

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, October 28, 2021 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:00 PM on Thursday, October 28, 2021 with Town Attorney Alan Gabriel, Senior Code Compliance Inspector Bethany Banyas, Code Compliance Inspector Greg Wienbarg, Assistant Building Official Simo Mansor, Fire Marshal Steve Paine, Acting Development Services Director Jhanelle Campbell, Planning Technician Megan Small, and Special Magistrate Clerk Maritza Martinez to record the minutes.

II. SWEARING OF WITNESSES

The Special Magistrate administered the oath to everyone speaking today.

III. OPENING STATEMENT

Please note for the record that this is an in-person hearing but one property owner attended via Zoom. No one from the public wished to speak now on items not on the agenda.

Cases were typed in the order they were called starting with people who were in attendance. For the first case, an attorney was present.

IV. CODE CASES
OLD BUSINESS

ITEM #V.6

***TAKEN OUT OF SEQUENCE**

Case #: 21080010– Property Maintenance
Property Owner: Corporate Center By The Sea Inc c/o Waterhouse Real Estate
Address/Folio: 224 E Commercial Blvd
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Senior Code Compliance Inspector Banyas testified that the property first appeared before the Special Magistrate on September 23, 2021 when he ordered that by October 7, 2021 they had to submit a full and valid application for a building permit to make the structure safe. If not in compliance, a fine of \$250/day would begin on October 8, 2021 until compliance was reached. This was not complied on October 7th but was complied on October 13, 2021. They did submit a permit application for temporary shoring, however, the Town did not consider that to be full and valid as additional plan requirements were necessary in order to process the application. Fines for six days did accrue totaling \$1,500. Inspector Banyas testified that the issued temporary shoring permit was good for 179 days from issuance, good until April 11, 2022.

The Town was recommending a Final Order requiring that they complete permanent repairs as evidenced by closing all building permits associated with those permit repairs by Monday, April 11, 2022 or a fine of \$250/day would accrue thereafter. Also recommended were (1) to have

them appear at the January 27, 2022 Hearing for a status update, (2) to schedule them on the April 28, 2022 Hearing for a potential certification of lien or mitigation of fines, if necessary, and (3) to assess \$25 Hearing Cost for today's hearing. The previously assessed Hearing Costs were already paid. The Town did receive a signed and sealed letter of plans from their Engineer of Record, a Florida licensed engineer, stating the property was safe to be re-occupied and the temporary shoring was complete according to the approved plans. The Special Magistrate asked if the Town agreed with this and Assistant Building Official Simo Mansor testified that the letter just came in today and it did satisfy the Building Department. He further answered that the shoring plans were just approved with the Special Inspector yesterday. The Special Magistrate suggested that he would reset the compliance date from his first order so that they would not be late with submitting their full and valid application for a building permit. Discussion ensued between the Special Magistrate and Inspector Banyas and he decided to defer any judgment for mitigating fines that accrue until the project was complete.

Attorney Ted Galatis disagreed with the reading of the order that he had with him. It stated that they were to apply for the permit for the shoring of the structure by October 7, 2021. He said that the actual permit application was submitted on September 30, 2021. The Building Official at that time, disagreed with both their own engineer's report and our engineer's report and required additional columns to be shored up on October 4, 2021. The engineer had to come back to the property and re-draw plans which were re-submitted to the Town by October 12, 2021. The permit was issued on October 13, 2021. The Special Magistrate said that fine rulings were deferred for now but he would state for the record that he was inclined to not impose fines for the beginning issues that Mr. Galatis just spoke about. Attorney Galatis stated that they expect to have plans for the repairs to the columns to the Town within two weeks. Hartzell Construction would move on the restoration of the concrete and the rebar. They were moving quickly with due diligence as they have tenants (e.g., doctors, lawyers, CPAs, etc.) who need to be back in their offices. They arranged for parking across the street as no one can park under the building now. The Assistant Building Official empathized about the protocol that the Town had to go through to ensure that the tenants get called to come back to their offices when it was very safe to do so. The Town just received the letter, they have to close out the permit, and then they would let the attorney know when it would be good/safe to be back in the building.

The Special Magistrate ordered a Final Order requiring that they complete permanent repairs as evidenced by closing all building permits associated with the permit repairs by Monday, April 11, 2022 or a fine of \$250/day would accrue, they had to come back to the January 27, 2022 Hearing for a status update, they were to be scheduled on the April 28, 2022 Hearing for a potential certification of lien or mitigation of fines, if necessary, and \$25 Hearing Costs were assessed for today's hearing due immediately but payable within thirty days.

ITEM #V.7

Case #: 21090002– Property Maintenance
Property Owner: 4326 Ocean Dr LLC
Address/Folio: 4326 N Ocean Drive, 1-4
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Senior Code Compliance Inspector Banyas testified that at the September 23, 2021 Hearing the Special Magistrate found that both violations (overgrown landscape and overgrown accumulation of trash and litter) did exist and was repeated for a total of twenty-two days each. The fines began to accrue as of September 7, 2021 through September 29, 2021. Twenty-two days at \$500/day equaled \$11,000 plus \$50 Hearing Costs for a total of \$11,050. The Town recommended

certification of the lien and an additional \$200 Hearing Costs for recording the lien or \$25 Hearing Costs if today was for mitigation of fines. She explained what transpired at the Hearing last month and that these violations were resolved six days after the last Hearing. The property owner, Tarn Tantiku, was in attendance today via Zoom. The Special Magistrate said that the owner complied rather quickly and he was inclined to mitigate the fine by changing the comply-by date to the date of compliance so there would be no fines but just \$75 Hearing Costs. If he did not pay the Hearing Costs timely, then the lien would be certified. The Special Magistrate spoke with the property owner who understood what transpired today. He further understood that as an absentee owner, he must keep this property up whether he was in Florida or out of the country. The Special Magistrate ordered a revised Final Order to change the comply-by date to the date the property was compliant so there would be no fines but that \$75 Hearing Costs must be paid timely, within thirty days from today, or the lien would revert back and be certified.

NEW BUSINESS

ITEM #V.19

***TAKEN OUT OF SEQUENCE**

Case #: 21100002-- Property Maintenance
Property Owner: Lamplighter L C
Address/Folio: 4540 Bougainvilla Drive, 9
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-36(d)
Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

Code Compliance Inspector Greg Wienbarg testified that verifying through the Building Department, two permit violations (plumbing and electrical) have been closed out. The only violation left was Section 6-36(a) for the walls and windowsills all having leaks. As of an hour ago, Mr. Wienbarg was told that this was also finished. However, that did not give him enough time to go out and inspect with the Building Inspector. The Town requested a Final Order and \$50 Hearing Costs with fourteen days to comply. This would give Mr. Wienbarg enough time to inspect. If in compliance, there would be no fines on the property and just the \$50 Hearing Costs. The Special Magistrate ordered compliance within fourteen days for the violation of Chapter 6 – Building and Building Regulations Section 6-36(a) plus \$50 Hearing Costs due now but payable by November 17, 2021. For The Record: later on in the Hearing, at approximately 5:40PM, Inspector Wienbarg verified that for clarity of the order, the daily fine would be \$250, if a fine needed to be imposed. The Final Order would read: *The Special Magistrate ordered compliance within fourteen days (by November 11, 2021) for the violation of Chapter 6 – Building and Building Regulations Section 6-36(a) or \$250/day fine to accrue thereafter plus \$50 Hearing Costs due now but payable by November 17, 2021 and to return to the November 18, 2021 Hearing, if necessary.*

OLD BUSINESS

ITEM #V.5

***TAKEN OUT OF SEQUENCE**

Case #: 18020015 – Property Maintenance
Property Owner: Anglin Fam Tr % Raymond Anglin
Address/Folio: 2 E Commercial Blvd
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Senior Code Inspector Banyas testified that this was the pier and the damage to the end of the pier. This has been going on for some time but the Special Magistrate said that he was quite familiar with this case and did not need a synopsis of what transpired. Inspector Banyas reported that the Army Corps of Engineers did issue a permit on July 21, 2021. Since then, Development

Services has been working with Spiro Marchelos and his contractor to get a plan together to start this project again. The Town recommended that two items be done (1) a signed and sealed letter submitted by an engineer stating that the pier was structurally sound and safe within the next ten days and if that was not done timely, then a fine would begin to accrue thereafter until such a letter was submitted. Once the letter was submitted, fines would stop and (2) construction would resume by Thursday, January 6, 2022. If construction did not start by January 6, 2022, then the fine would begin again to accrue. The Town would like status hearings on Thursday, November 18, 2021 and Thursday, January 27, 2022.

The Special Magistrate asked Spiro Marchelos if he could get a letter within ten days and he called his contractor, Nick. Inspector Banyas spoke with Nick and told him what the Town was recommending/requesting. Nick wanted to know why it was his responsibility and she explained that the letter was the responsibility of the property owner but that Spiro dialed Nick for this. The Special Magistrate suggested giving twenty days to get this letter. Nick said that he would inform the property owner and keep the Town abreast of how the owner was doing with this. Town Attorney Alan Gabriel said that the Town needed to know if the pier was safe or not and wanted documentation to know that it was safe. If the pier was not safe, the Town had an obligation to make sure that the public was safe and not going somewhere that was dangerous to them. If it was not safe, we would close down the portion that was not safe for the public. The Special Magistrate agreed and gave Mr. Marchelos approximately three weeks to get the letter. Mr. Marchelos said they would try to do their best to do the right thing but to him half of the pier was safe. For example, his wife and he, children and grandchildren walk on it. The date to submit this letter was determined to be the day before the next hearing, November 17, 2021, or a fine of \$200/day would accrue until the letter was submitted plus \$25 Hearing Costs for today's hearing due now but payable by November 18, 2021 also construction was to start by January 6, 2022 but this would be further discussed at the November Status Hearing.

The Special Magistrate ordered a signed and sealed letter submitted by an engineer stating that the pier was structurally sound and safe by November 17, 2021 and if that was not done timely, then a fine of \$200/day would begin to accrue until such a letter was submitted plus \$25 Hearing Costs for today's hearing due immediately but to be paid by November 17, 2021. Status Hearings would be scheduled for November 18, 2021 and January 27, 2022 and discussion would also continue regarding resuming construction by January 6, 2022 or assessing a fine at the November 18, 2021 Hearing.

NEW BUSINESS

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #:	21090006– Zoning Violation
Property Owner:	Bell, Robert K
Address/Folio:	4521 N Ocean Dr, 1-6
Code Section(s):	Chapter 30 – Unified Land Development Regulations – Section 30-241 (k)(1) – RM-25 district

Senior Code Inspector Banyas testified that the owner, Mr. Bell, was provided notice via certified mail and the property was posted on October 18, 2021 when the certified mail card was not returned signed. On September 17, 2021 a Notice of Violation was sent to Mr. Bell by certified mail and a copy to his email address as well regarding density in the RM-25 zoning district. This property was built under an approved permit for four units but was operating as six separate units. The lot size was not big enough to accommodate six separate units. In order to comply, the property must return to its original four units and not six units. Ms. Banyas verified that this property was issued a six-unit Business Tax Receipt (BTR) and passed. During a recent density

inspection, it came to the Town's attention that the property was to be only four units. The Town could not renew the six-unit BTR and Mr. Bell must stop renting six units. He could apply for a four-unit BTR and once inspections were passed, the Town could comply the case. The Town was recommending compliance of this density violation by January 26, 2022 or a fine of \$100/day to accrue thereafter plus \$50 Hearing Cost for today's hearing. She has for evidence a copy of the density calculations completed by the Senior Planner, a copy of a photo showing the labeling on doors totaling six units, and a copy from the Broward County Property Appraiser depicting what was there on their last assessment (it did not depict what should be there). She gave that to Mr. Bell and then to the Special Magistrate. The Special Magistrate asked about the two other units and if there was a mechanism for him to retain them. Inspector Banyas said that Mr. Bell could come in to speak with the Senior Planner and the Director of the Department and ask for a review to see what was possible. He could ask about a site plan amendment to change the property to six units. Her understanding that this was unlikely and it would not be an easy route to compliance. Inspector Banyas remembered reviewing this property a few years ago and two of the four units had an A and a B side. A connecting door has been closed but it did not appear to her that any structural, electrical or plumbing changes were made. This was just a density violation. Mr. Bell answered the Special Magistrate that he did not have any objections to the Town's evidence. The Special Magistrate accepted the documentation into evidence as the Town's Composite Exhibit without objection.

Mr. Bell explained that those units were lock-out units and there were no structural changes. He just changed the numbers on the doors. He did have a tenant in there that was leaving and then would rent only four units. Inspector Banyas said for the record that if this property was reverted back to four units, then at that time, the property would be subject to the short-term ordinance of the Town for all properties offering any type of rental for less than thirty consecutive days. For example, an annual rental would not be subject to this slightly more stringent rental ordinance. She further suggested periodic inspections to ensure compliance was continued. He would be required to get short-term rental certificates for any and all rental units being rented on a short-term or vacation basis. Mr. Bell asked about an Airbnb exception but it was explained to him that there was no exception for Airbnb as all vacation rental units or short-term rental units required a vacation rental certificate. Inspector Banyas said there was a small exemption for properties exclusively using VRBO for advertising purposes. For those properties, she believed that Airbnb paid the tourist tax. The Special Magistrate suggested Mr. Bell disclose to Inspector Banyas what he was doing and for the inspector to direct him to do what he needed to do.

The Special Magistrate ordered a Final Order to comply the density violation by January 26, 2022 or a fine of \$100/day to accrue thereafter plus \$50 Hearing Costs for today's hearing due immediately but payable by January 26, 2022 to avoid a lien on the property and the property would return to the January 27, 2022 Hearing for either a compliance hearing or certification of lien.

For the record, Town Attorney Alan Gabriel left the hearing at approximately 5:40PM as well as Acting Development Services Director Jhanelle Campbell.

CASES TO BE CONTINUED

ITEM #V.3

***TAKEN OUT OF SEQUENCE**

Case #: 21080006— Building Code Violations

Property Owner: Isla Bella LLC

Address/Folio: 4324 Seagrape Drive, 1-4

Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

Code Compliance Inspector Greg Wienburg testified that the owner was in California but the Special Magistrate requested to call cases now for people who signed in and were waiting to be called. This case would be re-called later on and it was re-called after hearing Whittier Towers (below). It was called along with another case, a fire case seen directly below, attached to this property.

Code Compliance Inspector Greg Wienburg told the Special Magistrate that the owner emailed him today with a letter to give to the Special Magistrate. The inspector said that he thought this was the same letter submitted last time. In summary, the owner bought this property and there were a lot of violations, especially lack of permits, life safety issue, etc. The owner was currently working with an architect for drawings before they could get the permits. They were working diligently and the Town would like to continue this to January 27, 2022 and the inspector reminded that there was a Final Order already on this case. The Special Magistrate accepted the owner's letter as evidence into the record as Respondent's Exhibit. The Special Magistrate did remember seeing this letter. He ordered that with the order from the September 23, 2021 Hearing in place, this would be continued to the January 27, 2022 Hearing and no Hearing Costs were assessed for today's hearing.

FIRE CASES

ITEM #V.83

***TAKEN OUT OF SEQUENCE**

Case #: 21-1334

Property Owner: Isla Bella LLC

Address/Folio: 4324 Seagrape Drive, 1-4

Fire Marshal Steve Paine testified that last month a different case (code case) was heard for work without permits and different items (see above) for this property and he had a life safety issue that needed to be brought forward and put on the record for this property. Last month, Fire Marshal Steve Paine testified that unit #4 needed two means of escape and did not have that. The unit could not be used because of the life safety hazard. They need an acceptable plan for that unit and it must be vacant. The fire marshal said that the owner received registered mail and the property was posted on October 7, 2021. He had pictures to submit as evidence and showed it to Pat Cruz who was signed in and last month testified that she was the property manager. However, she did not want to get sworn in today and the Special Magistrate said that she probably did not want to speak today. Pat Cruz did not have any objection to the pictures that the Special Magistrate entered into evidence without objection as the Town's Composite Exhibit Fire Case. There were three violations but the fire marshal thought the only one remained was the life safety issue and he would do an inspection to ensure that all three violations were in compliance. When asked if the upstairs unit was being rented, Ms. Cruz shook her head but Code Inspector Banyas reminded that at the last hearing, for the code case, the Special Magistrate ordered that no one was to occupy this property and that it ceased being rented. The fire marshal recommended continuing this fire case to the January 27, 2022 Hearing (same as the code case continuance for this property) as the owner was working with an architect to come to a solution and also to continue no one occupying this property including no renting. The Special Magistrate ordered continuance of this fire case to the January 27, 2022 Special Magistrate Hearing and no one was to occupy this property including no rentals.

WHITTIER TOWERS

Special Magistrate Clerk Maritza Martinez announced that Whittier Towers cooperative and all parcels of land associated would be called next. All units disclosed in the compliance agenda were the ones subject to the hearing today. Inspector Banyas said that they would be agenda item 25 through agenda item 74 on the agenda for Whittier Towers.

WHITTIER TOWERS

ITEM #V.25

Case #: 18050001 – Property Maintenance
Property Owner: Dicaire, Louise Nadeau Dicaire, Vanessa
Address/Folio: 1439 S Ocean Blvd. 101
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.26

Case #: 18050002 – Property Maintenance
Property Owner: Senoj Enterprise LLC
Address/Folio: 1439 S Ocean Blvd. 102
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.27

Case #: 18050059 – Property Maintenance
Property Owner: DaSilva, Orivaldo Perera DaSilva, Marcia
Address/Folio: 1439 S Ocean Blvd. 104
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.28

Case #: 18050003 – Property Maintenance
Property Owner: Bland, Rosa
Address/Folio: 1439 S Ocean Blvd. 105
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.29

Case #: 18050004 – Property Maintenance
Property Owner: Robitaille, Andre
Address/Folio: 1439 S Ocean Blvd. 106
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.30

Case #: 18050005 – Property Maintenance
Property Owner: Rheume, Sylvia R
Address/Folio: 1439 S Ocean Blvd. 107
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.31

Case #: 18050046 – Property Maintenance
Property Owner: Williams, Cosmo Galullo, Kathy

Address/Folio: 1439 S Ocean Blvd. 108
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.32

Case #: 18050006 – Property Maintenance
Property Owner: Krolewski, Deanna Jo
Address/Folio: 1439 S Ocean Blvd. 109
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.33

Case #: 18050007 – Property Maintenance
Property Owner: Brown, Mark H
Address/Folio: 1439 S Ocean Blvd. 110
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.34

Case #: 18050008 – Property Maintenance
Property Owner: Cullinan Family Trust
Address/Folio: 1439 S Ocean Blvd. 111
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.35

Case #: 18050049 – Property Maintenance
Property Owner: Schweitzer, Michael K
Address/Folio: 1439 S Ocean Blvd. 112
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.36

Case #: 18050048 – Property Maintenance
Property Owner: Pouliot Family Limited Partnership
Address/Folio: 1439 S Ocean Blvd. 114
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.37

Case #: 18050019 – Property Maintenance
Property Owner: Whiteleather, Daniel
Address/Folio: 1439 S Ocean Blvd. 115
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.38

Case #: 18050020 – Property Maintenance
Property Owner: Trezza, Anthony Trezza, Jeana
Address/Folio: 1439 S Ocean Blvd. 116
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)

Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.39

Case #: 18050021– Property Maintenance
Property Owner: Schaefer, Curtis L & Catherine A
Address/Folio: 1439 S Ocean Blvd. 117
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.40

Case #: 18050050– Property Maintenance
Property Owner: Galullo, Kathy Ann
Address/Folio: 1439 S Ocean Blvd. 118
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.41

Case #: 18050009 – Property Maintenance
Property Owner: Galvin, John R & Andrea A
Address/Folio: 1439 S Ocean Blvd. 201
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.42

Case #: 18050010– Property Maintenance
Property Owner: Thompson, Janice
Address/Folio: 1439 S Ocean Blvd. 202
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.43

Case #: 18050011– Property Maintenance
Property Owner: Fenstermaker, Jamie
Address/Folio: 1439 S Ocean Blvd. 203
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.44

Case #: 18050047– Property Maintenance
Property Owner: Guthrie, Timothy F Guthrie, Carla M
Address/Folio: 1439 S Ocean Blvd. 204
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.45

Case #: 18050012– Property Maintenance
Property Owner: Luz Patricia Restrepo Rev Tr Restrepo Luz Patricia Trstee
Address/Folio: 1439 S Ocean Blvd. 205
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.46

Case #: 18050013– Property Maintenance
Property Owner: Good, Shawn
Address/Folio: 1439 S Ocean Blvd. 206
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.47

Case #: 18050014– Property Maintenance
Property Owner: Zimmerman, Annette Zimmerman, James
Address/Folio: 1439 S Ocean Blvd. 207
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.48

Case #: 18050015– Property Maintenance
Property Owner: Zemach, Joel
Address/Folio: 1439 S Ocean Blvd. 208
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.49

Case #: 18050016– Property Maintenance
Property Owner: Bajdo, Maria Aura
Address/Folio: 1439 S Ocean Blvd. 209
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.50

Case #: 18050022– Property Maintenance
Property Owner: Machado, Francisco Machado, Stefany
Address/Folio: 1439 S Ocean Blvd. 210
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.51

Case #: 18050017– Property Maintenance
Property Owner: Goddard, Dulce Galindo Goddard, Gary William
Address/Folio: 1439 S Ocean Blvd. 211
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.52

Case #: 18050023– Property Maintenance
Property Owner: Puis, Gerrit J & Barbara C
Address/Folio: 1439 S Ocean Blvd. 212
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.53

Case #: 18050025– Property Maintenance

Property Owner: White-Duare, Marcio White-Duare, Michael E
Address/Folio: 1439 S Ocean Blvd. 214
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.54

Case #: 18050026– Property Maintenance
Property Owner: John L&Elizabeth P Aumente TR Aumente ChristopherTrste ETAL
Address/Folio: 1439 S Ocean Blvd. 215
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.55

Case #: 18050027– Property Maintenance
Property Owner: Kissane, Lisa
Address/Folio: 1439 S Ocean Blvd. 216
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.56

Case #: 18050028– Property Maintenance
Property Owner: Sawicki, Stanley D
Address/Folio: 1439 S Ocean Blvd. 217
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.57

Case #: 18050029– Property Maintenance
Property Owner: Mastro, Joseph & Mary
Address/Folio: 1439 S Ocean Blvd. 218
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.58

Case #: 18050030– Property Maintenance
Property Owner: Cervone, Vincent Robert; Cervone, Christina Marie ETAL
Address/Folio: 1439 S Ocean Blvd. 301
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.59

Case #: 18050031– Property Maintenance
Property Owner: Nomaderia, Inc.
Address/Folio: 1439 S Ocean Blvd. 302
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.60

Case #: 18050032– Property Maintenance
Property Owner: Fereia & Reyes LLC
Address/Folio: 1439 S Ocean Blvd. 303

Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.61

Case #: 18050033– Property Maintenance
Property Owner: Wertz, Robert Cardona, Rafael A
Address/Folio: 1439 S Ocean Blvd. 304
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.62

Case #: 18050034– Property Maintenance
Property Owner: Kline, Marlyn
Address/Folio: 1439 S Ocean Blvd. 305
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.63

Case #: 18050035– Property Maintenance
Property Owner: Pouliot Family Limited Partnership
Address/Folio: 1439 S Ocean Blvd. 306
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.64

Case #: 18050036– Property Maintenance
Property Owner: Brennan, Karina H/E Barbosa, Rafael
Address/Folio: 1439 S Ocean Blvd. 307
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.65

Case #: 18050037– Property Maintenance
Property Owner: Strom, Terje Mikal Strom, Mona Kristin FILTVEDT
Address/Folio: 1439 S Ocean Blvd. 308
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.66

Case #: 18050038– Property Maintenance
Property Owner: Viola, Maximilian
Address/Folio: 1439 S Ocean Blvd. 309
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.67

Case #: 18050039– Property Maintenance
Property Owner: Vitale, Rose
Address/Folio: 1439 S Ocean Blvd. 310
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)

Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.68

Case #: 18050040 – Property Maintenance
Property Owner: McGhee, Jessie Marilyn McGhee, William McKay
Address/Folio: 1439 S Ocean Blvd. 311
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.69

Case #: 18050041– Property Maintenance
Property Owner: Via Sales & Leasing Inc.
Address/Folio: 1439 S Ocean Blvd. 312
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.70

Case #: 18050042– Property Maintenance
Property Owner: Moussa, Soufaine Ben Aquididi, Saida
Address/Folio: 1439 S Ocean Blvd. 314
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.71

Case #: 18050043– Property Maintenance
Property Owner: Hoard, Greg & Hoard, Nancy
Address/Folio: 1439 S Ocean Blvd. 315
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.72

Case #: 18050058– Property Maintenance
Property Owner: HD Parts LLC
Address/Folio: 1439 S Ocean Blvd. 316
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.73

Case #: 18050045– Property Maintenance
Property Owner: Michaelides, George J Michaelides, Laraine
Address/Folio: 1439 S Ocean Blvd. 317
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.74

Case #: 18050044– Property Maintenance
Property Owner: Pouliot Family Limited Partnership
Address/Folio: 1439 S Ocean Blvd. 318
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

Senior Code Inspector Banyas said that for items #25 through #74 (pages 28 through 124 on the agenda backup), this is Whittier Towers at 1439 S Ocean Blvd and there were multiple owners at this property. They were here tonight for mitigation of lien. She was very happy to tell the Special Magistrate that the case was closed and complied. The Special Magistrate said that he read their request for mitigation. Town Staff, including every department which was involved in this case, recommended the approximate cost of all the mitigated fines be reduced to the cost of mailing that has not yet been recovered by the Town. The Town already received the cost of mailing up until December 2018. After that, a total of 17 mailings were completed by regular mail for a cost of \$425 total (17 mailings to 50 units at a cost of \$.50 per letter). The Town, therefore, recommended \$425 as the total mitigated fine. Nancy Hoard, vice president representing President Kathy Galullo, was fine with this calculation. Special Magistrate Ansbro commended Whittier Towers for getting this done under difficult circumstances. The Special Magistrate ordered the mitigated fine of \$425 due in thirty days. Inspector Banyas asked for the order to be sent to the address of the association for the attention of Kathy Galullo, President. It would be up to them to inform all the owners, including the current new owners, that this was resolved and what transpired including the cost for each homeowner in order to get Whittier Towers safe for people. Note that after hearing Whittier Towers, case #3 was re-called.

CERTIFICATION OF LIEN

ITEM #V.23

Case #: 21080004 – Property Maintenance

Property Owner: 827 NW 114 St LLC

Address/Folio: 230 Pine Ave

Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-480(a)

Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Chapter 6 – Building and Building Regulations Section 6-41(a)(5)

Code Compliance Inspector Greg Wienbarg testified that he inspected the property last on October 27, 2021 and the same violation remained for Section 30-480(a) for the tree removal permit, and Section 6-41 (a)(5) to repair the driveway and fix the mailbox in the ground. He showed his evidence to Rob Marona and then to the Special Magistrate for the file. Today he suggested certifying the lien plus \$200 cost to record. He answered the Special Magistrate that there was a fine running of \$350.00. The violation for the overgrown grass was closed out because they took care of that. Rob Marona testified that he worked for the landlord. Discussion ensued about a driveway permit and that was explained to Rob if he needed one or not. The Special Magistrate suggested not filing the lien for thirty days and Rob was to let the owner know about getting the two violations resolved (driveway/mailbox and tree removal permit) so there would not be a lien on the property. Inspector Banyas testified that she remembered this property and it was clear cut in the back. It was in such bad condition that neighbors were complaining about the extreme overgrowth and many other things coming from that problem. She explained how the violation could be complied by calculating the square footage of canopy that needed to be replaced. Rob was told by the Special Magistrate to tell the owner how to get things done and resolve these violations. The Town was requesting certification of lien and \$200 for recording costs if necessary. The Special Magistrate was giving them thirty days before filing the lien as it sounded like things could be resolved before that. The Special Magistrate ordered certification of lien plus \$200 in costs (if the lien were to be filed) and if the remaining two violations were not resolved within thirty days, record the lien.

ITEM #V.24

Case #: 21050001 – Building Code Violations
Property Owner: 827 NW 114 St LLC
Address/Folio: 230 Pine Ave
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

Senior Code Compliance Inspector Banyas testified that the property was posted in May with a stop work order and it was now October 28th. The Town would like to certify the lien and record thereafter in Broward County records. Two permit applications were submitted but neither of them were complete. The Town did everything it could, including granting more time, and was asking today for certification of lien and \$200 costs for recording. If the lien got recorded, it would no longer be handled by the Special Magistrate and the Town Council would deal with any mitigation. For the record, the Town wanted this case complied and was offering all of its resources to get it there. Recording a lien did not mean the Town exhausted its ability to help. The Special Magistrate ordered certification of lien and recording thereafter in the Broward County records plus \$200 costs for recording the lien.

NEW BUSINESS**ITEM #V.15*****TAKEN OUT OF SEQUENCE**

Case #: 21080005– BTR Housing Inspection
Property Owner: Lainbi LLC
Address/Folio: 4313 Bougainville Drive, 1-6
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

Code Compliance Inspector Wienburg testified that the two violations left were for Section 6-36(a) and FBC BCA Section 105.1. Today they received the permit back for the a/c units but they still need another inspection for structural. The windows were still on backorder. The Town would still like to move forward with a Final Order to return to the January 27, 2022 Hearing and at that point it would be \$100/day for non-complied violation(s) with a re-inspection date of January 26, 2022 and \$50 Hearing Costs for today's hearing. Margarita Lartitegue-Mata agreed with what was proposed. The Special Magistrate ordered a Final Order to become compliant by January 26, 2022 or a fine of \$100/day plus \$50 Hearing Costs for today's hearing due immediately but payable in thirty days, and to return to the January 27, 2022 Hearing.

Special Magistrate Clerk Maritza Martinez would now call cases that were to be continued.

CASES TO BE CONTINUED**ITEM #V.1*****TAKEN OUT OF SEQUENCE**

Case #: 21070005– Vacation Rental
Property Owner: Cardelfe, Martha Level Cardelfe, Philip
Address/Folio: 290 Tropic Dr
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-28(e)
Chapter 30 – Unified Land Development Regulations – Section 30-327 (b) Vacation Rentals
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

For the record, there was no one present to represent the property owner. Code Compliance Inspector Wienburg testified that the violations associated with this were complied but they still have open permits for the pool so the Town could not issue the BTR for the vacation rental until all permits were closed. The Town suggested continuing until January 27, 2022 with no fines running and to inspect by January 26, 2022. The Special Magistrate ordered continuance to the January 27, 2022 Hearing with no fines running and no Hearing Costs for today's Hearing.

ITEM #V.2

Case #: 21060005 – Building Code Violations

Property Owner: D'Angelo, Michael S Harris, Jonathan & Ameijeiras, Maria

Address/Folio: 3210 Oleander Way

Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

For the record, there was no one present to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town requested a continuance to November 18, 2021. The Special Magistrate ordered a continuance to the November 18, 2021 Special Magistrate Hearing with no Hearing Cost for today.

Special Magistrate Clerk Maritza Martinez said that Cases to Be Continued were concluded and she would now call cases listed under Old Business.

OLD BUSINESS

ITEM #V.4

Case #: 21070006 – Building Code Violations

Property Owner: Anglin Family Tr c/o Raymond Anglin

Address/Folio: 14 E Commercial Blvd

Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 110.15.
Building Safety Inspection Program

For the record, there was no one present to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended an extension of the comply-by date to November 17, 2021 with no Hearing Costs for today's hearing. The Special Magistrate ordered the comply-by date extended to November 17, 2021 and no Hearing Costs for today's hearing.

ITEM #V.8

Case #: 20100010– Building Code Violations

Property Owner: Sauvageau, Danielle

Address/Folio: 4518 Seagrape Dr., 1-2

Code Section(s): Florida Building Code Section 105.1. Required

For the record, no one was in attendance for this agenda item. Senior Code Compliance Inspector Banyas said the Town recommended a continuance to January 27, 2022. The Special Magistrate ordered a continuance to the January 27, 2022 Special Magistrate Hearing. There were no fines or fees for today's hearing. **After hearing agenda item #10, this case was recalled and Inspector Banyas asked to change the continuance date to November 18, 2021. The Special Magistrate allowed this so the order will now read: *The Special Magistrate ordered a continuance to the November 18, 2021 Special Magistrate Hearing with no fines or fees for today's hearing.*

ITEM #V.9

Case #: 21080003 – Building Code Violations
Property Owner: Amato, Katheryne Amato, Salvatore
Address/Folio: 5200 N Ocean Blvd, 1415A
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

For the record, there was no one present to represent the property owner. Code Compliance Inspector Wienbarg testified that this was for work without permits for a full interior renovation. There was already a Final Order in place and the Town recommended continuance to the November 18, 2021 Hearing with the fines still running. He spoke with the owner and the contractor who did have permits now but were just waiting for them to be closed out. The Special Magistrate ordered continuance to the November 18, 2021 Hearing with fines still running but no Hearing Costs for today's hearing.

ITEM #V.10

Case #: 20100006– Building Code Violations
Property Owner: Holtz, Rosemary Holtz Rev Liv Tr
Address/Folio: 5555 N Ocean Blvd, 71
Code Section(s): Florida Building Code Section 105.1. Required

For the record, no one was in attendance for this agenda item. Senior Code Compliance Inspector Banyas said the Town recommended a continuance to November 18, 2021. The Special Magistrate ordered a continuance to the November 18, 2021 Special Magistrate Hearing. There were no fines or fees for today's hearing.

Inspector Banyas then asked for her previous case to be recalled. Agenda item #8 for case #20100010 for 4518 Seagrape Drive, Units 1 – 2. She asked to change the continuance date to November 18, 2021 from January 27, 2022 (see the previous page**).

Special Magistrate Clerk Maritza Martinez said that concluded Old Business and she would now call cases listed under New Business.

NEW BUSINESS

ITEM #V.11

Case #: 21090005 – Property Maintenance
Property Owner: Fleurant, Guy
Address/Folio: 1 Sunset Ln
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-28(e)
Chapter 19 – Traffic and Motor Vehicles Section 19-21(b)(4)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

For the record, there was no one present to represent the property owner. Special Magistrate Clerk Maritza Martinez said that this was complied.

ITEM #V.12

Case #: 21090011 – Vacation Rental
Property Owner: Daluz, Daniel
Address/Folio: 223 Algiers Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-327(b)

For the record, there was no one present to represent the property owner. Code Compliance Inspector Banyas said that she had some evidence to submit and then would go over it. The Special Magistrate accepted it into evidence as the Town's Composite Exhibit. The evidence was a previous Finding of Fact Order finding the same violation Section 30-327(b) for no BTR and no Vacation Rental Certificate did exist on this property. She observed the repeat violation on September 25 and September 30, 2021. The notice was sent via certified mail and the green card was signed by the owner and sent back to the Town. On October 5, 2021, she entered an Affidavit of Compliance as the advertisement had been removed. On October 6, 2021, she spoke with the property's registered agent who advised again that he would not be renting the house and would be taking it off VRBO. She informed him that the repeat violation would still go before the Special Magistrate and asked if he would attend. The Property was posted on October 18, 2021. She said that the repeat violation fine could be assessed at \$500/day beginning September 30, 2021 (the date of the mailing) and at \$500/day for six days equaled \$3,000.00. The Special Magistrate ordered the fine of \$3,000 assessed for this repeat violation payable within thirty days.

ITEM #V.13

Case #: 21070013 – Building Code Violations
Property Owner: Marenas 2010 LLC
Address/Folio: 4221 Bougainvilla Dr
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program 110.15

For the record, there was no one present to represent the property owner. Senior Code Compliance Inspector Banyas testified that for service, the Town received a signed green card from the owner. In 2018, a building safety report was submitted and was denied due to electrical insufficiencies on the report. They did not make the corrections and this year the Town sent them another notification. The corrections have not been made but they did submit a permit application on September 20th which was denied on October 9, 2021 with comments sent to the contractor. The Town recommended a Final Order that they must respond to the comments diligently so the permit could be issued by November 17, 2021 enabling work to commence or a fine of \$150/day would accrue beginning November 18, 2021 plus \$50 Hearing Costs for today's hearing. The Special Magistrate ordered a Final Order that the comments for their permit be answered diligently so the permit could be issued by November 17, 2021 enabling work to commence or a fine of \$150/day would accrue beginning November 18, 2021 plus \$50 Hearing Costs for today's hearing due immediately but paid before the next hearing.

ITEM #V.14

Case #: 21070010 – Building Code Violations
Property Owner: Gulf Eastern Property Mang Inc % Boutin, R D MG Agent
Address/Folio: 4244 El Mar Dr
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program 110.15

For the record, there was no one present to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to November 18, 2021. The Special Magistrate ordered continuance to the November 18, 2021 Hearing with no costs for today's hearing.

ITEM #V.16

Case #: 21080008 – Property Maintenance
Property Owner: White Cap Of Florida Inc.
Address/Folio: 4353N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(5)
Chapter 6 – Building and Building Regulations Section 6-41(b)
Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

For the record, there was no one present to represent the property owner. Code Compliance Inspector Wienburg testified that he spoke with the owner who has been working towards compliance but needed more time. There was no Final Order in place. The Town recommended continuance to November 18, 2021. The Special Magistrate ordered continuance to the November 18, 2021 Hearing with no costs for today's hearing.

ITEM #V.17

Case #: 21070011 – Building Code Violations
Property Owner: Sealaud Management LLC
Address/Folio: 4400 N Ocean Dr
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection
Program 110.15

For the record, there was no one present to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to the November 18, 2021 Hearing. The Special Magistrate ordered a continuance to the November 18, 2021 Special Magistrate Hearing with no Hearing Costs for today.

ITEM #V.20

Case #: 21070014 – Building Code Violations
Property Owner: LBTS Properties LLC
Address/Folio: 4553 El Mar Dr
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection
Program 110.15

For the record, there was no one present to represent the property owner. Senior Code Compliance Inspector Banyas testified that the owner was provided a Notice of Violation via certified mail. There was a signed green card in the file. The owner was aware of what needed to be done as they have had a few conversations over the past few months. The Town recommended a Final Order today due to the fact that the forty-year inspection report submitted in 2018 had incidental electrical insufficiencies and the report permit was denied. The corrections have not been made and the property was subject to a fire a few weeks ago and she was unsure if this would cause even more problems. She did call the owner today but has not heard back from him. The Town recommended that they comply by November 17, 2021 by completing the repairs and submitting a revised report or any type of certification required by the Building Department or a fine of \$150/day would begin to accrue on November 18, 2021 plus \$50 Hearing Costs and to reconvene at the November 18, 2021 Hearing. The Special Magistrate ordered compliance by November 17, 2021 by completing the repairs and submitting a revised report or any type of certification required by the Building Department or a fine of \$150/day would begin to accrue on November 18, 2021 plus \$50 Hearing Costs due immediately but payable by November 17, 2021 and to reconvene at the November 18, 2021 Hearing.

ITEM #V.21

Case #: 21070012 – Building Code Violations

Property Owner: 4605 N Ocean Dr LLC
Address/Folio: 4605 N Ocean Dr
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program 110.15

For the record, there was no one present to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended continuance to the November 18, 2021 Hearing. They submitted their report today and it has not been reviewed. It did appear that the forty-year report was marked as no repairs required. The Special Magistrate ordered a continuance to the November 18, 2021 Special Magistrate Hearing with no Hearing Costs for today.

ITEM #V.22

Case #: 21090004 – Property Maintenance
Property Owner: Pereira, Patricia
Address/Folio: 4648 Bougainvillea Dr. 1-5
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-477(a)

For the record, there was no one present to represent the property owner. Special Magistrate Clerk Maritza Martinez said that this item has complied.

Code Compliance Inspector Wienburg left the hearing at approximately 6:18PM.

Special Magistrate Clerk Maritza Martinez said that concluded New Business Cases and she would now call Fire Cases.

FIRE CASES

ITEM #V.84

Case #: 21-1335
Property Owner: ACS 218 LLC
Address/Folio: 222 E Commercial Blvd #103

Fire Marshal Steve Paine testified that he had pictures and gave them to the Special Magistrate which were accepted into evidence for the Town as Composite Exhibit Fire Exhibit. The fire marshal said this has been going on since May 2021 at Valenti's Italian Restaurant. Back in May, they (Fire Department and Code Compliance) did a Covid-19 Max Cap Inspection and several items were noted. Forms and violations were filled out which the owner signed. Since then the restaurant closed and they tried to sell the lease but that did not work out. It is now up for rent and it was vacated and locked up. He went over all ten violations and answered the Special Magistrate that the electricity did not have to be turned off. The Town was recommending compliance within thirty days or \$200/day for each violation. The fire marshal answered the Special Magistrate that they know what they have to do to become compliant and no one was here for the property. The Special Magistrate ordered compliance within thirty days or \$200/day/violation with no Hearing Costs for today's hearing.

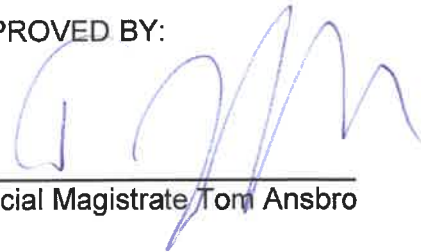
These items were listed on the agenda but were complied.

Fire Cases Agenda Item #	Case #	Property Address	
#75	21-1326	248 AllenwoodDr	complied
#76	21-1327	4430 Bougainvilla Dr	complied
#77	21-1328	4432 Bougainvilla Dr	complied
#78	21-1329	4434 Bougainvilla Dr.	complied
#79	21-1330	259 Hibiscus Ave	complied
#80	21-1331	268 Hibiscus Ave	complied
#81	21-1332	258 N Tradewinds Ave	complied
#82	21-7333	222 Commercial Blvd #104	complied

V. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on October 28, 2021 at approximately 6:40PM.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:



Special Magistrate Clerk Maritza Martinez
Town of Lauderdale-By-The-Sea, Florida