

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, June 27, 2024 at 5:00PM

I. CALL TO ORDER, SPECIAL MAGISTRATE JUDITH SECHER

Special Magistrate Judith Secher called the hearing to order at approximately 5:00PM on Thursday, June 27, 2024 with Development Services Director Jhanelle Campbell, Assistant Development Services Director Muriel Ramirez, Architect/Plan Examiner Jaime Marguiles, 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 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.

NEW BUSINESS

ITEM #V.39

***TAKEN OUT OF SEQUENCE**

Case #: 24050072 - Building Permit Violation

Property Owner: Goldkatz LLC

Address/Folio: 3270 Spanish River Drive

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits

Senior Code Compliance Officer Eric Villanueva testified that they did an entire demo of the inside of the home without a permit. The representatives were to attend via Zoom. He believed that would be the owner and the contractor. For service, there was a signed green card in the file. He said the Town was seeking a Final Order giving thirty days to have a permit issued for the work done without permit or a fine of \$250 per day to start before the next hearing. The contractor, Sergey Bolkhovstiy, was on Zoom and said he was the contractor who was newly hired and would be doing the demo with the permit. He answered the Special Magistrate that he had no objection

Chapter 13 - Noise Section 13-6(c)(1)a Noise limitations Maximum sound levels

Chapter 13 - Noise Section 13-6(c)(1)b Noise limitations Maximum sound levels

Chapter 30 - Unified Land Development Regulations Sec. 30-327.(d). - Vacation rentals and short term rentals - Duration

Code Compliance Officer Hector Barrett testified that they were cited for a noise complaint and short-term rental without a license. The violations were complied so tonight was for a Finding of Fact. The owner's representative, Jessica Matute, said that they did have an active license which would expire September 2024. However, they were cited for the amount of days for the rental. They advertised for a minimum rental of three nights which was corrected for a minimum rental of seven nights. The property manager of this property, Chet Persaud, was also at the podium. DS Director clarified that it was actually a seven day rental for single-family homes and townhomes per Town Code. This property was advertised for three days and it was corrected. The Town was asking for a Finding of Fact asking that the violations did exist (noise violation and duration) and if the violation(s) reoccurred in the future under the same owner in the next five years, it could be deemed a repeat violation subject to a fine of up to \$500/day/violation. The code officer showed his evidence to the respondents and gave it to the Special Magistrate.

The Special Magistrate ordered a Finding of Fact that this property was used in violation of Town Code for (1) renting for less than seven days and (2) they were guilty of a noise violation and if one or both violations should reoccur within the next five years under the same owner, it could be deemed a repeat violation subject to higher and immediate fines. Chet Persaud asked how the Town validated a noise violation – was there a decibel read or anything and the code officer said it was validated by the police report. Mr. Persaud said the report mentioned cars and eight people, loud party, but no decibel reading. Code Officer Villaneuva testified that the Town did not use noise readings and in this section of the Town Code, it stated neighbors should not be disturbed of their peace and tranquility of the neighborhood. The complaint was from a neighbor who was disturbed. Special Magistrate Secher asked if Broward Sheriff Office (BSO) had standards of what the noise level would be. DS Director Campbell said they use the section of the code that references disturbances, peace, and tranquility of the adjacent neighbor as BSO did not utilize noise meters. However, the Town did have decibel levels established and that would be utilized during regular business hours.

The Special Magistrate said that at night it went by the neighbor calling in a disturbance. Senior Code Officer Villaneuva read the area of Section 30-327 relevant to this case into the record. The Special Magistrate clarified that at night, BSO and/or the Town would not come out with a noise meter. She advised the owner's property manager that if they wanted to challenge her decision to allow the noise violation complaint as part of her order, that was up to them. Mr. Persaud said they checked their security cameras and decibel monitors and did not see any problems. Also, the police officer did not register the noise only that it was a noise complaint. The Special Magistrate said that this was a graduation party. DS Director Campbell explained that the call was for disturbance and that there was a party and the section of the code read into the record tonight classified this as a disturbance. Mr. Persaud said this house has eight bedrooms and just because there were eight people did not mean they were having a party. The Special Magistrate said the police report detailed a graduation party. DS Director said the report they received was for a disturbance and upon their investigation, they found that the house was being rented for less than seven days and that was why they requested a Finding of Fact. The Special Magistrate was keeping her order as previously stated and accepted the Town's evidence into the file as Exhibit 1 which was the police report of the complaint.

COMPLIED CASES

ITEM #V.1

***TAKEN OUT OF SEQUENCE**

Case #: 23050002 - Building Code (FBC) 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 Officer Barrett testified that this was a building safety inspection violation. Notice of Violation was issued on May 10, 2023. In October 2023, the Special Magistrate issued a Final Order at the hearing which required compliance by November 15, 2023 or a daily fine of \$250 would start to accrue on November 16, 2023 and \$50 Hearing Costs were assessed. There was a lot of back and forth with this case and in April 2024, at the hearing, Building Official Mansor requested a meeting with the engineer within seven days. The engineer report was not properly signed and there was a lot of back and forth again. However, on May 23, 2024, the engineer report was signed and the case was complied. They had fines running for 191 days (over six months) which totaled \$47,750 plus Administration Fees or Hearing Costs of \$100 plus \$150 for today for a total of \$250 in costs. He said the property manager, Jackie Roman, was here to mitigate the fines.

Ms. Roman answered the Special Magistrate that the owner of the property knew she was here and she had the authority to negotiate. She answered she did not have that in writing. Technically, the Special Magistrate said, she could not negotiate. However, she would not object if the Town was comfortable negotiating with her. Jackie Roman explained that she was the manager for the Association and there were several owners of the property. DS Director Campbell said she would rather reset this to the next hearing to ensure the file was correct. She was asking for a continuance to the next hearing and Ms. Roman said that was okay with her. The Special Magistrate ordered a continuance of this item to the July 25, 2024 hearing.

CASES TO BE CONTINUED

ITEM #V.13

***TAKEN OUT OF SEQUENCE**

Case #: 24050051 - Building Code (FBC) Violation
Property Owner: Vecchitto, Michael
Address/Folio: 2121 S Ocean Blvd 604
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits.

Code Compliance Officer Barrett testified that the violation was work without permits and this case was continued. Michael Vecchitto, owner, testified that he hired a contractor for this condo. The contractor and his partner split up after he paid them. He brought all his records for permits to the hearing that he has had since he bought this property. He hired a new contractor and submitted all the paperwork. He said he was here a couple of times and that Building Official Mansor was by his condo multiple times and the Building Official knew that he always pulled permits. Code Officer Barrett said that the Building Official asked him to continue this case as they knew that he was applying for permits. The Code Officer was surprised to see Mr. Vecchitto here as this case was listed on the agenda to be continued (and not heard today). Mr. Vecchitto answered the Special Magistrate that he was expecting to have all the permits obtained by the next hearing in July. The code officer said it should be continued to the July 25, 2024 hearing. The Special Magistrate ordered this agenda item continued to the July 25, 2024 hearing.

OLD BUSINESS

ITEM #V.20

Case #: 24030002 - Building Code (FBC) Violation
Property Owner: Vento, Phillip M
Address/Folio: 233 Neptune Ave
Code Section(s): Florida Building Code Section 105.1. Work Without Permits

Senior Code Compliance Officer Villaneuva testified that they were cited for work without permit on March 6, 2024. The case was continued to April and at the April hearing, a Final Order was ordered requiring compliance by May 22, 2024 by obtaining two permits for the work done without permit. Fines were running on this property. They have applied for after-the-fact permits and one was already issued for the windows and doors on May 14, 2024 and their driveway permit was in review. The code officer thought the owners were here to give an update.

Phillip Vento, owner, testified that the lady with him was Robin Jones. Mr. Vento said there was a comment on the driveway permit and he re-submitted the information they were looking for. Code Officer Villaneuva said the Building Official requested that the fine should still run and when the permit was issued, the case would be complied. It could be brought back then for consideration for the mitigation of the fine. Whenever that happened, the case would be scheduled for the next hearing for mitigation consideration. He suggested to continue this until the permit was issued. Once issued, the case would be complied. Whenever that happened, the Town would schedule this for the next hearing for consideration of mitigation of fine.

Ms. Jones explained about having a process number for quite some time and they were not clear about some things and felt like there were a lot of disconnects. She said they did not get some notices because they were mailed to an address for which the property was under construction and they communicated that to the Town. The Special Magistrate said that what she was speaking about now went toward mitigation. Ms. Jones said the review process was taking some time and the code officer did not know how long the review process would take. The code officer reminded those in attendance regarding the history of this case and he believed they were aware that the Town was looking for permits way back in March. He informed them that when they get the permit, it was their responsibility to let him (the code officer) know when the permit was issued. They verified the correct address for notices. DS Director Campbell testified that they noticed the address listed in the Broward County Property Appraiser website and to any additional address they would provide. The Director re-capped that the fines would continue to run and at the next hearing or at the hearing when they were compliant, they would have the opportunity to mitigate. She further said that if there was an extended review period, that also would be taken into consideration for potential reduction. The Special Magistrate ordered this case continued to July with fines running until compliance was reached or to the hearing after the property owners were compliant for possible mitigation of fine.

NEW BUSINESS

ITEM #V.42

***TAKEN OUT OF SEQUENCE**

Case #: 24060006 - Landscape Violations
Property Owner: The OG Group LLC
Address/Folio: 230 Pine Ave
Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-477(a) - Maintenance of landscaped areas

Senior Code Compliance Officer Villanueva testified that the property was cited on June 10, 2024 for maintenance of landscaped areas. The home was fenced in due to the construction site but

it was abandoned and the grass inside and outside of the fence was overgrown. He answered that the home had applied for a permit. DS Director Campbell testified that their permit was under review. The Town was waiting for resubmission for a very long time dating back to the previous owner. The new owner took over and there was mitigation before the Commission and a reduction was given allowing the new owner to come in and construct. However, the property has been sitting for a very long time. The property must be maintained in the best possible condition which was very difficult in its present state. Ori Darmon answered the Special Magistrate about a single-family home that was going to be there. When he bought the property, he inherited the architect and the permit person. He was told he would have the permit in a month but everything has been re-submitted again and it was the third time it was being reviewed.

The Special Magistrate asked him why he could not get the grass cut. He said someone was going there Saturday to do it. The code officer said the Town requested a Final Order giving them seven days (one week which included weekend days) to get the property up to standard. That day would be July 4th but decided to give them eight days which was July 5, 2024. The Special Magistrate asked if he could get someone to remedy this by doing the lawn inside and outside the project by July 5, 2024 and Mr. Darmon answered that he could get this done. DS Director Campbell answered the Special Magistrate that there was a construction fence there. Code Officer Villaneuva gave photos to the Special Magistrate. DS Director Campbell said the construction fence would have to be removed, if the owner did not get approved permits soon. The Special Magistrate was answered that the home was not being demolished only repaired, etc. Special Magistrate Secher ordered that in eight days, by July 5, 2024, all the landscaping would be addressed and brought up to the Town's standards or a fine of \$150/day to begin accruing on July 6, 2024 until compliance was achieved and \$50 Hearing Cost was assessed due immediately or payable within thirty days. The Special Magistrate accepted the Town's two photos into the record as Composite Exhibit 1 depicting the land and the building.

ITEM #V.40

***TAKEN OUT OF SEQUENCE**

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

Senior Code Compliance Officer Villanueva testified that they were asking the owner to contact the Building Department and obtain after-the-fact permit for the work done without permit (dock worked on at home). The Town was seeking a Final Order for them to do this within the next thirty days or a fine of \$250/day. He said he had evidence to submit but he would let the respondents see it first and then he would give it to the Special Magistrate. The Special Magistrate was answered that this was a private home and the owner, Jorge Aguirre and the contractor, James Gorman were present at the podium. Mr. Gorman testified that this was not the owner's fault but rather it was his fault. He is a seawall contractor and he thought the permit was ready because the permit runner told him that the permit was being printed. He answered the Special Magistrate that the dock was not finished. It was half-way done. The code officer said that there was a Stop Work Order by the Building Official. They could not do any more work until they obtained the permit. Mr. Gorman said all the paperwork went to David Lee at the Town. The Special Magistrate said that she accepted the Town's Evidence into the record as Composite Exhibit 1. The photographic evidence depicted a dock in progress. Code Officer Villaneuva said that the Town requested a Final Order and the Special Magistrate asked Mr. Gorman if he expected to obtain the permit within thirty days. He answered positively. The Special Magistrate ordered compliance in twenty-seven days, by July 24, 2024, by obtaining the permit or a fine of

\$250/day to commence on July 25, 2024 until compliance was reached plus \$50 Hearing Costs for today's hearing due immediately or payable within thirty days. Mr. Gorman answered that this was agreeable to him.

ITEM #V.35

***TAKEN OUT OF SEQUENCE**

Case #: 24060002 - Building Code (FBC) Violation
Property Owner: Goldring, Steve & Louanne Goldring, Robert
Address/Folio: 4117 Bougainvillea Dr 312
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits

Nick Welsh, president of the Association, testified that the previous president who was voted out of office was constantly using the Town and other authorities to harasses the owners. She constantly made complaints and the Town had to follow up on that. Their attorney was trying to get a cease and desist. The Special Magistrate asked Mr. Welsh if this was regarding Unit 312 and he answered that it was. He further answered that Steve & Louanne Goldring own that unit but they did not live there. Code Compliance Officer Barrett testified that unit 312 was cited for work without permits. He answered the Special Magistrate that it was for sliding doors and windows. Mr. Welsh said he was representing 312 today but he spoke with the Building Official who told him that the original contractor (Keegan Windows) voided the permit. He said that the people themselves spoke to the Building Department and checked online and it showed all permits were closed.

The code officer testified that the permits were voided. He answered the Special Magistrate that he did not know why but they continued to do the work anyway, per the Building Official who was not in attendance tonight. They needed to get sliding door and window permits as the other permits were voided. Mr. Welsh said that Mr. Goldring was flying in tonight but Mrs. Goldring was out of the country. The code officer said that the Town was recommending a continuation until the July 25, 2024 hearing. The Special Magistrate informed Mr. Welsh that the notice would be sent to unit 312. She asked Mr. Welsh to let Mr. Goldring know what transpired tonight and that this was re-set for the July 25, 2024 hearing and it would be wonderful if he could reup the permit prior to that. The Special Magistrate ordered a Final Order with continuance to the July 25, 2024 hearing and notice would be sent out.

ITEM #V.36

Case #: 24050034 - Building Permit Violation
Property Owner: East Leisure Association, Inc
Address/Folio: 4117 Bougainvillea Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits
Florida Building Code Section 105.1 Required

Code Compliance Officer Barrett testified that they were cited for work without permit. The porch rebar was exposed, security camera installed in the meter room and club room, electrical work was done for the heat pump, a/c unit in clubhouse, and security doors on the north roof. He answered the Special Magistrate that this was not an apartment but rather the main building. This was the Association but he answered the Special Magistrate that the Association did not own the building. Nick Welsh, respondent, testified that he was the president of the Board. He said he was working with Building Official Simo Mansor regarding all of the items in question and he thought that the Building Official signed off on them. The code officer said that the Building Official asked him to continue this case until the July 25, 2024 hearing. Mr. Welsh explained that there

were permits for the work that needed permits but the previous president contacted the Town on stuff that went back years and years ago. However, what work needed permits, did get permits. There were also, he thought, five apartments reported for work without permits. The Building Official would like to gain access to those apartments and Mr. Welsh was trying to arrange that with the snowbirds. The Special Magistrate told Mr. Welsh that whatever he could get done before the hearing next month would be appreciated. The Special Magistrate ordered continuance of this agenda item to the July 25, 2024 hearing.

CASES TO BE CONTINUED

ITEM #V.10

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.

Cheryl Manzi, President of the Association, said she finally had good news. The assessment was approved and there was money coming in from the owners. The contract was signed to begin the concrete restoration for the inspection. They should be starting within two weeks. The property manager, Nathan Bagley, was in attendance as well. They were ready to move forward. Code Compliance Officer Barrett testified that the Building Official requested to continue this case until the July 25, 2024 hearing. The president asked that when the project would begin, was there any way to stop the fine or did that have to go until the completion of the project. Code Officer Barrett said that once the project was complied, the fines would stop that day. DS Director Campbell explained that once all the associated repairs were completed, then the fines would stop. Mr. Bagley asked that since the project would take some time, could the continuance go to the September hearing? DS Director Campbell said that the Building Official asked for a thirty-day continuance, so let's do that and after the July 25, 2024 hearing, we could extend the status hearings for longer periods of time. The Special Magistrate ordered a continuance to the July 25, 2024 hearing for a status hearing. Officer Barrett was answered that they were still planning on supplying the Building Official with the engineer report.

The Special Magistrate said for the record that there were no other property owners present at this hearing. We would continue this hearing without property owners or property owner representatives.

ITEM #V.14

Case #: 24040003 - Web Citizen Complaint
Property Owner: Poinciana 4533 LLC
Address/Folio: 4533 Poinciana St
Code Section(s):
1. Chapter 30 - Unified Land Development Regulations Section 30-241(k)(1) - RM-25 district—Apartments and lodging.
2. Chapter 6 - Building and Building Regulations Section 6-36(a).
3. Florida Building Code FBC BCA Section 105.1. Work Without Permits
4. Florida Building Code STOP WORK ORDER

For the record, no one was in attendance to represent the property. Senior Code Compliance Officer Villaneuva testified that this case was here last month. The property owner did satisfy the Town's request as far as maintenance goes. He also satisfied the Town's request for the one permit that had exceeded the scope of the work. That permit was corrected and a revision was

issued. They were okay to continue work on unit #2. As far as the other violations were concerned, they were making progress. The Building Official and Code were okay with giving them ninety days to continue to make progress. The Special Magistrate asked how the split unit was remedied. She was answered that the Town did not know if that was remedied because the tenant in unit #4 has not allowed access. She was further informed that the owner's update was that there was a hearing scheduled for July regarding an eviction or something like that. He expected that within the next few months, everything would be solved. The code officer said that the Town was satisfied with the progress being made.

The homeowner has applied to convert this property into a short-term rental property. Code and Fire Inspections would be required in the near future. If there were any other violations or concerns, they would be found during these inspections. The Town would allow them to continue working on their issued permits and in ninety days to come back for a Status Hearing. Special Magistrate Clerk Small said that ninety days would be September 25, 2024 and was the day before the September 26, 2024 hearing. The Special Magistrate ordered a ninety day continuance to the September 26, 2024 hearing for a Status Hearing.

OLD BUSINESS

ITEM #V.16

Case #: 23010007 - Building Code (FBC) Violation
Property Owner: Ocean East Apartments, Inc.
Address/Folio: 1530 S Ocean Blvd
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. Senior Code Compliance Officer Villaneuva testified that this was a Status Hearing for the 40/50 year certification process. The Town received an engineer letter with an update recently. Today we would continue the case for sixty days. The engineer report depicted that they expect the repairs to be completed by August. We would bring them back to the August 22, 2024 hearing. The Special Magistrate ordered continuance to the August 22, 2024 hearing.

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 24040005 - Permits Required Violations
Property Owner: Property Keepers Management, LLC
Address/Folio: 1480 S Ocean Blvd
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits.

For the record, there was no one in attendance to represent the property. Senior Code Compliance Officer Villaneuva testified that this violation was for work without permit. He said that this case was cited on April 8, 2024. The Town was requesting that the property owner contact the Building Department for an after-the-fact permit. There were railings added to the roof of the building. There was a complaint from a neighboring property that it was being used as a roof lounge. We cited them and they did reach out to the Building Official initially to say they were going to take care of it by getting permits. The Special Magistrate asked if this was allowed and the officer said that the permit process would let them know if it was allowed or not by zoning, etc. They did submit a permit to reroof the building and they were reroofing it now. The railing was not part of the re-roofing package they submitted. Today the Town was requesting a Final Order. The Special Magistrate ordered a Final Order to either submit for a permit for the existing railing by July 24, 2024 or submit for a permit to remove the railing by July 24, 2024 or a fine of

\$250/day to commence July 25, 2024 until compliance was achieved plus \$50 Hearing Costs due immediately or payable within thirty days and attend the July 25, 2024 hearing for a Status Hearing.

ITEM #V.22

***TAKEN OUT OF SEQUENCE**

Case #24050004 - Building Code (FBC) Violation
Property Owner: A Plus Management Inc
Address/Folio: 3261 Oleander Way
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 Compliance Officer Villaneuva testified that there was a Final Order from the last hearing. They were supposed to obtain a permit by June 26, 2024 for the work done without permit. They did apply for a permit but the permit was denied and comments were sent out on June 21, 2024. The fines did start to run. The Town suggested to continue the case with the fines running and return to the July hearing with no costs to be assessed for today's hearing. The Special Magistrate ordered a continuance to the July 25, 2024 hearing with the fines running.

ITEM #V.23

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

For the record, no one was in attendance to represent the property. Senior Code Compliance Officer Villaneuva testified that the Town would like to extend the comply-by date to August 21, 2024 so fines did not run. They were working to get all the paperwork in for the 40/50 Year Building Safety Inspection Program certification process. There would be no fines running and no costs assessed for today's hearing. The Special Magistrate ordered a revised Final Order with no fines running and no costs but the comply-by date would be extended to August 21, 2024 and come back to the August 22, 2024 hearing, if needed.

NEW BUSINESS

ITEM #V.27

***TAKEN OUT OF SEQUENCE**

Case #: 24050068 - Recreational Vehicle & Boat Violation
Property Owner: Feanny, James R
Address/Folio: 2049 Windward Dr
Code Section(s): Chapter 19 - Traffic And Motor Vehicles Section 19-21(b)(4) Parking or storage of motor vehicles and vessels

For the record, no one was in attendance to represent the property. Code Compliance Officer Barrett read the violation into the record. Today was for a Finding of Fact. He was submitting into evidence a photo of the boat parked in the front yard. He answered the Special Magistrate that the boat was gone. The Special Magistrate said that on May 23, 2024 the boat was parked in the driveway in front of the house. She explained that with adjudication they could be assessed a larger fine, if this reoccurred. The Special Magistrate accepted the Town's evidence into the record without objection as Exhibit 1. The Special Magistrate ordered a Finding of Fact that the violation did exist but was in compliance prior to this hearing and if this violation should reoccur

within the next five years under the same ownership, it could be deemed a repeat violation subject to immediate and higher fines.

ITEM #V.28

Case #: 24030011 - Noise Violations
Property Owner: 4600 Seagrape Drive LLC
Address/Folio: 4600 Seagrape Dr 1-2
Code Section(s): Chapter 13 - Noise Section 13-6(c)(1)a Noise limitations Maximum sound levels.

For the record, no one was in attendance to represent the property. Code Compliance Officer Barrett testified today was a Finding of Fact for a noise complaint. Service was obtained by green card and posting. The violation did occur but was in compliance prior to the hearing. If this should reoccur within the next five years under the same ownership, it may be deemed a repeat violation subject to immediate and higher fines. He submitted the police report to the Special Magistrate who said the report showed the sound exceeded 90 dBA - 95 dBc. Seventeen people were staying at the location (college age/adults). She accepted the Town's evidence into the record without objection as Exhibit 1. The Special Magistrate ordered a Finding of Fact that the violation did exist but was in compliance prior to this hearing and if this violation should reoccur within the next five years under the same ownership, it could be deemed a repeat violation subject to immediate and higher fines.

ITEM #V.30

***TAKEN OUT OF SEQUENCE**

Case #: 24050053 - Noise Violations
Property Owner: Darwin2 LLC
Address/Folio: 4434 Bougainvilla Dr
Code Section(s): Chapter 30 - Unified Land Development Regulations Sec. 30-327.(d). - Vacation rentals and short term rentals. Duration
Chapter 30 - Unified Land Development Regulations Section 30-327(h)2(i). Vacation rentals The duties of the vacation rental agent

For the record, no one was in attendance to represent the property. Code Compliance Officer Barrett testified that this case was complied so tonight was for a Finding of Fact. He answered the Special Magistrate that it was in regard to not having a property manager available 24 hours a day for 7 days a week (property manager did not respond). He gave the Special Magistrate a copy of the police report. The violation occurred May 30, 2024. She accepted the Town's evidence into the record without objection as Exhibit 1. The violation was that they did not have a property manager available who must be available 24/7 to handle any problem arising from the rental and must respond - be able and willing to come to the location. Special Magistrate Secher mentioned a noise complaint and that there were ten guests. The Special Magistrate ordered a Finding of Fact that the property manager violation did exist but was in compliance prior to this hearing and if this violation should reoccur within the next five years under the same ownership, it could be deemed a repeat violation subject to immediate and higher fines.

ITEM #V.31

Case #: 24050054 - Noise Violations
Property Owner: Margarita Republic LLC
Address/Folio: 4436 Bougainvilla Dr
Code Section(s): Chapter 30 - Unified Land Development Regulations Sec. 30-327.(d). - Vacation rentals and short term rentals. Duration

Chapter 30 - Unified Land Development Regulations Section 30-327(h)2(i). Vacation rentals The duties of the vacation rental agent

For the record, no one was in attendance to represent the property. Code Compliance Officer Barrett testified that this case was complied so tonight was for a Finding of Fact. He testified as to what the violation was. The Special Magistrate asked if this was for the failure of not having a manager available 24/7. She asked if it was also for renting for less than seven days but the code officer said it was the owner at the property. The code officer said the Finding of Fact was the property manager was not responsive as stated in the ordinance. The Special Magistrate ordered a Finding of Fact that the violation did exist, but was in compliance prior to this hearing and if this violation that the property manager did not respond and not available (per the ordinance and duties of the rental agent) should reoccur within the next five years under the same ownership, it could be deemed a repeat violation subject to immediate and higher fines.

ITEM #V.32

Case #: 24030010 - Noise Violations
Property Owner: Bartczak, Jennifer C Marcus, Patrick A
Address/Folio: 4548 Poinciana St
Code Section(s): Chapter 13 - Noise Section 13-6(c)(1)a Noise limitations Maximum sound levels

For the record, no one was in attendance to represent the property. Code Compliance Officer Barrett testified that tonight was a Finding of Fact. The Special Magistrate asked if the Finding of Fact would be that on April 1, 2024 there was a noise violation and the code officer answered that it was. She then said we would be adjudicating making the property subject to higher fines, if it happened again and the code officer agreed. The Special Magistrate ordered a Finding of Fact that the noise violation did exist but was in compliance prior to this hearing and if this violation should reoccur within the next five years under the same ownership, it could be deemed a repeat violation subject to immediate and higher fines.

ITEM #V.37

***TAKEN OUT OF SEQUENCE**

Case #: 24050030 - 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.
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.

For the record, no one was in attendance to represent the property and/or the businesses. Senior Code Compliance Officer Villaneuva testified that tonight would be a Finding of Fact. They have complied with the three different code sections and he explained what they were. He said there were multiple businesses at this property. For the first violation, the business was Diamonds and Doggies (pet store). They have now complied with the banner installed in the front of the building without a permit. The second violation was also for a sign but this one was for the amount of signs that were put out. Only one sandwich sign per service entrance was allowed and he

explained where it could be located and that business was Tacocraft. Coast Boutique was the third violation cited for the location of the sandwich sign. All three violations were complied.

The Special Magistrate inquired about the Finding of Fact and the code officer would like the Finding of Fact specific to each business. He explained that they each have the same address. (1) Diamonds and Doggies could not have a banner without a permit. (2) Tacocraft could only have one sign as they had more than one sign. (3) Coast Boutique could have a sandwich sign within two feet of the customer service entrance.

He explained that the Town Code allowed for a few different consequences for violations and one could be that a Town Officer could remove the sign and charge them for storage to return the sign. Another option could be to cite them as a repeat violator. The Town suggested a Finding of Fact to include \$100/violation/sign/day fine for a repeat violation. The Special Magistrate said that the violation(s) would go to the property owner and not to the businesses. Senior Code Officer Villaneuva said to include also that the Town Officer could remove the sign and charge them for storage to return the sign depending on the directions given by the Town Manager for fines or removal. There were no costs associated with today's hearing. The Special Magistrate made three adjudications:

Special Magistrate Secher ordered that the violation existed but was complied and if Diamonds and Doggies violated (Chapter 30 - Unified Land Development Regulations Sec. 30-502.(d)(5)2. - Exempt signs.) again within the next five years under the same ownership, it could be deemed a repeat violation subject to either a Town Officer removing the banner(s) and charging them for storage to return it or \$100 per day, per violation, per banner fine which would be decided at the direction of the Town Manager for either removal or fine.

Special Magistrate Secher ordered that the violation existed but was complied and if Tacocraft violated (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.) again within the next five years under the same ownership, it could be deemed a repeat violation subject to either a Town Officer removing the sign(s) and charging them for storage to return the sign(s) or \$100 per day, per violation, per sign fine which would be decided at the direction of the Town Manager for either removal or fine.

Special Magistrate Secher ordered that the violation existed but was complied and if Coast Boutique violated (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.) again within the next five years under the same ownership, it could be deemed a repeat violation subject to either a Town Officer removing the sign(s) and charging them for storage to return the sign(s) or \$100 per day, per violation, per sign fine which would be decided at the direction of the Town Manager for either removal or fine.

ITEM #V.38

Case #: 24040008 - Parking or Storage of Trailers

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 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 Compliance Officer Villaneuva testified that this was a repeat violation. He said they did have service via a signed green card. They were cited on April 17, 2024. There was a previous Final Order on this that established the Finding of Fact. If this was to reoccur, it could be subject to immediate and higher fines. For evidence, he had six pictures of six different days where there was a commercial trailer or vehicle parked on the property. That was considered a repeat violation. The Town was requesting a fine of \$100/violation/day. The Special Magistrate asked the code officer to read the date of each photo into the record. He was also asked the last time a commercial trailer or vehicle was seen there and he replied that would be April 17, 2024. They continued to monitor but did not see any other commercial trailers or vehicles parked there after that. The delay in bringing this in front of the Special Magistrate was because they wanted to ensure accurate service and they did have it. He read the dates of the photos into the record as 3/8/24, 3/13/24, 4/13/24, 4/15/24, 4/16/24, and 4/17/24. He answered that after the last hearing, they reached out to the Father of the Church, who said that the gentleman who came to represent the Church was authorized to represent them. He also gave him information on two more people who were responsible for the Church. The officer replied to him and to all the other people but no one ever responded again. They were going forward with the fines.

The Special Magistrate suggested that the Town get in writing who was authorized and the code officer answered that he was sent an email with the names of the people authorized to represent the Church. He gave his photos to the Special Magistrate and she read into the record the same six dates the officer read into the record which appeared on the photos. The photos depicted six days that a "food truck" parked there and based on that, there was evidence of six violations that were repeat violations now in the file. The Special Magistrate ordered that \$600 be paid to Lauderdale-By-The-Sea in fines for the six violations. She hoped this would be the end of this situation and asked if that property had a fence or gate across it. The code officer explained it did but they share a road with a residential property to the rear of them. The gate was usually open and people drive up and down there to get into their houses in the back. Anyone could use that road.

ITEM #V.41

Case #: 24060004 - Zoning Violations
Property Owner: Creason, James B Creason, Jeremy T
Address/Folio: 275 Hibiscus 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 Compliance Officer Villaneuva testified that since the current owners purchased this property, they removed the grade (hump or dip to retain water) in the swale. He had pictures to submit into evidence. He answered the Special Magistrate that the new owners removal of the grade was a violation of Town Code which required them to have a swale. The Town did not know when the swale was put in but they did know that it was taken out. The property owner did work without permit as it would have required a landscape permit to remove the swale. They would also need a landscape permit to put it back the way it was. He gave his photos to the Special Magistrate and showed her how it previously looked and how it looked now. He also explained about the water that cannot drain now after a rainstorm. She accepted the Town's two photos into the record as Exhibit 1 and Exhibit 2 without objection indicating a landscaping change which did not allow the water into the ground but rather it allowed the water to go into the street. This was a new case and there was a green card for service for this work without permit violation. They needed a landscape permit to do what they did and they would have to get a landscape permit now to fix it. The Town

requested a Final Order giving them until July 24, 2024 to obtain a landscape permit to correct the grade in the swale or a fine of \$250/day until compliance was achieved. There would be no costs for today's hearing. The Special Magistrate ordered a Final Order for compliance by July 24, 2024 by obtaining a landscape permit to correct the grade in the swale or a fine of \$250/day until compliance was achieved.

OLD BUSINESS
ITEM #V.24

Case #24050006 - Building Permit Violation
 Property Owner: 1973 Sailfish PI LLC
 Address/Folio: 1973 Sailfish PI
 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 Compliance Officer Villaneuva testified that there was a Final Order in place. They had until yesterday to submit permits or a fine of \$250/day would start running. The Town did not hear from the property owners and no permits were applied for. The Town suggested continuing this case with the fines running until the July 25, 2024 hearing for which there may be a certification of lien. The Special Magistrate ordered a continuance to the July 25, 2024 hearing with the fines running and a possible certification of lien at the July 25, 2024 hearing.

ITEM #V25

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)

For the record, no one was in attendance to represent the property. Senior Code Compliance Officer Villaneuva testified that this case has a Final Order. The Town gave them a shorter amount of time, May 31, 2024, to comply. They complied regarding the removal of the advertisement for less than a seven day rental. However, they still did not get a license/BTR from the Town to operate a vacation rental. He said that fines would continue to run on that. He could not confirm if they were still renting. The Special Magistrate informed that if they stopped renting, the BTR fine of \$100/day could not run. She was answered that they still have an active listing. They corrected the amount of days for the rental and that listing was still active so the BTR fine would still run. The case would be re-set for the July hearing for a Status Hearing with the \$100/day license/BTR violation still running. The Special Magistrate ordered this agenda item continued to the July 25, 2024 hearing for a Status Hearing with the \$100/day BTR/license violation fine still running. The Special Magistrate was answered by the Special Magistrate Clerk that the Town just hired a company to monitor rentals.

Special Magistrate Clerk Small read into the record the cases that were complied.

COMPLIED CASES		
Item #	Case #	Property Address
2	24040001	1912 Ocean Mist Dr
3	24050050	2121 S Ocean Blvd 402

COMPLIED CASES		
Item #	Case #	Property Address
4	24050052	2121 S Ocean Blvd
5	24050049	238 Commercial Blvd
6	24010004	260 Codrington Dr
7	24050007	2049 Ocean Mist Dr
8	24030005	2073 Coco Palm Pl
11	24050031	2121 S Ocean Blvd 101
15	24030009	1480 S Ocean Blvd 215
34	24050033	1967 S Ocean Blvd 321-D

Special Magistrate Clerk Small read into the record the cases that were continued to July 25, 2024 hearing.

CONTINUED TO JULY 25, 2024 HEARING		
Item #	Case #	Property Address
9	24040014	3271 Cypress Creek Dr
12	24050066	264 Hibiscus Ave
17	22070008	4553 Bougainvillea Dr
19	24030004	4629 Poinciana St 215
21	24050008	1597 Blue Water Ter
26	24020004	4317 N Ocean Dr
29	24050032	1780 E Terra Mar Dr

ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Judith Secher adjourned the Hearing on June 27, 2024 at approximately 6:55PM.

APPROVED BY:


 Special Magistrate Judith Secher

ATTEST:


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