

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, May 23, 2024 at 5:00PM

I. CALL TO ORDER, SPECIAL MAGISTRATE JUDITH SECHER

Special Magistrate Judith Secher called the hearing to order at approximately 5:06PM on Thursday, May 23, 2024 with Town Attorney Alan Gabriel, Development Services Director Jhanelle Campbell, 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 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.

OLD BUSINESS

ITEM #V.7

***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) would represent the Town in this case. The DSD testified that at the April 25, 2024 Hearing, the Town requested a continuance due to the respondent's counsel not being available for this case. We were here tonight for an update. Attorney Andrew Schein, Lochrie & Chakas, stated that he represented the owner. He said the status update was that all of the consultants were hired and they put together plans. They met with Town Staff to present the plans and the next step was to meet with the Commission next week to present those plans. Then they would submit to the Town for Development Review. DSD Campbell said based on that information, the Town was requesting another Status Hearing at the July 25th Code Compliance Hearing which was then changed to the August 22nd Code Compliance Hearing. By

that time, she said to Attorney Schein, the Town should have received the Site Plan Application. Attorney Schein agreed. The Special Magistrate ordered a continuance to the August 22, 2024 Code Compliance Hearing for another Status Hearing and no fees or costs were assessed tonight.

NEW BUSINESS

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 24050009 - Nuisance
Property Owner: Schick, Albert H/E Schick, David
Address/Folio: 1661 W Terra Mar Dr
Code Section(s): Chapter 4 - Animals Section 4-31. Excessive barking of dogs prohibited.

Code Compliance Officer Hector Barrett testified that service was obtained by green card. The violation was an excessive barking dog. The Town was recommending a dismissal or withdrawal of this case. The officer visited the property and there was no barking dog. His supervisor, Senior Code Compliance Officer Eric Villanueva, also visited the location and there was no excessive barking. Officer Barrett invited the complainant to be here tonight but he refused. The Special Magistrate wanted to know if this was between houses or was it in a building. He answered that it was next door houses and the dog was a German Shephard. Albert Schick, property owner, testified that he lived there thirty years. He answered the Special Magistrate that he did not think this issue was resolved. He wanted to make a statement and show some videos as this was going on for fifteen years. He said the man threatened to kill him, his wife, and his dog and killed two of his dogs already. Even though the Special Magistrate loved dogs, she could not resolve this long problem but Mr. Schick could certainly make a statement tonight.

Mr. Schick said among other things that he was a Vietnam War Veteran and would like to show the Special Magistrate a video from his camera of his dog not barking but different dogs were barking. The Special Magistrate explained why her seeing the video of his dog not barking would not help her because dogs do bark. Mr. Schick testified that he was emotionally distressed because this was happening way too often for fifteen years and Mr. Schick is 84 years old. The Magistrate said she could not do anything other than going forward with this case or dismiss it. She said DSD Campbell from the Town could talk to him about it but the Town was recommending dismissal. DSD Campbell testified that over the years, there have been several complaints which have always been investigated and dismissed because there was no evidence to move forward with code action. Tonight was the same because the Town did not observe any violation. The Special Magistrate asked if it was the same person complaining each time and she was answered in the affirmative. DSD Campbell added that over the years, different inspectors went out but came to the same conclusion. Mr. Schick answered the Special Magistrate that the complaining man was not elderly. DSD Campbell explained that the Town could not do anything between neighbors.

The Special Magistrate asked if the Town responded after a short time about the dog complaint and the DSD responded in the affirmative. The Special Magistrate suggested that Mr. Schick seek legal counsel. She also thanked Mr. Schick for his service. Mr. Schick said the neighbor calls and the police and animal control come. They knock on the door and the dog barks. It goes on and on. He is a service dog. DSD Campbell answered the Special Magistrate that the Town recommended the complaint be dismissed without fines or costs and she answered Mr. Schick that any complaints would be investigated. The Special Magistrate ordered this excessive barking complaint agenda item dismissed without fines or costs.

CASES TO BE CONTINUED

ITEM #V.6

***TAKEN OUT OF SEQUENCE**

Case #: 23050002 - Building Code (FBC) Violation
Property Owner: Common Area
Address/Folio: 4520 El Mar Dr
Code Section(s): FBC 40/50 Year Inspections 110.15 Building Safety Inspection Program

Special Magistrate Clerk Small said that she has that this case was continued to the June Hearing but people were in attendance tonight for this case. Dawn Crams, Board Treasurer, testified they were told by their property manager that the Town requested an owner and part of the board attend tonight's hearing and present tonight. Brad Decker, an owner, said they flew in from Myrtle Beach. He said that there was representation every month at the hearing since this process began of repairing the buildings. During the process, it has not been easy between the team from Building Code Enforcement and them, even though they have been proactive. The Building Department felt reactive. The Special Magistrate asked if the Town would present first so she could get more familiar with this case and then the respondents could speak again.

Code Compliance Officer Hector Barrett testified that this should be a status hearing. The Town did receive an engineer report per the Building Official and it was relayed to the property manager that this case would be continued. Brad Decker said he flew in from South Carolina and there was nothing in writing that the case would be continued. The Building Official informed the respondent that he needed to be aware as to what was going on. He spoke about the fines that were running because of the report submitted five times in the wrong format. Mr. Decker said he is a contractor and was proactive with this. He said that the Building Official told him he was understaffed so to go ahead and start the action for the repairs. The Magistrate stopped the conversation and requested a brief history of this case which she was told was a 40 year inspection (building safety inspection) for a condominium. The work was completed.

Officer Barrett spoke about Building Official Mansor previously requesting a meeting with the engineer within seven days and DSD Campbell requested the fines to be certified if the engineer report was not submitted correctly on the current form. Several times, the report was submitted in the wrong format. The Special Magistrate asked if this was corrected and the Town answered that it was not yet corrected and Mr. Decker spoke about the report stamped and accepted by David, a Town employee. It was clearly received but the team responded that they did not get it. Officer Barrett explained that the engineer report was submitted but it was not signed. They needed it signed correctly. As of today, the Magistrate wanted to know if they had the right format with the right signature and was answered negatively by the Town. Mr. Decker believed differently as they had copies of submittals given to David. Mr. Decker explained that they went to the engineering firm themselves and got the document and it was signed and given to David who told them they met the deadline. He felt the clerical part got lost in the translation.

For this hearing, the Special Magistrate wanted to know if the correct form with the correct signature was in the hands of the Town and she was told that the Town did not have that. Building Official Mansor said the structural side was good but the engineering side was not. He explained that structural was on paper, so electrical had to be on the correct paper form with an original signature as well. He showed different submittals received with the correct form but wrong signature or correct signature on the wrong form. He did have both the correct form and signature but that document did not state "no repair or repairs". With all the submittals, the paperwork was not correct.

Senior Code Compliance Officer Villaneuva testified that a digital signature could only be submitted online and he explained why. Building Official Mansor said this was why they were here so they could understand exactly what was needed which was a submittal on the correct form with a signed and sealed signature. As they have a paper submittal on the structural side, the electrical also had to be on paper. Mr. Decker spoke about the crazy, imposed fines especially because they have been proactive in this situation. Special Magistrate Secher asked DSD Campbell if it would be acceptable if the engineer came in to sign the correct form in the correct manner. DSD Campbell spoke about this going on since January 26, 2024. In general, the Town usually worked with the buildings that were required to come into compliance with the 40 year inspection report. She clarified that as of today, the fines have not been recorded as a lien on the property. The Town was recommending a continuance to the June hearing so the respondents could sort things out and we could address the fines at the June hearing. She answered Ms. Crams that after every hearing, they mail out Final Orders which contained things like the compliance date and the dollar amount of the fine, if not in compliance. Ms. Crams said that the old property manager was not there since March and the Special Magistrate asked if the Town had the name of the new property manager. DSD Campbell said that it was the condominium's responsibility to notify the Town of the name of a new property manager.

Brad Decker said he appreciated the Town's consideration for a continuance and he reminded that the owners were proactive in fixing everything when it needed to be fixed. As an owner, he would call the engineering firm and have the engineer come to the Town and execute everything properly. DSD Campbell said that this plan was okay but for the record, the fines were continuing to run until this issue was resolved. At the next hearing, fines could be addressed and they could request a mitigated amount. She suggested assessing a \$50 fee for staff's time on this case. The Special Magistrate reminded the respondents to give the Town in writing the name of the new property manager and the Town to supply to the Board President a copy of whatever Notice the Town sent to the property manager. The Special Magistrate ordered the engineer report required by law given to the Town in the correct format and correctly signed before June 27, 2024 and continuance of this case with fines running to the June 27, 2024 Hearing plus \$50 cost due immediately but payable before June 27, 2024.

NEW BUSINESS

ITEM #V.29

***TAKEN OUT OF SEQUENCE**

Case #: 24050012 - Vacation Rental Regulation

Property Owner: Rhino Real Estate LLC

Address/Folio: 1984 Sailfish Pl

Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(d)

Senior Code Compliance Officer Eric Villaneuva testified a Notice of Violation was issued on May 2, 2024. Service was achieved by posting the property for the violation of the duration of vacation rental being advertised for fewer than seven consecutive days. He had proof by searching online that the house was being listed for a three day rental. He showed his proof to Tristan Cianciolo from the Management Company who did not have objection to the proof of the Airbnb posting being submitted for evidence to the Special Magistrate. The Special Magistrate accepted it into the file as Town Exhibit 1 without objection. The officer said that as of today, postings have been corrected and the case was complied. He was recommending a Finding of Fact that if this violation should happen again at the same address with the same owner within the next five years, it could be deemed a repeat violation subject to immediate and higher fines. The Special Magistrate explained that she was adjudicating this and explained what would happen if this happened again. Ms. Cianciolo said it was the first time this happened and would like another

chance. DSD Campbell answered the Special Magistrate that she would like to proceed with the Finding of Fact because this was a second chance as there were no fines assessed today. DSD Campbell also suggested \$50 cost for today's hearing. The Special Magistrate ordered a Finding of Fact that the violation existed but was now in compliance and if this violation should happen again at the same address with the same owner within the next five years, it could be deemed a repeat violation subject to immediate and higher fines plus \$50 cost for today's hearing due immediately but payable within thirty days.

ITEM #V.30

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

Senior Code Compliance Officer Eric Villaneuva testified that the property was cited on May 2, 2024. Service was achieved by signed green card in the file and the property was also posted. He answered the Special Magistrate that the violations go to both buildings with multiple apartments but was considered one property. They received a resident complaint about multiple violations and maintenance issues at the property. Code Enforcement and the Building Official conducted an inspection. He explained the four violations that were discovered/cited. He answered that the property was licensed as a long-term rental property. The officer had pictures to submit into evidence and showed them to Shimon Buhadana, one of the owners. Mr. Buhadana answered the Special Magistrate that he lived local in Plantation, Florida. The officer answered the Special Magistrate that there were nine units total in the two buildings.

The Special Magistrate looked at the seven pages of pictures. The officer explained what each photo depicted and which violations they reflected. The Special Magistrate named each photo separately (exhibit number 1 through number 7) for easier identification and accepted them into the file without objection. The officer said that the walkway (pavers) was pretty much complied as a permit was issued. The owner was given some time to get everything corrected, pull the necessary permits, and correct the permit for unit #2. The owner was working on this in a timely manner. Today the Town was seeking a continuance until the next hearing, June 27th.

The officer said they did not know who split the one unit into two separate units. The Town requested that unit turned back into the original use of a two bedroom apartment. The owner said he bought the building that way and did not know who split the unit. Mr. Buhadana answered the Special Magistrate that he had no objection to turning that unit back into a two bedroom apartment. DSD Campbell said that it would need to be turned back to its last permitted form. The owner answered the Special Magistrate that he did not have a lease with either one of the two gentlemen in 4A and 4B but was getting rent from both of them. DSD Campbell testified that one unit had a kitchen and the other was an efficiency, but both had refrigerators. The DSD said the owner was working with the Building Official and that the Town was willing to continue this for a status update at the June hearing. If appropriate advancement was not made, then a Final Order would be issued. DSD Campbell said the Town was requesting \$100 cost for the extended time staff spent on these issues and the owner had no objection. The Special Magistrate ordered a continuance to the June 27th hearing plus \$100 cost was assessed due immediately or payable

by June 26, 2024. Special Magistrate Secher said she was pretty much finished with this case as the Town and owner seem to be in accord as to what they wanted to do.

The Special Magistrate granted Don Kozich, unit 4A, a few minutes to speak. He told the Special Magistrate that Mr. Buhadana was the owner and general contractor. Mr. Kozich asked to see the pictures that were used as Town's evidence and they were handed to him to look at. The Special Magistrate asked Mr. Kozich to share viewing them with Town Attorney Alan Gabriel so he could also see what was being talked about. Attorney Gabriel told Mr. Kozich he would get copies of the requested photos. Mr. Kozich said he made the original complaint in March and Officer Villaneuva told him he would make the owner/contractor comply within thirty days. Officer Villaneuva explained that the hearing was continued due to the owner's and property manager's request for the Passover Holiday. The complainant felt that the owner had more than enough time to fix the repairs and discussion ensued. Mr. Kozich said he filed a twenty-four page complaint about the specific things they discussed today and more. Special Magistrate Secher explained that the only things she could consider were the items spoken about today. Attorney Alan Gabriel said for the record, he provided Mr. Kozich copies of the photos he requested. He said the complainant had the right to come forward as a member of the public to be heard. As to matters before the Magistrate, the gentleman was talking about something not before the Magistrate at this time. The Special Magistrate told Mr. Kozich that she already ruled on his apartment that was now unit 4A and unit 4B but must convert back to one unit #4. Mr. Kozich had no problem with that as long as it was done properly and within the law. However, they could not discuss a different apartment that was not part of today's hearing. The Town has made representation as to what would be done with the items/violations discussed tonight and was prepared to move forward.

Town Attorney Gabriel told Mr. Kozich that what he was presenting now was outside of what the Town presented tonight or was even involved with. The Town was prepared to move forward and the owner proposed to become compliant and whether or not he achieved this would be discussed at the next hearing. Special Magistrate Clerk Small said that Ryan Cusolin was on the sign-in sheet for this agenda item but might have left and the Special Magistrate said again she had no jurisdiction tonight to discuss violations that were not covered here and she already ruled on tonight's case and was done.

CASES TO BE CONTINUED

ITEM #V.5

***TAKEN OUT OF SEQUENCE**

Case #: 24030009 - Building Permit Violation

Property Owner: John L Martin Jr Tr

Address/Folio: 1480 S Ocean Blvd 215

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. Code Compliance Officer Barrett testified that the Town was recommending a Final Order requiring compliance by June 26, 2024 or fines of \$250/day to start accruing on June 27, 2024 for the violation of work without a permit plus \$50 costs for today. The Special Magistrate ordered a Final Order for compliance by obtaining after-the-fact permit(s) for work done without permit(s) by June 26, 2024 or a fine of \$250/day to start accruing on June 27, 2024 for the violation of work done without a permit plus \$50 costs for tonight's hearing due immediately or payable by June 26, 2024.

OLD BUSINESS

ITEM #V.10

***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.

The Special Magistrate stated for the record that to her knowledge, there were no other persons present representing any properties.

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 to be continued to the June 27, 2024 Hearing. The Special Magistrate ordered this agenda item continued to the June 27, 2024 Hearing.

ITEM #V.11

Case #: 24010004 - Building Permit Violation
Property Owner: Rogers, Ruth A. Ruth A. Rogers Rev Tr
Address/Folio: 260 Codrington Dr
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 Villanueva said that this case was to be continued to the June 27, 2024 Hearing. The Special Magistrate ordered continuance to the June 27, 2024 Hearing.

ITEM #V.12

Case #: 24030004 - Building Permit Violation
Property Owner: Remmey, Albert E M Jr. Remmey, Carolyn
Address/Folio: 4629 Poinciana St 215
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 said this case would be continued to the June Hearing. The Special Magistrate ordered this agenda item continued to the June 27, 2024 Hearing.

ITEM #V.13

Case #: 24030013 - Building Permit Violation
Property Owner: Corwin, Heather L & David Heather L Corwin Tr
Address/Folio: 1740 E Terra Mar Dr
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 at the last hearing, there was a Final Order on this case with a comply-by date for May 22, 2024. The owner was not able to comply on time but he did reach out to the officer. Officer Villaneuva would like to request an extension to the comply-by date to June 26, 2024 and the fine of \$250/day would remain but to accrue starting June 27th if not in compliance. The Special Magistrate ordered a revised Final Order extending the comply-

by date from May 22, 2024 to June 26, 2024 or a fine of \$250/day to start accruing on June 27, 2024 until compliance was obtained and to attend the June 27, 2024 Hearing, if not compliant.

ITEM #V.14

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

For the record, no one was in attendance to represent the property. Senior Code Compliance Officer Villaneuva testified that at the last hearing, they did a Final Order requiring compliance by May 23, 2024 or \$250/day fine to start accruing and as far as his records show, there was no compliance. He suggested letting the fines run at \$250/day and to continue this case to the June 27th Hearing. The Special Magistrate ordered continuance of this case to the June 27th Hearing with the \$250/day fine running until compliance was obtained and attend the June 27, 2024 Hearing.

ITEM #V.15

Case #: 24030005 - Building Permit Violation
Property Owner: Goldstein, Marney Larned, Joshua M
Address/Folio: 2073 Coco Palm Pl
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 at the last hearing, they did a Final Order requiring compliance by May 22, 2024 or \$250/day fine to start accruing and as far as his records show, there was no compliance. However, he did know that they were in the process of complying. He suggested an extension of the comply-by date to June 26, 2024 with the \$250/day fine to start accruing on June 27, 2024 if not in compliance and return to the June 27th Hearing. The Special Magistrate ordered a revised Final Order with a new, extended comply-by date of June 26, 2024 or \$250/day fine to commence on June 27, 2024 until compliance was obtained and return to the June 27th Hearing if there was no compliance plus no fees or costs were assessed.

ITEM #V.16

Case #: 24020004 - Sign Violations
Property Owner: FEMS Venture
Address/Folio: 4317 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-502 (e) Window Sign

For the record, no one was in attendance to represent the property. Senior Code Compliance Officer Villaneuva testified that this case was complied but corrected it to this case was in the process of gaining compliance. He suggested an extension of their comply-by date to June 26, 2024 and to have the fine originally assessed in the Final Order to start to accrue on June 27, 2024, if they were not in compliance. The Special Magistrate ordered a revised Final Order with a new, extended comply-by date of June 26, 2024 and the originally assessed daily fine would commence on June 27, 2024 if not in compliance and run until compliance was obtained plus return to the June 27th Hearing if there was no compliance by then and no costs or fees assessed tonight.

NEW BUSINESS

ITEM #V.17

Case #: 24040014 - Building Code (FBC) Violation
Property Owner: Carney 2006 Fam Tr Carney, Robert D Trstee Etal
Address/Folio: 3271 Cypress Creek Dr
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. Special Magistrate Clerk Small said this was continued to the June 27, 2024 Hearing and Senior Code Compliance Officer Villaneuva testified that it was. Special Magistrate Secher ordered this case continued to the June 27, 2024 Hearing.

ITEM #V.19

Case #: 24050013 - Recreational Vehicle & Boat Violation
Property Owner: Sampo, Peter & Sampo, Kristen Peter & Kristen Sampo Tr Etal
Address/Folio: 4300 E Tradewinds Ave
Code Section(s): Chapter 19 - Traffic And Motor Vehicles Sec. 19-21.(b)(4).f.

For the record, no one was in attendance to represent the property. Code Compliance Officer Barrett testified that the violation was a boat parked in the driveway which was complied. The Town was recommending a Finding of Fact that the violation did occur on May 14, 2024 but was now in compliance prior to this hearing and should this same violation by the same owner at the same location happen again within the next five years, it may be deemed a repeat violation subject to immediate and higher fines. The Special Magistrate said she was finding that the violation did occur and should it reoccur it could be deemed a repeat offense. The Special Magistrate ordered a Finding of Fact that if this same violation by the same owner at the same location happened again within the next five years, it may be deemed a repeat violation subject to immediate and higher fines.

ITEM #V.20

Case #24050001 - Building Permit Violation
Property Owner: Velarde, Elena Garcia De Etal %URB LOS Naranjos Del Cafetal
Address/Folio: 4117 Bougainvilla Dr 412
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 this case complied prior to the hearing. The Town requested dismissal of the case and not to look for adjudication. The Special Magistrate ordered this case dismissed with no costs.

ITEM #V.21

Case #24050003 - Vacation Rental Regulation
Property Owner: Grant P Galuppi Liv Tr Galuppi, Grant P Trstee
Address/Folio: 1949 Windward Dr
Code Section(s): 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 was complied but the Town was seeking a Finding of

Fact that the violation did occur and he would present evidence. He answered the Special Magistrate that there was incorrect advertising of this property but to his knowledge, he did not know if someone stayed at this property for fewer than seven consecutive days. He has proof that they were advertising for five night minimums (not seven consecutive days) and proof that they were not advertising as such anymore and other evidence that they were in compliance prior to this hearing. He submitted his evidence to the Special Magistrate who accepted it into the record without objection as Town Composite Exhibit 1. Should this same violation by the same owner at the same location happen again within the next five years, it may be deemed a repeat violation subject to immediate and higher fines. The Special Magistrate said she was finding that the violation did exist and should it reoccur it could be deemed a repeat offense subject to immediate and higher fines. The Special Magistrate ordered a Finding of Fact that if this same violation by the same owner at the same location happened again within the next five years, it may be deemed a repeat violation subject to immediate and higher fines.

ITEM #V.22

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 a Notice of Violation was issued on May 1, 2024 for work without permit. The Town posted the property for service on May 13, 2024. The property owner needed to obtain an after-the-fact permit for the work done which included things like windows being changed and the front door being sealed off. He submitted pictures into evidence to the Special Magistrate and answered her that this was a single-family house. She accepted the photos into evidence without objection as Town Composite Exhibit and discussion ensued about the photos. The officer reported that the homeowner reached out and informed him that he intended to install another door. The homeowner was advised about after-the-fact permit(s) for all work done without a permit. The Town requested a Final Order giving until June 26, 2024 for compliance or a fine of \$250/day would commence on June 27, 2024, if the after-the-fact permit(s) were not obtained. The Special Magistrate accepted the photos into the record without objection as Town Composite Exhibit 1. The Special Magistrate ordered a Final Order for compliance by June 26, 2024 by obtaining after-the-fact permit(s) for the work done without a permit or a fine of \$250/day would commence on June 27, 2024 until compliance was reached plus no costs or fees were assessed for this hearing and return to the June 27, 2024 Hearing, if not in compliance.

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 property was a two building multi-family property in violation of the 40/50 Year Building Safety Inspection Program certification process. The Town did receive service by posting the property and service by mail. The property owner was advised that the report was needed. The Town was requesting a Final Order to comply by submitting the report by June 26, 2024 or a fine of \$250/day would commence until compliance was achieved. He

answered the Special Magistrate that he had email communication with them. It looked like they submitted reports to the email where they were scheduling inspections which was incorrectly directed to the City of Fort Lauderdale and no one saw it. The Permit Administrator advised them they needed to direct that to the Town of Lauderdale-By-The-Sea. The officer felt they would most likely have to redo their inspections that he thought were done in 2017. The Special Magistrate asked if they were under a deadline with the State, County or Town and the officer thought this was a Town thing regarding deadline which was being enforced now. They needed to submit reports to the LBTS Building Administrator or attend the next hearing. The Special Magistrate clarified that by June 26th, the Town would have to receive reports indicating whether or not repairs were needed. The Special Magistrate ordered a Final Order for compliance achieved by the Town's receipt of reports indicating whether or not repairs were needed by June 26, 2024 or a \$250/day fine to commence June 27, 2024 until compliance was achieved and attend the June 27, 2024 Hearing if the Town did not receive the reports timely plus no hearing costs or fees assessed for today's hearing.

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 the Notice of Violation was issued on May 1, 2024 for work being done without a permit. Service was obtained by posting the property on May 13, 2024. There was no communication with the homeowner. The Town was asking for them to contact the Building Department and obtain an after-the-fact permit for all the demolition work done inside of the home. He had photos to submit for evidence of the interior demolition done with no permits. You can clearly see when you walk up to the front door that the inside of the house was demolished. Officially, the Building Official went out there twice to post a Stop Work Order and left his business card. Both times, his business card was ripped off and could have been thrown away or taken by the person who ripped it off. The Town was seeking a Final Order requiring an after-the-fact permit being submitted to the Town on or before June 26, 2024 or a fine of \$250/day to commence on June 27, 2024. The Special Magistrate was answered that this was a single-family home. She accepted the photos into the record without objection as Town Exhibit 1. The Special Magistrate ordered a Final Order for compliance by applying for an after-the-fact permit by June 26, 2024 for all the interior demolition work done or a fine to commence on June 27, 2024 of \$250/day and return to the June 27, 2024 Hearing plus no costs or fees assessed for today's hearing.

ITEM #V.25

Case #24050007 - Vacation Rental Regulation
Property Owner: Ocean Mist Property LLC
Address/Folio: 2049 Ocean Mist Dr
Code Section(s): 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 Notice of Violation was issued on May 2, 2024. Service was obtained by posting the property. The violation was advertising the home for rent on Airbnb for less than the allowable seven consecutive days. He had the advertising proof to submit for

evidence. The Special Magistrate accepted the evidence into the file without objection as Town Exhibit 1. She read into the record that they were advertising for a two-night minimum stay and said they were not in compliance at this time. The officer said that the Town has not heard from the property owner and was seeking a Final Order to either remove the ad or fix the ad to a seven consecutive day minimum stay or six consecutive night minimum stay by June 26, 2024 or \$100/day fine to commence June 27, 2024 until compliance was achieved and attend the June 27, 2024 Hearing if not compliant plus no cost or fee for tonight's hearing. The Special Magistrate asked the officer if he had knowledge of any actual rentals for the shorter time and he did not have knowledge of any actual rentals for a shorter amount of time. He clarified that they had a license to rent but they were advertising for a stay less than what was an allowable amount of time to rent. The Special Magistrate asked if the Town had a company to report to them how many times the property was rented. The officer answered that the Town was trying to hire a company with monitoring services. The Special Magistrate explained that such services not only informed how many times the property was rented but also the Treasury Department made sure the owner was taxed for rentals. The Special Magistrate ordered a Final Order to either remove the ad or fix the ad to reflect the allowable seven consecutive day rental or six consecutive night rental by June 26, 2024 or a fine of \$100/day to commence June 27, 2024 and return to the June 27, 2024 Hearing, if not in compliance.

ITEM #V.26

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 Sec. 30-313 (i)(5) b.4.

For the record, no one was in attendance to represent the property. Senior Code Compliance Officer Villaneuva testified that this case would be continued to the June 27, 2024 Hearing. The Special Magistrate ordered this case continued to the June 27, 2024 Hearing.

ITEM #V.27

Case #24050010 - Vacation Rental Regulation
Property Owner: Danielsson, Leif
Address/Folio: 3220 S Terra Mar Dr
Code Section(s): 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 Notice of Violation was issued on May 2, 2024. Service was obtained by posting the property on May 13, 2024. This case was now complied for the violation of advertising the home for less than the seven consecutive day minimum. He has evidence that they were actually renting for less than the allowable amount of time. The Special Magistrate noted that the owners lived in Sweden. The officer posted the property and received a response. He did not know if the Notice made it to Sweden as he still has not received the green card back.

He submitted his evidence to the Special Magistrate that showed this house was advertised as well as rented for less than the allowable amount of time. She accepted it into the record without objection as Town Exhibit 1. The Town was requesting a Finding of Fact that the violation did happen regarding both the advertising and the rental for less than seven consecutive days but was now in compliance and should this same violation(s) by the same owner at the same location happen again within the next five years, it may be deemed a repeat violation subject to immediate

and higher fines. The Special Magistrate ordered a Finding of Fact that the violation(s) existed (advertised and/or rented for less than the allowable amount of days) but were now complied and if this same violation(s) by the same ownership at the same location happened again within the next five years, it may be deemed a repeat violation subject to immediate and higher fines.

ITEM #V28

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 Notice of Violation was issued on May 2, 2024 and service was obtained by posting the property on May 13, 2024. He also had a signed green card on file. This property was violating two sections of the code which were operating without a BTR, and advertising for rental without a license plus also advertising for less than seven consecutive day minimum rental. They were told that they needed to get a license as well as removing the advertisement or fixing it if they had a license to rent. The Town has not heard from them and was seeking a Final Order giving them until May 31, 2024 for a response by submitting an application for a BTR or a fine to start on June 1, 2024 at \$100/day until compliance was obtained and the Town would give them until June 26, 2024 about the advertising to be correct when they were licensed or just removed. The Special Magistrate asked if the Town had two separate ordinances for obtaining a BTR and also for obtaining a Vacation Rental License to which she was told that the Town did not have two separate ordinances. The Special Magistrate also said that the officer could ask for the ad to be taken down in today's Final Order.

The officer decided to change the Final Order to reflect submitting an application for a BTR on or before May 31, 2024 or a fine to start on June 1, 2024 of \$100/day until compliance was obtained and removing the advertisement on or before May 31, 2024 or a fine to start on June 1, 2024 of \$100/day until compliance was obtained. The Special Magistrate ordered applying for a Vacation License/BTR by May 31, 2024 or a fine to commence at \$100/day on June 1, 2024 until compliant and removing the advertisement for any vacation rental by May 31, 2024 or a separate fine to commence at \$100/day on June 1, 2024 plus \$50 costs for this hearing due immediately or payable by May 31, 2024. The officer submitted his evidence to the Special Magistrate who accepted it into the file without objection as Town Exhibit 1 which depicted the advertising on Airbnb and Town Exhibit 2 showed from the internet's property summary that this was the property being advertised.

ITEM #V31

Case #: 24040008 - Parking or Storage of Trailers
Property Owner: Archdiocese of Miami Assumption of the Bless 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

For the record, no one was in attendance to represent the property. Senior Code Compliance Officer Villaneuva testified that this was the Archdiocese of Miami and the case was to be continued once more. The officer answered the Special Magistrate that they were complied. This

was a repeat violation so the Town was seeking fines. He said the Town was not hearing it today because their communications were not going all the way to the proper people making decisions for the church. This would be rescheduled for the June 27, 2024 Hearing. He explained to the Special Magistrate that they have only been communicating with the gentleman who said he was the church volunteer/manager (George), and they were informed that they needed to communicate with the Church Pastor who emailed the officer the names of the people he needed to speak with. The email thread was started. The Town wanted to make sure that they advised the correct people before they proceed with hearing the case. The Special Magistrate said to make sure there was no notice problem as this occurred a lot and neighbors complained a lot and this may occur again. The Special Magistrate ordered this case continued for the June 27, 2024 Hearing.

Special Magistrate Clerk Small read into the record the cases that were continued to June 27, 2024.

CONTINUED TO THE JUNE 27, 2024 HEARING		
Item #	Case #	Property Address
8	23010015	234 Hibiscus Ave
9	22070008	4553 Bougainvilla Dr

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

COMPLIED CASES		
Item #	Case #	Property Address
1	24030014	4652 Poinciana St
2	24040007	1750 S Ocean Blvd
<u>3**</u>	24050002	4616 Bougainvilla Dr 1-3 <i>After this was read into the record, Officer Villaneuva said he had to do a Finding of Fact on this case. See directly below this table.</i>
4	24040004	1924 Ocean Mist Dr

COMPLIED CASES

ITEM #V.3**

***TAKEN OUT OF SEQUENCE**

Case #: 24050002 - Vacation Rental Regulations

Property Owner: Lee, John C

Address/Folio: 4616 Bougainvilla Dr 1-3

Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(i)1

Senior Code Compliance Officer Eric Villaneuva testified this was a short-term rental and two calls were previously called into BSO for a noise complaint and per code, the property manager was to be able to respond 24 hours a day or within three hours to the Code Officers the following day on each of those calls. That failed to happen twice and the Town wanted to cite for that. A Finding of Fact would establish that the violation did occur, in this case twice in April 2024 (April 3 and April 27, 2024), and should this type of violation come back to the Magistrate (non-compliance in response to complaints) within the next 5 years at the same location under the same ownership, it may be deemed a Repeat Violation, subject to higher and more immediate fines, up to \$500 per day per violation. The Town requested that the rental agent or property manager contact the Town to discuss this and any updated contact information must always be given to the Town. The Special Magistrate clarified that the violation was in the non-

compliance of the response to a complaint. The property manager eventually did reach out and was advised of the situation/issue and that the Town was going to seek a Finding of Fact. The Special Magistrate ordered a Finding of Fact that this non-compliance of the response to a complaint did occur on two separate occasions (4/3/24 and 4/27/24) but was complied twice and if this non-compliance of the response to a complaint should happen again within five years at the same property under the same ownership, it may be deemed a Repeat Violation subject to immediate and higher fines. The officer answered the Special Magistrate that BSO responded to each complaint but was not able to reach the property manager both times.

ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Judith Secher adjourned the Hearing on May 23, 2024 at approximately 7:15PM.

APPROVED BY:


Special Magistrate Judith Secher

ATTEST:


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