

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, October 24, 2024 at 5:00PM

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

Special Magistrate Judith Secher called the hearing to order at approximately 5:05PM on Thursday, October 24, 2024 with Development Services Director Jhanelle Campbell, Assistant Development Services Director Muriel Ramirez, Building Official Simo Mansor, Senior Code Compliance Officer Eric Villanueva, Code Compliance Officer Hector Barrett, and Special Magistrate Clerk Megan Small to record the minutes.

II. SWEARING OF WITNESSES

Special Magistrate Clerk Small administered the oath to everyone speaking\testifying today, other than lawyers.

III. OPENING STATEMENT

Please note for the record that this is an in-person hearing and to please turn off or silence devices.

IV. PUBLIC COMMENTS

No one from the public requested to speak now on items not on the agenda.

V. CODE CASES

The cases were heard in the order they were typed. All discussions/actions in the matters were not limited to the case summaries typed below.

NEW BUSINESS

ITEM #V.19

***TAKEN OUT OF SEQUENCE**

Case #: 24090011 - Building Code (FBC) Violation
Property Owner: Orlando Deluca Tr, Richard M Trstee
Address/Folio: 1 Sunset Ln
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required.

Johanna Jimenez testified that she resides in this property. The property owners are her parents who gave her the trust paperwork to bring to this hearing. They requested that she explain they were already working with the Town to provide the required permits. Senior Code Compliance Officer Eric Villanueva testified that the property was cited on September 26, 2024 for work without permits. He inspected the property with the Building Official and read into the record the work that was being done without permits. They were told to obtain after-the-fact permits for all work done without permits. If they were not complied by today, the Town would recommend a Final

Order with compliance by November 20, 2024 or a fine of \$250/day to accrue thereafter. Service was achieved by posting the property. He had evidence that he would like to submit. He answered the Special Magistrate that to his knowledge, no permits were applied for yet but they did meet with the Building Official and came to an agreement.

Building Official Simo Mansor testified that they came yesterday and wanted to do an owner/builder permit but he asked them because of the Trust, to get him paperwork. They have everything lined up and need more time to comply. The Special Magistrate asked who the Trustee is and Ms. Jimenez replied that was Richard Capasso who is an attorney. She also testified that her husband was on the Trust but was not in attendance tonight. The Building Official explained state law in regard to the Trust and owner/builder permit. The Special Magistrate asked if they would need more time in order to get the Trust paperwork correct and was answered affirmatively. Ms. Jimenez answered that the reason they did work without permits was due to their lack of knowledge. Special Magistrate Secher was answered by the Building Official that it was a single-family home and Ms. Jimenez answered that she lived there. November 20, 2024 was the day before the next hearing and the Building Official felt it was enough time to become compliant. He just needed to get a letter from them. Ms. Jimenez said they had the letter and were trying to get all the paperwork together. The Building Official answered that by November 20, 2024, they needed to apply for after-the-fact permits for all work done without permits. No permits were applied for yet. Senior Code Compliance Officer Villanueva testified that the recommendation now was not to do a Final Order today but rather a continuance to November 20, 2024 in order for them to submit for after-the-fact permits for all work done without a permit and at the November 21, 2024 Hearing, if that was not accomplished, then a Final Order would be recommended. The Special Magistrate accepted into the record photos of the work done without permits as Town's Composite Exhibit 1. The Special Magistrate ordered a continuance to November 20, 2024 in order to submit for after-the-fact permits for all work done without a permit(s)/correct paperwork and based on progress, a Final Order could be recommended at the November 21, 2024 Hearing.

CERTIFICATION OF LIEN

ITEM #V.20

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

Senior Code Compliance Officer Villanueva testified that this case was here last month for possible mitigation of fines but they could not come to an agreement with the owner at the previous hearing. The hearing was rescheduled for today for possible mitigation of the fine but the owner was not in attendance. The Town was requesting to certify the fines now. The Special Magistrate wanted to clarify that there was no one in attendance today to represent this property. She also asked if there was any contact with them as to why they would not be here this evening. It was clarified. Senior Code Compliance Officer Villanueva reminded that the fine was about \$4,000 and last month the representative (Stanley Goldberg), did not want to make an offer. The officer said we would certify the lien today plus assess \$150 certification of lien administrative costs and hold it for thirty days. We would give them a chance to come to the November 21, 2024 Hearing to ask for mitigation and if not, then the fine and any outstanding costs would be recorded as a lien on the property. The Special Magistrate ordered certification of the fine plus \$150 administrative costs for today due immediately but payable by November 20, 2024 and hold that for thirty days before recording it as a lien on the property plus attend the November 21, 2024 Hearing.

CASES TO BE CONTINUED

ITEM #V.5

***TAKEN OUT OF SEQUENCE**

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

Special Magistrate Clerk Megan Small announced that this case was complied. However, Don Kozich requested to speak and stood at the podium. It was clarified that since the last hearing, this case was complied and the Town's record reflected that. Senior Code Compliance Officer Villanueva testified that this item was on last month's agenda and continued to this hearing as they had one item left that needed compliance. That was an a/c permit that needed to be obtained. The owner got it and the case was complied. The Special Magistrate explained that the Town's record reflected that this was in compliance. Mr. Kozich said that there were broken tiles/sidewalk and the Senior Code Compliance Officer explained that there was a permit issued for that. Mr. Kozich said that the work was not done but the Senior Code Compliance Officer said that the owner had six months to finish the work once the permit was issued. The Special Magistrate explained that it was not a violation at this point in time. Then Mr. Kozich spoke about a plan he had in his possession for unit #3. The Special Magistrate inquired if that was part of this case and the Senior Code Compliance Officer testified that it was not. The Special Magistrate explained that she could not hear that today because it was not part of this case. The Senior Code Compliance Officer explained that all the items cited for this case were now in compliance.

The Special Magistrate explained that what Mr. Kozich was talking about was a new complaint and he should hand that to the Town now as a new complaint to be handled in a new case. The Senior Code Compliance Officer explained that due to tenants living there, some things were reported to the Town by Mr. Kozich but the Town could not gain access. The Town could not move forward on a complaint that they could not verify. Mr. Kozich said he was now talking about the meter room door and the Senior Code Compliance Officer said there was never a complaint about a meter room door so it was never cited. The Special Magistrate said she could only hear complaints about things that were before her today. The things Mr. Kozich was talking about were not before her today. The owner has complied with everything that was before her. The case was closed. If there were other things not in compliance, the Town said some of the things they could not get access to at this time and other things were not before her. She could not help him with those issues today. He could complain to the Town but what was before her now was in compliance per the Town. She had no authority to do anything else. She suggested filing his complaint with the Town. He said most of the tenants there were veterans and he was also a veteran. The Special Magistrate said that maybe he should speak with the VA but there was nothing left to discuss now as she ordered that this case was complied. She thanked him for coming by.

SPECIAL SET

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

For the record, this case was added to the agenda without objection as the contractor, James Gorman, representing the property owner, Jorge Aguirre, was in attendance and at the podium. The property owner was also in attendance sitting in the audience. Senior Code Compliance Officer Villanueva explained that the Town has been requesting extensions to the comply-by date and at the last hearing, the extension was to October 25, 2024. That was probably why it was not on tonight's October 24, 2024 agenda. Since a representative was here, the Senior Code Compliance Officer would like to get Mr. Gorman's update tonight as they have been trying to get their permits from the Army Corps of Engineers and the State agencies for the dock they were rebuilding.

Mr. Gorman testified that the county was ready and he had emails from the permit runner as proof and the Army Corps of Engineers was almost ready to write it up. Senior Code Compliance Officer Villanueva recommended another extension to the comply-by date to November 20, 2024. He said that we would get another update at the November 21, 2024 Hearing and no costs were assessed for today's hearing. The Special Magistrate ordered a revised Final Order depicting the only change was that the comply-by date was extended to November 20, 2024 and no fines running and no hearing costs for today and come back to the November 21, 2024 Hearing, if permits were still outstanding.

Building Official Mansor left at approximately 5:34PM.

OLD BUSINESS

ITEM #V.10

***TAKEN OUT OF SEQUENCE**

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 Villanueva testified that the property was in the process of getting their 40/50 year certification. We keep continuing the case allowing the work to get done. They stated that they completed the work, so the Town was recommending to continue the case until the November 21, 2024 Hearing. This would allow them time to submit the updated reports stating that no repairs were needed. He answered the Special Magistrate that they stated they were in compliance and if they submit updated reports reflecting no repairs needed prior to the November hearing, we would close the case at that time. The reports were needed to verify status. The Special Magistrate ordered continuance to the November 21, 2024 Hearing.

Special Magistrate Secher requested that the record should reflect that there were no other persons in attendance to represent the remaining property listed.

NEW BUSINESS

ITEM #V.15

***TAKEN OUT OF SEQUENCE**

Case #: 24090003 - Vacation Rental Regulation
Property Owner: 2717800 Ontario Inc.
Address/Folio: 2025 Windward Dr
Code Section(s): Chapter 30 - Unified Land Development Regulations Sec. 30-327.(d). - Vacation rentals and short term rentals. Duration.

For the record, no one was in attendance to represent the property. Code Compliance Officer Hector Barrett testified that service was obtained by posting. At the September 24, 2021 Special Magistrate Hearing, a Finding of Fact was obtained for renting this property for less than seven days. The Town was recommending that the second time this violation was observed on September 7, 2024 should be classified as a Repeat Violation and fines of \$500/day be assessed retroactively from September 7, 2024 when the violation was first observed (for the second time). He has the September 7, 2024 police report. He answered the Special Magistrate that the first violation was September 23, 2021. This time the violation was for forty-eight days from September 7, 2024 through today equaling \$24,000. He spoke with them and they were supposed to come in today for this hearing. They were also supposed to fix the advertisement. They could not come today because of an emergency but would be at the November 21, 2024 Hearing.

The violation was not just that they rented for less than seven days but they continued to advertise that they could rent for less than seven days. He answered that he had no idea why they did that. He gave the September 7, 2024 police report to the Special Magistrate. The Code Compliance Officer stated that the owners have the option to come in November 21, 2024 to mitigate the fine. The forty-eight days started September 7, 2024 and went through today, October 24, 2024. The fine would continue to run until compliance was achieved. The Special Magistrate ordered that this was a Repeat Violation and that a \$500/day fine would start retroactively from when it was first observed on September 7, 2024 through today, October 24, 2024 (48 days) for a fine total of \$24,000 and \$50 cost for today due immediately but payable by November 20, 2024 plus attend the November 21, 2024 Special Magistrate Hearing. Not only did they advertise rental for less than seven days but they continued to run that advertisement so the fine would continue to run until compliance was achieved by either fixing or stopping the advertisement and not renting for less than seven days.

ITEM #V.17

***TAKEN OUT OF SEQUENCE**

Case #: 24090012 - Vacation Rental Other
Property Owner: Bryzgalova, Svetlana
Address/Folio: 1985 Windward Dr
Code Section(s): Chapter 30 - Unified Land Development Regulations Sec. 30-327.(i)1. - Vacation rentals and short term rentals. Rental agent.

For the record, no one was in attendance to represent the property. Code Compliance Officer Hector Barrett testified that service was obtained by green card. The violation was that no rental agent was listed with the Town. The Town was recommending a Final Order for compliance by November 20, 2024 or \$250/day fine starting November 21, 2024. Compliance would be achieved by registering an agent with the Town. He explained the duties of an agent. The Special Magistrate ordered compliance by registering an agent with the Town who would be totally available as stated in the Ordinance by November 20, 2024 or a \$250/day fine would commence on November 21, 2024 plus \$50 cost for today due immediately or payable by November 20, 2024 and attend the November 21, 2024 Hearing, if not in compliance.

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

COMPLIED CASES		
Item #	Case #	Property Address
1	24090005	2025 Windward Dr
2	24090010	223 Codrington Dr
3	24100007	3270 S Terra Mar Dr
4	24050066	264 Hibiscus Ave
16	24090006	2030 Coco Palm Pl

Special Magistrate Clerk Small then read into the record the cases that were continued to November 21, 2024.

CONTINUED TO NOVEMBER 21, 2024		
Item #	Case #	Property Address
6	24060003	1500 S Ocean Blvd
7	24050024	1985 Windward Dr
8	23010015	234 Hibiscus Ave
9	24060011	262 Basin Dr
18	24100003	4144 El Mar Dr

Special Magistrate Clerk Small then read into the record the cases that were continued to January 23, 2025.

CONTINUED TO JANUARY 23, 2025		
Item #	Case #	Property Address
11	21100022	1620 S Ocean Blvd
12	21120003	2000 S Ocean Blvd
13	21100051	1850 S Ocean Blvd
14	21120018	3900 N Ocean Dr

ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Judith Secher adjourned the Hearing on October 24, 2024 at approximately 5:46PM.

APPROVED BY:


Special Magistrate Judith Secher

ATTEST:


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