus \$150 costs for today’s hearing due immediately but payable within thirty days.

ITEM #V.21

Case #: 23100013 – Parking or Storage of Trailers
 Property Owner: Deioma-Danto, Deborah Ann
 Address/Folio: 1811 Bel-Air Ave
 Code Section(s): Chapter 19 – Traffic and Motor Vehicles Section 19-21 (b) (4).f

There was no one in attendance to represent the property owner. Senior Code Compliance Officer Villanueva testified that the Notice of Violation was issued for failure to remove a trailer from the property. He posted the property on October 25, 2023 after serving courtesy notices. As of yesterday’s inspection, the trailer was removed. The violation was complied and no costs for today’s hearing. Discussion ensued about a Finding of Fact that the violation existed but the property was in compliance now but if this should happen again with the same owner on the same property in the future, it could be designated as a repeat violation subject to higher and automatic fines. The Special Magistrate ordered a Finding of Fact that the violation existed and was now in compliance but should this same violation reoccur in the future on the same property with the same owner, it could be deemed a repeat violation subject to immediate and higher fines and there were no costs for today’s hearing.

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

COMPLIED CASES		
Item #	Case #	Property Address
1	23100011	2049 Windward Dr
2	23100012	2060 Windward Dr

COMPLIED CASES		
Item #	Case #	Property Address
1	23100011	2049 Windward Dr
2	23100012	2060 Windward Dr
3	23100014	1911 Coral Reef Dr
4	23080002	1800 S Ocean Blvd, 509
5	23100002	4521 Poinciana St, 1-3
6	23100016	4217 El Mar Dr, 111
7	23090001	1800 S Ocean Blvd 1209

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 CASE (January 25, 2024)			
Item #	Case #	Property Address	Continued To:
8	23100008	250 Commercial Blvd	1/25/24
9	23010007	1530 S Ocean Blvd	1/25/24
17	23090006	4475 Poinciana St	1/25/24
18	23050002	4520 El Mar Dr	1/25/24

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Judith Secher adjourned the Hearing on November 16, 2023 at approximately 6:05PM.

APPROVED BY:


Special Magistrate Judith Secher

ATTEST:


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