

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, November 21, 2024 at 5:00PM

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

Special Magistrate Judith Secher called the hearing to order at approximately 5:04PM on Thursday, November 21, 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.

SPECIAL SET

ITEM #V.15 (#14 on agenda) *TAKEN OUT OF SEQUENCE

Case #: 2024-CE-03

Property Owner: Sherri Staudacher Q P R TR David J Staudacher QPR TR Etal

Address/Folio: 4112 El Mar Dr

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

Development Services Director (DSD) Campbell testified that this was a request for a nine-month extension to complete construction at 4112 El Mar Drive. She described the delays that caused the request for the extension. She explained that Town Code required construction be completed within eighteen months of the first building permit issuance with a one-time extension permissible up to twelve months which had to be allowed by the Special Magistrate. The permit was issued June 22, 2023 with a current expiration date of January 21, 2025. The applicant was requesting an extension to October 21, 2025. She spoke about how the project was coming along and what was remaining to be completed. She said that it was about 65% complete. Notices were sent to

neighbors per Town Code and there was not anything sent to the Town for or against this extension request. Staff was recommending approval of the nine-month extension to October 21, 2025. James Paine, general contractor for the project, stepped up to the podium and spoke about the project and answered the Special Magistrate about the property being narrow. The Special Magistrate ordered approval of the nine-month extension to October 21, 2025.

OLD BUSINESS

ITEM #V.11

***TAKEN OUT OF SEQUENCE**

Case #: 18020015 - Property Maintenance (General)
Property Owner: Fishermans Pier Inc
Address/Folio: 2 E Commercial Blvd
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 DSD Campbell would represent the Town in this case. Attorney Andrew Schein, Lochrie & Chakas, stated that he represented the owner. He gave an update since the last time he was before the Special Magistrate. He said that they were tracking down a lease extension from the Florida Department of Environmental Protection (DEP) and were now about thirty days away from getting the signed lease from DEP. After that, they would start their design which would be about six months. They sent a timeline in an email to the Town but were asked for an official one and, of course, they would do that. He reiterated that it would be six months for the geotechnical borings, about 45 days after that to do the structural plans, then to prepare which would take about three weeks all the permit applications and then the process to get all the permits from the various jurisdictions like the Army Corps of Engineers, DEP, County, etc. However, right now, they have to extend the lease on the property.

DSD Campbell agreed with the Special Magistrate that this was a complicated project and she added that it had a high-level public interest. She said that the Town appreciated Attorney Schein's update. They were requesting an official timeline on letterhead, as an official letter in writing within the next thirty days, depicting the next two years of this project. This would give the Town some general parameters as to what to expect. They should reconvene at the February 27, 2025 Special Magistrate Hearing for another status update. The Special Magistrate was answered by the attorney that this could be accomplished and that the timeline would contain their anticipated dates. DSD Campbell said that this would show their targeted goals and the Special Magistrate asked if the attorney had a targeted goal as to when this project would be completed. He answered that another one to two years could be added for construction to the timeline he spoke about tonight to just get the permits in hand. The Special Magistrate ordered an official timeline on letterhead as an official letter in writing to the Town within the next thirty days depicting the next two years of this project to include anticipated dates/targeted goals and reconvene at the February 27, 2025 Special Magistrate Hearing for another Status Update.

COMPLIED CASES

ITEM #V.2

***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.

Code Compliance Officer Barrett testified that at the last hearing, a Final Order was entered into for repeat violations with \$500/day fines retroactive from September 7, 2024. Total fines now

were \$25,550. He said that a respondent was in attendance to ask for mitigation of fines and the Town was recommending a total of \$5,000 in fines to include the hearing costs. Juord Duraj, property manager, was at the podium. The Special Magistrate asked if he had permission from the owner to accept the Town's offer and he testified that he was here to present. He testified that the Town's letter was dated September 10, 2024 and the owner received it in Canada on September 12, 2024. The owner called the property manager to adjust the advertisement for a minimum stay of seven nights. The property manager had a screen shot to prove that he did this and he thought he was in compliance since then. The Code Compliance Officer testified that they came into compliance on the 26th of October and he showed his proof to both the Special Magistrate and to Mr. Duraj. Officer Barrett further stated that on October 25, 2024, while driving he saw people coming out of the house. He welcomed them to the neighborhood but they said they did not live there. They said they were leaving the Airbnb on October 26, 2024. The officer testified he did not fine for that.

Special Magistrate Secher said there were two parts to this now. One was how they were advertising and the second part was that they rented for three days. Mr. Duraj said that on the evidence just submitted by the officer, on the calendar it stated minimum stay seven nights. The officer said they were in compliance as of October 28, 2024 for the minimum seven night stay advertisement. Special Magistrate Secher said they were definitely renting in October but was there proof that it was being advertised for less than a seven-night rental. The Town could not produce that proof so the Town recommended to just fine them \$500/day for two days for a total of \$1,000 in fines plus the charge for the cost would just be \$50 for today. Mr. Duraj felt that the owner would be okay with a total \$1,050 fine and did not have to call him. He further testified that both the minimum of seven days advertising and the minimum of seven day renting were in compliance. The Special Magistrate entered into evidence as Town's Exhibit 1 showing the rental advertisement was now for a minimum of seven days. The Special Magistrate ordered the fines mitigated down to \$1,000 (for two days at \$500/day) plus \$50 cost for today's hearing due immediately but payable within thirty days. Mr. Duraj asked how this could be paid and he was informed by both DSD Campbell and Special Magistrate Clerk Small who would also email Mr. Duraj.

OLD BUSINESS

ITEM #V.10

***TAKEN OUT OF SEQUENCE**

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 Eric Villanueva gave a brief review of this case. He further stated that Mr. Goldberg was here in September but could not come into agreement to reduce the fine at that time. Today was the last opportunity to try to mitigate it. Special Magistrate Secher said that she certified the lien for \$4,250 and \$200 in unpaid hearing costs for a total of \$4,450. Stanislav Goldberg stated he was in attendance last month (October hearing) but the Senior Code Compliance Officer said he was last here for the September hearing. Mr. Goldberg answered the Special Magistrate that he was here tonight because they complied right away for every single request from the Town. It seemed to be every two weeks there were new notes from the Town and their contractor would reply the next day. Everything was intact and he did not see the reason for them to pay any fines.

Senior Code Compliance Officer Villanueva testified that he has previously proven his case to the Special Magistrate and they were here today only to see about mitigating the fines. In September, both Building Official Mansor and DSD Campbell were not here but Mr. Goldberg and Officer Villanueva were in attendance but could not come into agreement on the fines. Mr. Goldberg reiterated that he was here for the October hearing but Senior Code Compliance Officer Villanueva said Mr. Goldberg did not attend the October hearing but was in attendance tonight for the November hearing. The officer testified that they were ordered to comply by July 27, 2024 but they complied on August 13, 2024. There were \$250/day fines assessed for non-compliance. The contractor told the officer that these fines were allowed to run as a tactic that the Building Department and the Town used to collect funds. The officer let the Building Official know what he was told by the contractor. Whoever was here in September did not want to pay any fines and the Town would not agree on a lesser amount at that hearing. The Town came back to this item at the October Hearing but there was no one in attendance last month representing the property for this case. Special Magistrate Clerk Megan Small said that the October minutes stated that the owner was not in attendance in October. The Town certified the fine but gave an additional month, November, to request mitigation of fine or the lien would be recorded.

The Special Magistrate said she remembered that Mr. Goldberg was not in attendance last month (October) and she also remembered that Building Official Mansor was not here for the September hearing. The Town was open to an offer from Mr. Goldberg tonight but it seemed as if his position was to not have to pay anything. The Special Magistrate explained that there would be a fine because there was no compliance by the comply-by date of July 27, 2024 but rather compliance was August 13, 2024 and the fine was \$250/day for those days out of compliance. Mr. Goldberg did not give a counteroffer when he was here in September. For the record, Senior Code Compliance Officer Villaneuva said they would soon violate the property again because it seemed to be abandoned. No progress was being made and the landscaping was overgrown. They get complaints about this property. Mr. Goldberg said he was just there and the grass was cut. He has proof that he pays his contractor to take care of it. The Special Magistrate could not do anything about a new violation now and was here today only for the work without permits violation that should have been complied by July 27, 2024. Mr. Goldberg has the opportunity today to give a counteroffer to the \$4,450 fine. Mr. Goldberg said he would be willing to offer half the amount plus the court fees. Building Official Mansor testified that it was not the Town's fault that the owner started the work on this house without permits. He said that words like extortion, etc. should not be used and did not recommend a reduction. Mr. Goldberg said he never said anything about the Town that he was accused of saying. The Special Magistrate reminded that the owner did not do what needed to be done by July 27, 2024. Compliance was reached by August 13, 2024 and that was why the fine got to \$4,250 plus \$200 in unpaid hearing costs.

DSD Campbell explained that the purpose of the fine was not to be punitive because of something a contractor said or did not say. Fines were a way of stopping people from doing things like unpermitted work and it helped to recoup some of the costs associated with these code compliance cases. This case was before the Special Magistrate several times and multiple staff members had to work on it and that was what went into the decision to uphold this fine. This was not vindictive, not punitive, it was just to recoup some of the costs that were incurred due to the time spent by all of the people in attendance today, etc. The Town's recommendation was not to reduce the fines, however, if the Special Magistrate thought to reduce the fines, it was her decision. Based on the fact that this has been before even a different Magistrate before her, Special Magistrate Secher was leaving the fine as is. There was mention today that even another case was coming up. This indicated that there was not total cooperation. She understood that this was a complex project and that they did other projects in Town before. She did not know about the other projects nor did she know the owners. She felt that the Town was firm in keeping

the fine the way it was and she was going to do that. The fine that she certified for \$4,250 plus \$200 in unpaid hearing costs stands. Senior Code Compliance Officer Villanueva said that the Town would allow sixty days to pay this amount in full by January 22, 2025 or a lien would be recorded on the property. The Special Magistrate ordered no mitigation of fine and said that her certification for \$4,250 fines plus \$200 in unpaid hearing costs (total \$4,450) would stand and the owner had until January 22, 2025 to pay this amount in full or a lien would be recorded on the property.

For the record, Development Services Director Campbell left at approximately 5:44PM.

OLD BUSINESS

ITEM #V.7

***TAKEN OUT OF SEQUENCE**

Case #: 24060011 - Zoning Violations
Property Owner: Tognini, Francesco H/E Interesting Investments LLC
Address/Folio: 262 Basin Drive
Code Section(s): Chapter 30 - Unified Land Development Regulations Sec. 30-137.(d)(2)a. Duplex properties. Sec. 30-137.(d)(2)a. - Nonconforming uses and structures. Duplex properties

For the record, no one was in attendance to represent the property. Senior Code Compliance Officer Villanueva testified that this was continued to the January 23, 2025 Hearing. The Special Magistrate ordered this case continued to the January 23, 2025 Hearing.

ITEM #V.9

***TAKEN OUT OF SEQUENCE**

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

For the record, no one was in attendance to represent the property. Senior Code Compliance Officer Villanueva testified that the whole family came in last time and everything was courteous. They had the opportunity for after-the-fact permits, however, as of now he has not seen any permits. He asked the Building Official if he has seen any. The officer thought they may have been on a Final Order so fines should start today at \$250/day to accrue until compliance was achieved. He answered the Special Magistrate that no one has heard from them. This case would be continued to the January 23, 2025 hearing with fines running until compliance was achieved. The officer clarified that if they come in before the January hearing, the Town could comply them. The Special Magistrate asked if something could be sent informing them of what has transpired as it was a long time until the January 23, 2025 hearing. Senior Code Compliance Officer Villanueva said he would check with the Permit Clerk but Code did not have any contact from them. He did not have a way to communicate with them. The owner would get a mailing sent to 1 Sunset Lane but they may not be living there. He informed the Special Magistrate that if they see them while driving by every day, they would inform them as to what has transpired. The Special Magistrate ordered this case continued to the January 23, 2025 hearing with \$250/day fines running until compliance was achieved and to return to the January 23, 2025 hearing.

Special Magistrate Secher said, for the record, that there was no one to represent the property for the next case and all other cases to follow after that as well as in the previous cases heard with no one in attendance to represent the property.

ITEM #V.8***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 40/50 year certification was due. They said they completed the needed repairs but they have not submitted those reports. The Town was recommending a Final Order requiring them to submit the reports by January 22, 2025 or a fine of \$250/day to start accruing on January 23, 2025 until compliance was achieved with no hearing costs for today. The Special Magistrate ordered a Final Order requiring the correct reports submitted by January 22, 2025 or a fine of \$250/day to commence January 23, 2025 until compliance was reached and attend the January 23, 2025 hearing if not in compliance, plus no hearing costs assessed for today's hearing.

SPECIAL SET**ITEM #V.14 (#13 on agenda) *TAKEN OUT OF SEQUENCE**

Case #: 24090002
 Property Owner: OG Group LLC
 Address/Folio: 230 Pine Ave

For the record, this item was added at the request of the homeowner and there was no one in attendance to represent the property. Senior Code Compliance Officer Villanueva testified that the homeowner was on a Final Order and started to run fines yesterday. At the September 26, 2024 Hearing, they were supposed to have a permit in process issued and work to begin within thirty days. They were going to ask for an extension today but did not show up. So the fines would continue to run and would be certified as a lien at the next hearing, January 23, 2025. The Special Magistrate ordered the request for extension denied as there was no one in attendance to request this tonight plus the \$250/day fines were to continue running and return to the January 23, 2025 Hearing for a certification of lien hearing.

For the record, Building Official Mansor left at approximately 5:50PM.

CONTINUED CASES**ITEM #V.4*****TAKEN OUT OF SEQUENCE**

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

For the record, no one was in attendance to represent the property. Code Compliance Officer Barrett testified that the Town was recommending to certify the lien. A Final Order was issued and fines were running at \$10/day beginning September 26, 2024. The total fine was \$620 and the fines would continue to run. The Special Magistrate ordered certification of lien for \$620 fines plus \$150 in hearing costs for today's hearing with recording in thirty days and the fines would continue to run until compliance was achieved. The officer answered the Special Magistrate that this was an Airbnb or rental and he did not know why they would not get a BTR.

ITEM #V.6***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 Barrett testified that service was obtained by green card. A Final Order was issued at the hearing on October 24, 2024 for \$250/day fine starting today and \$50 hearing costs for the October hearing. The Town was recommending certifying the \$250/day fine plus the \$50 hearing costs for October and \$150 hearing costs for today with fines still running until compliance was achieved by contacting the Town with the name of a rental agent and recording in thirty days. The Special Magistrate ordered certification of lien for the \$250/day fine plus the \$50 hearing costs for October and the \$150 hearing costs for today (total \$450) and recording in thirty days plus the fines were still running until compliance was reached by contacting the Town with the name of a rental agent.

NEW BUSINESS**ITEM #V.12 (this case was called but was not on the agenda)**

Case #: 24100003 - Building Code (FBC) Violation
 Property Owner: 3RM Investments LLC
 Address/Folio: 4144 El Mar Dr
 Code Section(s): Chapter 6 - Building and Building Regulations Section 6-41(b) - Maintenance of exterior of premises.
 Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required:

For the record, no one was in attendance to represent the property. Code Compliance Officer Barrett testified that service was obtained by posting and green card. The Town was recommending a Final Order requiring compliance by January 22, 2025 or fines of \$250/day would begin to accrue on January 23, 2025. There was needed maintenance of the exterior and the need for after-the-fact permits for work without permits. Compliance would be achieved by obtaining approved after-the-fact permit(s) for all the work that was already done. The Special Magistrate ordered compliance by obtaining approved after-the-fact-permit(s) for all the work already done without permit(s) by January 22, 2025 or fines of \$250/day would begin to accrue on January 23, 2025 until compliance was reached plus \$50 hearing cost due immediately or payable within thirty days from today.

ITEM #V.13 (#12 on agenda)

Case #: 24110002 - Sign Violations
 Property Owner: 4301 Ocean Dr Inc
 Address/Folio: 4301 N Ocean Dr
 Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-512.(a) - Maintenance and abandoned signs. (a) Maintenance.

For the record, no one was in attendance to represent the property. Code Compliance Officer Barrett testified that service was reached via posting. He explained that the Town was recommending a Final Order with compliance by January 22, 2025 or fines of \$250/day to start accruing January 23, 2025. He answered the Special Magistrate that the sign was falling over and what the Town required for compliance. He also answered that this was a 7-Eleven. The Special Magistrate ordered compliance by January 22, 2025 or a fine of \$250/day to start accruing

January 23, 2025 until compliance was met plus \$50 hearing costs due immediately or payable within thirty days and return to the January 23, 2025 Hearing.

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
3	24060003	1500 S Ocean Blvd
5	23010015	234 Hibiscus Ave

Special Magistrate Clerk Small then read into the record the case that was complied.

COMPLIED CASE		
Item #	Case #	Property Address
1	24100005	1950 S Ocean Blvd

Special Magistrate Clerk Small then read into the record the case that was withdrawn.

WITHDRAWN CASE		
Item #	Case #	Property Address
16 (#15 on agenda)	24100001	1541 S Ocean Blvd

EMERGENCY CASE

ITEM #V.17

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, no one was in attendance to represent the property. Senior Code Compliance Officer Villanueva testified that this case was left off last month and the same thing happened this month. At the last hearing, the Town extended the comply-by date to November 20, 2024 and to attend the November 21, 2024 Hearing but it did not generate a Notice of Hearing for today. The officer just wanted to ensure that fines did not run because they were waiting on the Army Corps of Engineers for the permit on the dock. He suggested another extension of the comply-by date to January 23, 2025 and to attend that hearing for an update. The Special Magistrate ordered a revised Final Order depicting the only change was that the comply-by date was extended to January 23, 2025 with no fines running and no hearing costs for today and attend the January 23, 2025 Hearing.

ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Judith Secher adjourned the Hearing on November 21, 2024 at approximately 5:59PM.

APPROVED BY:


Special Magistrate Judith Secher

ATTEST:


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