

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, July 24, 2025 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, July 24, 2025 with Assistant Director Development Services-Code Compliance Terry-Ann Boyd, Code Officer Donovan Williams, Code Officer Ralph DesRoches 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.

***TAKEN OUT OF SEQUENCE**

Case #: 25040033 - Vacation Rental Regulation

Property Owner: Hook, Charles H Jr

Address/Folio: 250 Miramar Ave

Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-327(d)-Vacation rentals and short term rentals. Duration.

Assistant Director Development Services-Code Compliance Terry-Ann Boyd testified that the property was in compliance now for the violation of offering the property for rent for less than seven consecutive days. The complaint was sent out April 30, 2025 and there was a Final Order issued by Special Magistrate Secher on May 22, 2025 for compliance by June 27, 2025. The property came into compliance on July 17, 2025. As of today, there were fines outstanding of \$5,700. The Assistant Director clarified that service was achieved by the signed green card in the file. The Special Magistrate said that the agent was notified by mail and email and was supposed to be available 24/7. The Assistant Director explained that there was an error in the

email address and if the correct email was used, maybe this could have been compliant earlier. She wanted to be truthful about that. Edward Alvarez was the property owner and he was at the podium. He answered that he lived in Pennsylvania. The Special Magistrate was told that the mailing went to the owner of record, Charles H. Hook, Jr. Mr. Alvarez explained that Charles Hook is his partner. They went to high school together. As soon as Mr. Alvarez was informed about the Airbnb ad was wrong, he got it fixed immediately. The Special Magistrate said that the City/Town was partially at fault due to the email address error and the agent was not available making the owner partially at fault as well. The Assistant Director answered the Special Magistrate that the Town was amenable to mitigate the fine from \$5,700 down to \$1,000 (\$900 for fines and \$100 for costs). Mr. Alveraz answered that he was okay with the \$1,000 number. The Assistant Director reminded Mr. Alveraz that this property must maintain compliance and she explained about repeat violations. The Special Magistrate reminded that if their agent did not respond, that was a violation as well so to let the agent know that he has to be available. The Special Magistrate ordered the \$5,700 fine mitigated down to a total of \$1,000 (\$900 fine plus \$100 cost).

CASES TO BE CONTINUED

ITEM #V.9

***TAKEN OUT OF SEQUENCE**

Case #: 25060008 - Building Code (FBC) Violation
Property Owner: McKim, Shaun
Address/Folio: 4652 Poinciana St 4
Code Section(s): Chapter 12 - Licenses Sec. 12-2.(a) - Business tax receipt required.
Florida Building Code FBC BCA Section 105.1. Work Without Permits

Shaun McKim introduced himself. Assistant Director Development Services-Code Compliance Terry-Ann Boyd testified that there were two violations. One was for a lack of a Business Tax Receipt required for a rental. The other was what the Town perceived as work without permit. This is one unit and it is Unit 4. When they were onsite, they saw Unit 4A and Unit 4B. The Town was requesting compliance by August 27, 2025 or a fine of \$100/day plus \$100 hearing cost for today. The owner was here and so was a resident, Dr. Wilson, who would like to give some testimony. When asked about the two units, the Special Magistrate was told that the owner had to submit the proper documentation to the zoning department and go through the process. The listing on Broward County Property Appraiser depicted eight units for the building but with this unit being split, there were now nine units. In the Town's opinion, work had to have been done without a permit. The Special Magistrate explained that the BTR was an easy fix but the density violation was a different matter that had to get started. The Special Magistrate asked and was answered by the Assistant Director that the Town requested compliance by August 27, 2025 or \$100/day/violation plus \$100 hearing cost for today.

Mr. McKim said that for the density violation, there was no structural change at all. He had photos. The door was there before and he just put stickers on it. The Assistant Director answered the Special Magistrate that the Town had no knowledge if there was more work done than just stickers. They were not given entry into the unit. She wanted to know that if this was one unit, why was there an A and B distinction? If he has pictures, the Town would still need to get into the unit for verification that there was no modification. Both the Special Magistrate and the Assistant Director did not want to see the pictures. He explained that they were stickers for renting but it has not been rented for a long time. He used this unit as a second place to stay for now but did just list it for a year-long rental. If he needed a BTR for that, he would get one. Mr. McKim agreed to allow the Town into the unit to ensure that it was one unit with no modifications. Dr.

Wilson was then granted time to speak about (1) her personal knowledge if the unit was altered in any way and/or (2) her personal knowledge if the unit has been rented in the reasonable past. Susan Wilson-Brooks testified that she discussed the unit's plumbing issues with Mr. McKim and that the unit should not be rented as two units. She answered the Special Magistrate that this subject came up because the previous owner was trying to do the same. She said that Mr. McKim was made fully aware during an interview that he was not to rent it as two units. The stickers were taken down during the time she was HOA president and then they went up again when someone else became HOA president. She has seen multiple people coming in and out of that apartment. Mr. McKim took up two parking spaces and he was only allowed one. She lived in Ohio and came back to this building periodically. There seemed to be a lot of inappropriate stuff going on in that unit. She explained that the unit looked like an efficiency with a second bathroom added and a door between could open. She saw this when the previous owner had this unit. Mr. McKim said he bought this unit as a one bedroom, two bathroom unit. He never rented both sides at the same time. He never listed both sides. When he did rent out, it was only for one side. He said he only parked in one spot, the one for unit 4. He may use both parking spots but only one at a time. There was only one Airbnb renter in unit 4. The important thing to confirm right now was how the unit looked now. That would be accomplished when Mr. McKim gave the Town access to the unit. Also, Mr. McKim was reminded to get a BTR if he was going to rent that unit. The Assistant Director summarized that the two things right now were (1) as he rented the unit without the required BTR previously and planned to rent it now, he had to get a BTR and (2) to allow a Building Department inspector into the unit to verify what modifications, if any, have been made and to come to a resolution as to how that was going to be fixed by August 27, 2025. The Special Magistrate ordered that by August 27, 2025, the property owner had to comply by (1) getting a BTR if he intended to rent and (2) allowing an inspection of the unit to verify what modifications, if any, there were and come to a resolution as to how that was going to be fixed or \$100/day/violation until each violation was complied plus \$100 hearing costs for today's hearing due immediately but payable within thirty days.

COMPLIED CASES

ITEM #V.5

***TAKEN OUT OF SEQUENCE**

Case #: 25060021 - Recreational Vehicle & Boat Violation
Property Owner: Tognini, Francesco H/E Interesting Investments LLC
Address/Folio: 262 Basin Dr
Code Section(s): Chapter 19 - Traffic And Motor Vehicles Sec. 19-21.(b)(4).f. -
Parking or storage of motor vehicles and vessels in the West zone.

Frank Tognini introduced himself at the podium as the property owner. Code Officer Williams testified that the Notice of Violation was sent June 28, 2025. Service was achieved by posting the property on June 28, 2025. The violation was that there was a recreational vehicle (RV) parked, on multiple occasions, where it was not permitted but the owner was now in compliance. The Town requested a Finding of Fact that the violation occurred but was now in compliance and should this violation reoccur under the same property ownership within the next five years, it could be deemed a repeat violation subject to immediate and higher fines. The Special Magistrate ordered a Finding of Fact that the recreational vehicle was parked where it was not permitted to be parked on numerous occasions in the last few months and should this violation of parking or storage of motor vehicles and vessels in the west zone reoccur within the next five years under the same property ownership, it could be deemed a repeat violation subject to immediate and higher fines plus \$100 hearing cost for today due immediately but payable within thirty days. Mr. Tognini testified that he sent an application the end of February to the Town to (Assistant Director) Terry-Ann Boyd. He explained what the circumstances were that he had to park his recreational

vehicle where he did and not put it in storage. He knew the rules about parking overnight but wanted to know who he has to inform in the Town when he would be legally parking the RV overnight within the rules so that he would not get a violation. Everything was explained to Mr. Tognini by Code Officer Williams and Assistant Director Boyd which he understood. He answered the Special Magistrate that he used the RV for personal motor trips. He was shown photos taken by the Code Officer of when the RV was parked illegally. The Special Magistrate reiterated that Mr. Tognini would comply with all the rules in terms of notifying the City/Town whenever he had to about things like the RV parking there, registering the RV with the Town, etc. and understanding about repeat violations with immediate and higher fines. The four photos were given to the Special Magistrate who accepted them into the record without objection as City Composite Exhibit.

NEW BUSINESS

Assistant Director Development Services-Code Compliance Terry-Ann Boyd testified that the Town received BTR applications for some units (#5, #6, #8, & #2) in the building with the address of 4652 Poinciana. For the four following cases at the address of 4652 Poinciana St, the Town was requesting a continuance to the August 28, 2025 Hearing to give staff the proper amount of time to process the BTR applications.

ITEM #V.17

***TAKEN OUT OF SEQUENCE**

Case #: 25060016 - Business Tax Receipt Req (BTR)
Property Owner: Yultyev, Aleksandr Robinson, Irina
Address/Folio: 4652 Poinciana St 5
Code Section(s): Chapter 12 - Licenses Sec. 12-2.(a) - Business tax receipt required.

Per the above testimony of the Assistant Director Development Services-Code Compliance Terry-Ann Boyd requesting time for staff to process the BTR application, the Special Magistrate ordered continuance of this agenda item to the August 28, 2025 Hearing.

ITEM #V.18

Case #: 25060018 - Business Tax Receipt (Required)
Property Owner: MOMA LLC
Address/Folio: 4652 Poinciana St 6
Code Section(s): Chapter 12 - Licenses Sec. 12-2.(a) - Business tax receipt required.

Per the testimony of the Assistant Director Development Services-Code Compliance Terry-Ann Boyd requesting time for staff to process the BTR application, the Special Magistrate ordered continuance of this agenda item to the August 28, 2025 Hearing.

ITEM #V.19

Case #: 25060019 - Business Tax Receipt (Required)
Property Owner: Senouci, Brahim
Address/Folio: 4652 Poinciana St 8
Code Section(s): Chapter 12 - Licenses Sec. 12-2.(a) - Business tax receipt required.

Per the testimony of the Assistant Director Development Services-Code Compliance Terry-Ann Boyd requesting time for staff to process the BTR application, the Special Magistrate ordered continuance of this agenda item to the August 28, 2025 Hearing.

ITEM #V.22***TAKEN OUT OF SEQUENCE**

Case #: 25060015 - Business Tax Receipt (Required)
Property Owner: Senouci, Carl LE Senouci, Joshua & Jedjiga, Houali
Address/Folio: 4652 Poinciana St 2
Code Section(s): Chapter 12 - Licenses Sec. 12-2.(a) - Business tax receipt required.

Per the testimony of the Assistant Director Development Services-Code Compliance Terry-Ann Boyd requesting time for staff to process the BTR application, the Special Magistrate ordered continuance of this agenda item to the August 28, 2025 Hearing.

Discussion ensued about the additional information provided tonight by Dr. Susan Wilson-Brooks regarding the 4652 Poinciana St property. Assistant Director Development Services-Code Compliance Terry-Ann Boyd stated that further investigation would take place due to information brought to light today as to what was happening at this property.

ITEM #V.16***TAKEN OUT OF SEQUENCE**

Case #: 25060004 - Building Permit Violation
Property Owner: Chisholm, Donald J MacDonald, Sandra M
Address/Folio: 1431 S Ocean Blvd 78
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits

Special Magistrate Clerk Small called this item and said it was being continued. (see page 7 – continuance to the August 28, 2025 Hearing)**

ITEM #V.20

Case #: 25040025 - Vacation Rental Other
Property Owner: 250 Oceanic LLC
Address/Folio: 250 Oceanic Ave
Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-327(d)-Vacation rentals and short term rentals. Duration.

For the record, no one was in attendance to represent the property. Assistant Director Boyd testified that this property's violation was for offering the property for less than a seven consecutive day rental (required duration of stay for vacation rental). The Town was seeking a Finding of Fact that the violation existed but was complied and if this violation should reoccur within the next five years under the same ownership, it may be deemed a repeat violation subject to immediate and higher fines. The Special Magistrate ordered a Finding of Fact that this property was renting for less than seven consecutive days and advertising as such and if this violation should reoccur within the next five years under the same ownership, this may be deemed a repeat violation subject to immediate and higher fines plus \$100 hearing cost for today due immediately but payable within thirty days.

ITEM #V.21

Case #: 25040035 - Vacation Rental Violation
Property Owner: Posh VR II LLC
Address/Folio: 241 Bombay Ave
Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-327(d)-Vacation rentals and short term rentals. Duration.

For the record, no one was in attendance to represent the property. Assistant Director Boyd testified that this property's violation was for offering the property for less than a seven consecutive day rental (required duration of stay for vacation rental). The Town was seeking a Finding of Fact that the violation existed but was complied and if this violation should reoccur within the next five years under the same ownership, it may be deemed a repeat violation subject to immediate and higher fines. The Special Magistrate ordered a Finding of Fact that this property was renting and/or advertising for less than seven consecutive days and if this violation should reoccur within the next five years under the same ownership, this may be deemed a repeat violation subject to immediate and higher fines plus \$100 hearing cost due immediately but payable within thirty days.

CERTIFICATION OF LIEN

ITEM #V.26

***TAKEN OUT OF SEQUENCE**

Case #: 25040003 - Building Code (FBC) Violation
Property Owner: Common Area
Address/Folio: 4520 El Mar Dr #31
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. Assistant Director Boyd testified that the Town was requesting that the fines be certified. The property was charged with work without permit and no permits were submitted to the Town to rectify the matter. The fines have been accruing and total \$28,800. The Town requested the fines to be certified and the fines would continue to accrue until compliance was achieved. There has been no contact with the property owner. The Special Magistrate ordered certification of the fines totaling \$28,800 today and recording in thirty days with the fines still accruing until compliance was achieved plus \$100 hearing cost for today's hearing due immediately but payable within thirty days.

NEW BUSINESS

ITEM #V.23

***TAKEN OUT OF SEQUENCE**

Case #: 25070001 - Building Code (FBC) Violation
Property Owner: 4051 N Ocean Dr LLC
Address/Folio: 4109 N Ocean Dr 1-9
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. Code Officer Williams testified that Notice of Violation was issued on July 11, 2025. Service was achieved via signed green card in the file and posting to the property. The Town was recommending a Final Order with \$250/day fine if not in compliance by August 27, 2025. He has for evidence the Notice of Violation and photos of the violation at the initial inspection. He also has a list showing permits associated with this property and that no permits were pulled for this case plus \$100 hearing cost for today's hearing. The Special Magistrate ordered a Final Order for compliance by August 27, 2025 by obtaining permits for the work already done or a fine of \$250/day to commence August 28, 2025 until the property achieved compliance plus \$100 hearing cost for today's hearing due immediately but payable within thirty days. He answered the Special Magistrate that they called today inquiring about an extension. The Special Magistrate ordered a Final Order for compliance by August 27, 2025 or a fine of \$250/day to commence August 28, 2025 until the property achieved compliance by obtaining after-the-fact permits for all work done without permits plus \$100 hearing cost due immediately but payable within thirty days. He gave his evidence to the Special Magistrate who accepted it into evidence without objection as City/Town Exhibit 1

consisting of two photos of the work being done and City/Town Exhibit 2 was a permit printout indicating that no permit was pulled.

ITEM #V.24

Case #: 25070002 - Property Maintenance (General)
 Property Owner: Chanon, David & Amanda
 Address/Folio: 248 Codrington Dr
 Code Section(s): Chapter 6 - Building and Building Regulations Section 6-37(a)(1).
 Maintenance appearance standard

For the record, no one was in attendance to represent the property. Code Officer Williams testified that Notice of Violation was issued on July 12, 2025. Service was achieved by posting to the property on July 12, 2025. The violation was in regard to the roof being dirty and/or discolored. The Town requested a Final Order with \$100/day fine to start August 28, 2025 if not in compliance by August 27, 2025 plus \$100 hearing cost for today's hearing. The Special Magistrate ordered a Final Order for compliance by August 27, 2025 by cleaning or pressure washing the roof to remove the presence of dirt or discoloration or a \$100/day fine to commence August 28, 2025 and run until compliance was achieved plus \$100 hearing cost for today's hearing due immediately or payable within thirty days. He submitted evidence of photos at the initial time of the inspection plus a photo taken today showing they were still not in compliance. The Special Magistrate accepted three photos into the record without objection as City/Town Exhibit 1 showing that the roof needed a lot of work.

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

COMPLIED CASES		
Item #	Case #	Property Address
1	25050006	224 Codrington Dr
2	25060012	4117 Bougainvilla Dr 403
3	25060013	2121 S Ocean Blvd 505
4	25040032	5200 N Ocean Blvd 111
11	25040030	1967 S Ocean Blvd 108

Special Magistrate Clerk Small then read into the record the cases that were continued to the August 28, 2025 Hearing.

CONTINUED TO AUGUST 28, 2025 HEARING		
Item #	Case #	Property Address
6	21120018	3900 N Ocean Dr
7	21100051	1850 S Ocean Blvd
8	21100022	1620 S Ocean Blvd
10	25040006	4644 Bougainvilla Dr 1-5
12	24050073	4461 W Tradewinds Ave
13	25060020	236 Neptune Ave 1-2
14	25060023	2041 Coral Reef Dr
15	25050002	1480 S Ocean Blvd
16	25060004 (see page 5 – previously called)**	1431 S Ocean Blvd 78
25	25050003	226 Corsair Ave

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

WITHDRAWN CASES		
Item #	Case #	Property Address
27	25040009	1624 Bel-Air Ave
28	25060022	4520 El Mar Dr 11

Not having any additional business to be heard, Special Magistrate Judith Secher adjourned the Hearing on July 24, 2025 at approximately 6:13PM.

APPROVED BY:


Special Magistrate Judith Secher

ATTEST:


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