

APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, August 22, 2024 at 5:00PM**

I. CALL TO ORDER, SPECIAL MAGISTRATE JUDITH E. SECHER

Special Magistrate Judith Secher called the hearing to order at approximately 5:00PM on Thursday, August 22, 2024 with Town Attorney Alan Gabriel, Development Services Director Jhanelle Campbell, Assistant Development Services Director Muriel Ramirez, Building Official Simo Mansor, Senior Code Compliance Officer Eric Villanueva, Code Compliance Officer Hector Barrett, and Special Magistrate Clerk Megan Small to record the minutes.

II. SWEARING OF WITNESSES

Special Magistrate Clerk Megan Small 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 and to please turn off or silence devices.

IV. PUBLIC COMMENTS

No one from the public requested 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.19

***TAKEN OUT OF SEQUENCE**

Case #: 18020015 - Property Maintenance (General)

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 Hector Barrett testified that this was a Status Hearing for the pier and Development Services Director (DSD) Campbell would speak on behalf of the Town in this case. The attorney representing the property owner was Andrew Schein. The DSD testified that she asked Attorney Schein to give the update.

Attorney Schein said that they were still going through permitting with the State. He explained that the property was owned by the State and was managed by the Internal Improvement Trust Fund. They were negotiating with them a long-term extension for the control of the property. On

lack of communication, they thought only one was needed. Senior Code Officer Villanueva said that the Town's position was to certify the fines as they were. The Senior Code Officer testified that since Mr. Vento owned the property, all of their permits were after-the fact. All work done was without getting a permit first. Ms. Jones said that when they purchased the property, they inherited the after-the-fact permits. Senior Code Officer Villanueva explained that the driveway was done without a permit but when the Town came by to cite that, they noticed that the new owners did windows and doors without a permit. Mr. Vento testified that once the windows and doors were cited, he went to the Town for a permit. He was getting \$250/day fine after the permit application was submitted and the Town was short staff to issue the permit. Mr. Vento answered the Special Magistrate that not all the work done without permit was done by the prior owner. There was some work that he did. The Special Magistrate understood that some work was done by the prior owner without a permit and some work was done by Mr. Vento without a permit.

Senior Code Officer Villanueva explained that they drove by the property on February 13, 2024 and noticed a new driveway and cited the new owner for the new driveway. On March 18, 2024 when he went to post the property for the driveway, he noticed new windows being installed. Mr. Vento said he did the driveway with a few of his people and did not know he needed a permit for that. DSD Campbell testified that based on what was said so far, the Town would recommend a reduction of up to \$5,000 on the fines plus the \$200 Administrative Costs. The Special Magistrate thought that \$5,200 was a reasonable amount. DSD Campbell explained that today they could either, with the Special Magistrate's permission, certify the fines as a lien or they could mitigate. She further stated that they could give them 60 days to pay the mitigated amount instead of 30 days. Mr. Vento chose 60 days to pay. The Special Magistrate ordered the fine monies owed mitigated down to \$5,000 plus \$200 for Administrative Costs which could not be mitigated for a total of \$5,200 to be paid within sixty days. For the record, Senior Code Officer Villanueva stated that if the mitigated amount of \$5,000 in fines and \$200 in costs were not paid within the sixty days, as per usual procedures, the monies owed would revert back to the original amount owed before mitigation.

OLD BUSINESS

ITEM #V.14

***TAKEN OUT OF SEQUENCE**

Case #: 24070001 - Building Code (FBC) Violation
Property Owner: Bermudez, Hernan & Jessica
Address/Folio: 1760 Bel-Air Ave
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits.

Hernan Bermudez and Jessica Bermudez, property owners, were at the podium. Senior Code Officer Villanueva testified that at the last hearing they were given a continuance for the permits that needed to be obtained and tonight was a status hearing. Mr. Bermudez said he came by this morning to speak with Building Official Mansor but he was not there so he dropped off the letter from the engineer they hired. The engineer was asking for an extension of time as he was drawing up the plans to address all the issues. The Building Official felt that this was taking too long already. The Town recommended a Final Order for the engineer to submit for a permit to the Building Department by September 26, 2024 for the items on the list (not including the a/c unit which just died) or a fine of \$250/day to start accruing the day after and no costs for today's hearing. The a/c contractor to submit for a permit within 24 hours of installing the emergency a/c unit for the unit that died. If more than 24 hours passed to apply for this permit, then it would be work without permit. For the record, Special Magistrate Clerk Small swore Building Official Mansor in. The Building Official informed Mr. Bermudez that he was not going to grant the engineer six months to come up with plans. This has been going on too long. He would grant

thirty days for plans. Senior Code Officer Villaneuva asked the Special Magistrate for a Final Order to submit for a permit to the Building Department by September 26, 2024 by the engineer for the remaining items on the list (not including the a/c unit which died) or a fine of \$250/day to start accruing the day after and no costs for today's hearing. The a/c contractor to submit a permit within 24 hours of installing the emergency a/c unit for the unit that died or that would become an after-the-fact permit. The Special Magistrate ordered a Final Order for the engineer to submit for a permit to the Building Department by September 26, 2024 for the remaining items on the list (not including the a/c unit which died) or a fine of \$250/day to start accruing the day after and no costs for today's hearing and the a/c contractor to submit for a permit within 24 hours of installing the emergency a/c unit for the unit that died or that would become an after-the-fact permit.

NEW BUSINESS

ITEM #V.26

***TAKEN OUT OF SEQUENCE**

Case #: 24080004 - Building Permit Violation
Property Owner: Sharifi, Jennifer Sharifi, Kobi
Address/Folio: 2 Sunset Ln
Code Section(s): Chapter 6 - Building and Building Regulations Sec. 6-8 (a)(1) & (2). - Construction site operation, maintenance, Sec. 6-8 (a)(1) & (2). - Construction site operation, maintenance, appearance, and secondary impacts.

Kobi Sharifi was at the podium. Senior Code Officer Villaneuva testified that this case was to impose repeat violator fines. He reminded that the Town requested a fence to be put up. The last time Mr. Sharifi was here, he was warned that if any additional complaints were made and validated, it could be deemed a repeat violation. The complaint now was from a neighbor on the street who could not get to her house. She had to wait until the contractor finished what he was doing so she could squeeze past. She sent in pictures with her complaint as evidence. The Special Magistrate asked if the officer could show the pictures to Mr. Sharifi first. There was a truck in the picture and they set up on the road. Mr. Sharifi testified that the fence was put up and there has not been any incidents for months. Sometimes there could be a truck unloading stuff. He showed the officer photos he took where there were trucks and he took measurements showing the ability to pass. The Special Magistrate said that she thought nothing was to be done outside of the physical property. The Special Magistrate was told that Sunset Lane was a private road and each section of the road was connected to the parcel for the property. DSD Campbell explained that where the truck was parked was technically owned by Mr. Sharifi. Even though he owned that portion of the street, he could not block it so people could not drive by. An owner could not impede someone to get to their home. The officer explained that the one complaining said that the company set up on the street to cut and install gutters and she had to wait to pass. Mr. Sharifi showed on his photo that a truck and a car would be able to pass. Mr. Sharifi said he was there everyday ensuring that the area was clean and people could pass. The code officer testified that Mr. Sharifi has been doing a great job keeping everything clean and clear. He answered the Special Magistrate that the complainant stated she had to wait to pass a few minutes until she decided to squeeze by. She took that picture after she squeezed by. She was asked to come today but she did not.

Mr. Sharifi answered the Special Magistrate that he started this project around January. He further answered that this project should be done on the outside to make it look more presentable in about three months. The Special Magistrate said to remember that the neighbors bought beautiful houses on this beautiful road and should not have to deal with carrying their children through mud, etc. The code officer felt that Mr. Sharifi was doing a great job and has not been back here for quite some time. He tried to keep the road open and clean. The code officer

suggested \$250 for this fine. The Town received a valid complaint from a resident and the Town had to take action. The Special Magistrate asked about the \$250 fine and Mr. Sharifi was okay with that. She reminded him that the neighbors deserved their piece and quiet. The Special Magistrate ordered \$250 repeat violation fine for this case which was payable within thirty days. She accepted photos of the confirmed violation into the record as evidence as Composite Exhibit 1.

For the record, Town Attorney Gabriel and Building Official Mansor left the hearing at approximately 5:48PM. Also, there was no one in attendance to represent the properties being called now.

OLD BUSINESS

ITEM #V.12

***TAKEN OUT OF SEQUENCE**

Case #: 24050005 - Building Code (FBC) Violation
Property Owner: Top Of The Mile, Inc.
Address/Folio: 4013 N Ocean Dr
Code Section(s): FBC 40/50 Year Inspections 110.15 Building Safety Inspection Program 110.15 Building Safety Inspection Program

For the record, no one was in attendance to represent the property. Senior Code Officer Villaneuva testified that this case was complied. The Special Magistrate ordered that this case was reported as complied.

ITEM #V.13

Case #: 24050072 - Building Permit Violation
Property Owner: Goldkatz LLC
Address/Folio: 3270 Spanish River Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required.

For the record, no one was in attendance to represent the property. Senior Code Officer Villaneuva testified that this case was complied. The Special Magistrate ordered that this case was reported as complied.

ITEM #V.16

Case #: 24050073 - Building Permit Violation
Property Owner: Aguirre Marin, Jorge A Martin
Address/Folio: 4461 W Tradewinds Ave
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits

For the record, no one was in attendance to represent the property. Senior Code Officer Villanueva testified that this case was on a Final Order but the Town was requesting to extend the comply-by date to September 25, 2024 with no costs for today's hearing. The Special Magistrate ordered a revised Final Order depicting the only change of the comply-by date extended to September 25, 2024 and no hearing cost for today.

ITEM #V.17

Case #: 22070008 - Permits Required Violations
Property Owner: Stonehorse Real Est Holdings Cook, Ronda A & Cook, Ricky D
Address/Folio: 4553 Bougainvilla Dr

Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-509(a). - Administration and Permits (Signs).
Chapter 6 - Building and Building Regulations Section 6-36(a).
General structural specifications.
Florida Building Code FBC BCA Section 105.1. Work Without Permits.

For the record, no one was in attendance to represent the property. Senior Code Officer Villanueva testified that the Town was requesting to continue this case to the September 26, 2024 Hearing. The Special Magistrate ordered this item continued to the September 26, 2024 Hearing with no fines running and no costs for today's hearing.

ITEM #V.18

Case #: 24050008 - Zoning Violations
Property Owner: Jonna, Nancy S Nancy S Jonna Tr
Address/Folio: 1597 Blue Water Ter
Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-313.(i)(5).b.4. - General provisions.

For the record, no one was in attendance to represent the property. Senior Code Officer Villanueva testified that this case was complied with no fines running and no costs for today's hearing. The Special Magistrate ordered this case was reported as complied with no fines due and no costs for today's hearing.

ITEM #V.20

Case #: 23010015 - Building Code (FBC) Violation
Property Owner: MG Property Management
Address/Folio: 234 Hibiscus Ave
Code Section(s): Florida Building Code FBC BCA Section 110.15 - Building Safety Inspection Program.

For the record, no one was in attendance to represent the property. Code Officer Barrett testified that this case was continued to the September 26, 2024 Hearing with fines running. The Special Magistrate ordered continuance of this agenda item to the September 26, 2024 Hearing with fines running.

ITEM #V22

Case #: 24050024 - Business Tax Receipt Req (BTR)
Property Owner: Bryzgalova, Svetlana
Address/Folio: 1985 Windward Dr
Code Section(s): Chapter 12 - Licenses Sec. 12-2.(a) - Business tax receipt required

For the record, no one was in attendance to represent the property. Code Officer Barrett testified that the violation was operating without a Business Tax Receipt (BTR). The Town was recommending a Final Order by obtaining a BTR by September 25, 2024. For the record, Code Officer Barrett reported this item was announced at the last hearing that the case was complied but that was an error. He clarified with the Special Magistrate that this case was not complied. The correct order for today should read compliance by obtaining a BTR by September 25, 2024 or a fine of \$10/day would be assessed commencing September 26, 2024 plus \$50 hearing costs for today's hearing due immediately but payable within thirty days. The Special Magistrate

ordered a Final Order to obtain a BTR by September 25, 2024 or a fine of \$10/day would be assessed starting September 26, 2024 plus \$50 hearing costs for today's hearing due immediately but payable within thirty days.

NEW BUSINESS

ITEM #V.23

Case #: 24060014 - Property Maintenance (General)
Property Owner: Wallin, Anders G
Address/Folio: 1961 Windward Dr
Code Section(s): Chapter 6 - Building and Building Regulations Section 6-37(a)(1).
Maintenance appearance standards
Chapter 6 - Building and Building Regulations Section 6-37(a)(2).
Maintenance appearance

For the record, no one was in attendance to represent the property. Senior Code Officer Villaneuva testified that he was reading this case into the record as it was not read at the last hearing. He explained what the violations were for and that maintenance should be taken care of so that the property did not look abandoned. There was a fence on the side of the yard that was falling over. There were pictures for review and for correcting the items. The owner did reach out and started to correct the issues. He asked for thirty more days to correct the issues. The Town recommended a continuance to September 26, 2024 Hearing with no costs for today's hearing. The Special Magistrate ordered this item continued to the September 26, 2024 Hearing with no fines running and no costs for today's hearing.

ITEM #V.24

Case #: 24080002 - Recreational Vehicle & Boat Violation
Property Owner: Bell, Robert K
Address/Folio: 4521 N Ocean Dr 1-4
Code Section(s): Chapter 19 - Traffic And Motor Vehicles 19-21 (b) (3) a. 1 Parking or storage of motor vehicles and vessels Restrictions and prohibitions.

For the record, no one was in attendance to represent the property. Senior Code Officer Villaneuva testified that today, this case was complied. The Town was requesting a Finding of Fact in case this should happen again within the next five years with the same property ownership, it could be deemed a repeat violation subject to immediate and higher fines. The violation was for parking and storage of a boat and trailer. The Special Magistrate ordered a Finding of Fact that the violation existed but was complied and if it should re-occur with the same property ownership within the next five years, it could be deemed a repeat violation subject to immediate and higher fines.

ITEM #V.25

Case #: 24080005 - Sign Violations
Property Owner: Sealaud Management LLC
Address/Folio: 4400 N Ocean Dr
Code Section(s): Chapter 30 - Unified Land Development Regulations Sec. 30-502.(d)(5)2. - Exempt signs.
Chapter 30 - Unified Land Development Regulations Sec. 30-508.(7)(c). B-1 and B-1-A districts. Number of sandwich signs. B-1 and B-1-A districts. Sandwich signs. Number.
Chapter 30 - Unified Land Development Regulations Sec. 30-

508.(c)(7)a.1.-4. - Location requirements for sandwich signs in B-1 and B-1-A. Sign regulations by zoning district. B-1 and B-1-A districts.

For the record, no one was in attendance to represent the property. Senior Code Officer Villaneuva testified that the owners said they would be present or they would send somebody but they did not. This case was to impose repeat violator fines. They wanted the case continued but due to the nature of the case, those violations were not eligible for continuance. This type of case was to be heard, even if the owner was not present. The previous Final Order was issued on June 27, 2024 with a Finding of Fact that if either of the three violations came back in front of the Special Magistrate within five years, they would be subject to immediate fines or the removal of the signs allowed by Town Code. He answered the Special Magistrate that all three violations existed again. On July 31, 2024 while he was out on the road, it was observed that all three violations have re-occurred and he read them into the record while he explained each violation. He gave his photos to the Special Magistrate. He answered the Special Magistrate that *Diamonds & Doggies* was a pet store. He further clarified that the white sign, *Open Coast*, was for *Coast Boutique*, and *Tacocraft* had two A-Frame Signs out. The Special Magistrate asked about the Trump sign and the officer explained that was the illegal banner sign put up by the pet store. They have pulled a permit for the banner sign but the photo was taken before the permit was pulled. Now it was complied because we were considered to be in an election season. He answered that the owner of *Tacocraft* owned the building but *Coast Boutique* and *Diamonds & Doggies* were leasing. Today, the Town was looking to impose a \$100 fine for each violation for a total of \$300 as they were in compliance. The Special Magistrate ordered \$100/violation fine for a total of \$300 for the three violations which were now in compliance to be paid by September 25, 2024. She accepted the two photos of the violations into the record as Town's Composite Exhibit.

ITEM #V.27

Case #: 24070007 - Vacation Rental Other
Property Owner: George Michael Alexander Petrone, Shana
Address/Folio: 222 Neptune Ave
Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-327(f)10: VACATION RENTAL AGREEMENT Section 30-327(f)10 VACATION RENTAL AGREEMENT (f)Application for a rental certificate.
Chapter 30 - Unified Land Development Regulations Section 30-327(h)2(i). Vacation rentals

For the record, no one was in attendance to represent the property. Code Officer Barrett read the two violations into the record and he explained them. He gave the Special Magistrate a copy of a police report from July 6, 2024 at 8:24AM for a disturbance call (music and a loud pool party in the backyard). She entered it into the record as Town Exhibit 1. The code officer testified that the violations did occur but were complied prior to this hearing and if one or both should re-occur within five years under the same property ownership it could be deemed a repeat violation subject to immediate and higher fines. The Special Magistrate said that this was a noise complaint and failure to respond by the vacation rental agent. The Special Magistrate ordered a Finding of Fact that the violations existed but were complied and if one or both should re-occur under the same property ownership within the next five years, it could be deemed a repeat violation subject to immediate and higher fines.

ITEM #V.28

Case #: 24070008 - Vacation Rental Other

Property Owner: Bachmann, Carol & Mark Bachmann, Katheryn & P ETAL
Address/Folio: 2051 Coral Reef Dr
Code Section(s): Sec. 30-327.(f)(10)(h).2(i) - Vacation rentals and short term rentals (f).10
Chapter 30 - Unified Land Development Regulations Section 30-327(h)2(i). Vacation rentals

For the record, no one was in attendance to represent the property. Code Officer Barrett explained the corrective action was for the owner to agree to use best efforts to assure that the vacation rental or short-term rental use of the dwelling would not disrupt the residential character of the neighborhood and not interfere with the rights of the neighboring property owners' rights to quiet enjoyment of their residence and someone / property manager agent to be available at the listed phone number twenty-four hours a day, seven days a week to handle any problems arising from the vacation rental or short-term rental use. The code officer submitted into evidence a copy of the police report. The Special Magistrate said the police report stated that when they got there, it was quiet. The code officer said that there was no loud music but people were talking loudly in the back. No music or loud talking was heard from the street. The Special Magistrate said that the police report of July 8, 2024 was for a disturbance call and they found that there was no agent available immediately. The Special Magistrate ordered a Finding of Fact that the violations existed but were complied and if one or both should re-occur under the same property ownership within the next five years, it could be deemed a repeat violation subject to immediate and higher fines.

CERTIFICATION OF LIEN

ITEM #V29

Case #: 24050011 - Business Tax Receipt Req (BTR)
Property Owner: Serpin, Nida Serpin, Adnan & Kilic, Koray
Address/Folio: 226 Corsair Ave
Code Section(s): Chapter 12 - Licenses Sec. 12-2.(a) - Business tax receipt required
Chapter 30 - Unified Land Development Regulations Sec. 30-327.(d). - Vacation rentals and short term rentals. Duration.

For the record, no one was in attendance to represent the property. Senior Code Officer Villaneuva testified that this case was on a Final Order issued on May 23, 2024 for compliance by May 31, 2024 or \$100/day fine for the violation of advertising a vacation rental without a license and a fine of \$10/day for the violation of operating with no BTR from the Town. The fines have been running since and they still have not complied. He testified that they have not reached out to the Town, have not obtained the license, and have not stopped advertising. The Town was requesting to certify the fines today and the fines to continue running until compliance. In thirty days, if not in compliance, the fines would be certified as a lien on the property. The senior code officer answered the Special Magistrate that they were still advertising but the Town did not have proof if they were taking guests. He requested certifying the fines of \$100/day running since June 1, 2024 and \$10/day running since June 1, 2024.

The Special Magistrate ordered the certification of the \$100/day fine from June 1, 2024 through August 22, 2024 and the \$10/day fine from June 1, 2024 through August 22, 2024 and these fines would continue to accrue. In thirty days, if not in compliance and fines not paid, the fines would be recorded as a lien on the property. He answered the Special Magistrate that they would be notified about this certification of fines and the Town would continue to reach out to them via e-mail. As of today, there has not been a response. The senior code officer explained that they

would receive a letter about the certification of fines today and they had an option to comply within thirty days and pay the fines or the fines would be recorded as a lien on the property in thirty days.

Special Magistrate Clerk Small then read into the record complied cases that were not heard at this hearing.

COMPLIED CASES		
Item #	Case #	Property Address
1	24070009	238 Hibiscus Ave 220
2	24050051	2121 S Ocean Blvd 604
3	24060002	4117 Bougainvillea Dr 312
10	24050035	4117 Bougainvillea Dr 403

Special Magistrate Clerk Small read into the record the cases that were continued to the September 26, 2024 hearing. (This was called into the record after the cases were read into the record that were continued to the October 24, 2024 Hearing.)

CONTINUED TO SEPTEMBER 26, 2024 HEARING		
Item #	Case #	Property Address
9	24060003	1500 S Ocean Blvd
11	24050066	264 Hibiscus Ave

Special Magistrate Clerk Small read into the record the cases that were continued to the October 24, 2024 hearing.

CONTINUED TO OCTOBER 24, 2024 HEARING		
Item #	Case #	Property Address
4	23010007	1530 S Ocean Blvd
5	21100022	1620 S Ocean Blvd
6	21120003	2000 S Ocean Blvd
7	21100051	1850 S Ocean Blvd
8	21120018	3900 N Ocean Blvd
15	24060004	275 Hibiscus Ave

ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Judith Secher adjourned the Hearing on August 22, 2024 at approximately 6:18PM.

APPROVED BY:


 Special Magistrate Judith Secher

ATTEST:


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