

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, October 27, 2022 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:15PM on Thursday, October 27, 2022 with Town Attorney Alan Gabriel, Senior Code Inspector Bethany Banyas, Development Services Director Jhanelle Campbell, Building Official Simo Mansor, Fire Marshal Stephen Paine, and Special Magistrate Clerk Megan Small to record the minutes.

II. SWEARING OF WITNESSES

The Special Magistrate administered the oath to everyone speaking today, except not to lawyers.

III. OPENING STATEMENT

Please note for the record that this is an in-person hearing.

IV. PUBLIC COMMENTS

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

V. CODE CASES

Cases were typed in the order they were called and Special Magistrate Clerk Megan Small called the first case, a fire case, into the record.

FIRE CASES

ITEM #V.64

***TAKEN OUT OF SEQUENCE**

Case #: **22-1351**

Property Owner: Empress Estates LLC.

Address/Folio: 1900 S Ocean 16L

Attorney Mark Reed explained that he did not represent the property owner. He represented the condo association. Fire Marshal Stephen Paine testified that unit 16L (on the penthouse floor in a high rise building) was a matter that came before him two months ago. They were supposed to come into compliance by September 21, 2022 or \$250/day fine starting September 22, 2022. As there was no hearing in September due to illnesses, as of right now, he clarified that nothing was submitted and nothing was approved. He said the owner would probably ask for more time tonight. He answered the Special Magistrate that he was not sure if the unit was still vacant.

Building Official Simo Mansor testified that he was receiving numerous calls every couple of days regarding this unit. If something was not done, the whole building might have to be evacuated, not just unit 16L. He reported that there was occupancy of the unit and the bathroom/shower was being used. The bathroom was the problem as well as electrical work in the panel. The electricity

was pulled out of the unit to discourage the owner from using the apartment. However, a cord in a live outlet was pulled into the apartment so the owner uses the unit. He would like to use his full authority and have the owner completely out of the apartment. He was working with the Fire Marshal on this. The Special Magistrate said he understood because they could not risk having to evacuate the entire condominium.

Dawn Hardage, unit 16L, testified that some of the allegations were incorrect. She was out of the unit almost a month only coming back to get personal effects. She said that the order noted, "*the bathroom area shall not be used*". She testified that she did not use that area and has not turned on the water. She used the water in the kitchen only. As far as electricity, she explained what she saw installed in the unit (either by the Town or by maintenance – she was not sure who installed it). It was actually cooling off the unit and she made no inquiries about it. A few days ago, someone removed the plug from the wall and did other things but what was installed still remained in the unit. She answered the Special Magistrate that she usually comes and goes but stayed there last night and the night before. She has not had any complaints from anyone other than an inquiry from Mr. Reed and she sent him the last page of the order. She contacted the Building Official for restoration of the electricity but he would not allow restoration. She had an email from her architectural engineer who surveyed what needed to be done and completed plans which were attached to the email. She explained about the general contractor, the application, and the progress she made since the last time she was here at a Hearing. She answered the Special Magistrate that she did not stay in the unit during the day but used candles at night due to no electricity. It was her home and had no other place to stay.

Building Official Mansor quoted Florida Statutes 901.15 which would allow him to order Ms. Hardage's arrest, if she stayed in the unit. He answered Ms. Hardage that he would rather arrest her then evacuate 16 floors in the building. He could not allow her staying in 16L affect the safety of the others in the building. She must immediately stop occupying that unit or he would use that Statute. The Special Magistrate spoke about the use of candles and the possibility of a fire and so she could not live there. She was to talk to the Building Official to know what had to be done in order for that unit to be compliant. Discussion ensued that this has been going on for more than sixty days and a permit has not been pursued. An application was a start but no permit was obtained. The Special Magistrate said that Ms. Hardage was putting the other residents in jeopardy by staying there for her own convenience using candles. That was not acceptable. She has the opportunity to get her things by tonight but she could not stay there. The unit had to be sealed off. The Building Official said that he needed the general contractor to submit an application depicting what he was doing to achieve compliance. In answer to Ms. Hardage's question as to when she could go back into her unit, the Building Official said when the work was finished, inspected, and approved. He said some neighbors were living in fear because of this. Ms. Hardage said that she needed to get things out of her unit and would need more than today to do that.

Development Services Director Jhanelle Campbell testified that the issue was the continuous amount of complaints they received from residents regarding the continuing use of the shower. The water trickling down to units below posed a safety hazard to all the residents of the building. The director answered the Special Magistrate that water was still being supplied. The Special Magistrate said that occupancy would stop tonight but he had to give her a reasonable opportunity to get stuff out of the unit. For just a few times, appointments should be set up to meet Ms. Hardage at the unit so she could pick up some of her personal effects. The director testified that she had no information regarding who hooked up the electricity. She knew for sure that it was not the Town who supplied electricity to the apartment after power was shut off. The Special Magistrate explained that she should not be there without electrical power and the director said

that the water trickling down from the shower was a life safety issue that needed to be rectified. Building Official Mansor said that he was told she got the hot water in the kitchen which was supplied by the building and took that into the bathtub. That was why water could not be shut off to that unit.

Attorney Mark Reed, one of the attorneys for the association, said that the association supported the decisions made tonight. The association had serious concerns. To clarify about the small air conditioning unit and the power cord in 16L, he said that the association had concerns about mold growth due to lack of power. They put a small air conditioning unit and ran one power cord to that unit. However, they found out that the unit owner took that power cord and ran a bunch of other cords to it for use throughout the unit and this could cause a hazard. The intent for keeping that unit cool was to prevent mold in that unit and mold spreading to other units. The attorney informed that the association disconnected it because when it was installed, they were told that the unit was vacated. The association sent the owner two notices plus posted notices on the door that the unit was not suitable for habitation due to no power. They had no idea that the owner was going to move back in despite what the Fire Marshal told them at a previous hearing. The Special Magistrate told the attorney that if the association was to rig something due to loss of service to unit 16L, they must do it with the approval of the Building Official and the Fire Marshal. The association needed to work with Ms. Hardage to get her stuff out (clothing, etc.) that was at risk due to no air conditioning in the unit. The order had to clearly state that the \$250/day fine continued to run until compliance but the Special Magistrate has the ability to reduce or abate the fine depending on the facts. The Special Magistrate said that he needed Ms. Hardage and the people in the building to be safe.

The Fire Marshal read into the record parts of the Broward County amendments to the Florida Fire Prevention Code. He explained that if this situation continued, he would have to call the State. The Special Magistrate said that he felt this would not continue because the Building Official would probably work with the Broward Sheriff's Office (BSO) to ensure no one was occupying unit 16L or the Building Official would issue the order for the arrest of any person(s) occupying unit 16L. The Special Magistrate said he did not want to see anyone get arrested, so they must do what was right. Ms. Hardage testified that she spoke with Mr. Mansor twice before she moved back into the unit and he said to her that he did not change the locks and what she did was at her own risk. Going forward, the Special Magistrate said that it was a risk to both Ms. Hardage and the people in the condominium, so she could not stay in the unit. She explained that she did not do this on her own as she had the order and did speak with Mr. Mansor. The Special Magistrate wanted tonight's order to include that if the unit continued to be occupied the person(s) would be subject to arrest.

The Development Services Director summarized (1) Ms. Hardage could enter unit 16L tonight and retrieve some personal items and to reasonably return via appointment with building personnel, association or staff to retrieve other stuff especially if at risk for mold, (2) the Building Official and the Fire Marshal could take the steps necessary under their authority to ensure life safety violations would not continue, (3) the \$250/day fine would continue to run until a permit was obtained and all inspections passed and permit closed and if the Special Magistrate was able to maintain jurisdiction, he would have the ability to reduce or abate the fine depending on the facts, and (4) if anyone tried to stay overnight, the person(s) could be subject to arrest via Florida Building Code or Florida Fire Prevention Code. Attorney Reed said he had to check with the Board of Directors to see if they were going to re-key or what. They would need to work with the Town and with Ms. Hardage to gain reasonable access to get clothes and other personal effects at risk for mold and if anything was to be "rigged" in the unit, it must be okayed first by the Building Official and Fire Marshal.

The Special Magistrate ordered a revised Final Order by retaining and adding to the order (1) no occupants in unit 16L until it was deemed safe and within code or the occupant(s) could be subject to arrest via Florida Building Code or Florida Fire Prevention Code, (2) both the water and electricity would remain off until it was deemed safe, (3) follow the steps given by the Fire Marshal and Building Official for compliance or a fine of \$250/day would continue to run until compliance was reached, and if the Special Magistrate was able to maintain jurisdiction, he would have the ability to reduce or abate the fine depending on the facts, (4) Ms. Hardage could enter unit 16L tonight and retrieve some personal items and return via appointment to gain reasonable access to retrieve other stuff especially if it was at risk for mold, and (5) the Building Official and the Fire Marshal could take the steps necessary under their authority to ensure life safety violations would not continue. Attorney Reed said he had to check with the Board of Directors to see if they were going to re-key or what and they would work with the Town and also with Ms. Hardage for her to gain reasonable access to get clothes and other personal effects at risk for mold. He would let the association know not to "rig anything up" in unit 16L without checking with both the Fire Marshal and Building Official.

SPECIAL SET

ITEM #V.62

***TAKEN OUT OF SEQUENCE**

Case #: SS-A
Property Owner: 827 NW 114 St LLC
Address/Folio: 230 Pine Ave

Senior Code Inspector Banyas said that she would start with Special Set A, case #SS-A. She reminded that over the past year, there were a few cases involving this property. Liens were recorded on this property on November 16, 2021, March 23, 2022 and July 6, 2022. She explained that this was a request to authorize foreclosure of liens that have been recorded for longer than 90 days. The property remained unoccupied and was not homesteaded under this owner. On October 20, 2022, the Town sent a certified letter notifying the property owner about the Town's intent to request foreclosure action. The letter was posted on the property and in Town Hall. She has the Broward County Property Appraiser's folio for evidence showing the owner and the homestead status. She answered the Special Magistrate that the signature green card was not received yet by the Town. Several emails were sent to the owner and there was no response. She knows the owner lawfully received notice because the property was posted as well as Town Hall. She gave evidence containing the Broward County Appraiser's information, she also has a summary of the liens recorded on the property, and copies of the three liens previously spoken about with the recording dates. The Special Magistrate accepted her evidence as the Town's Composite Exhibit and mentioned that there was no one in attendance to object.

The Special Magistrate asked about the violations and he was told that the property is a vacant, single-family home. She spoke about the violations regarding the Special Set starting with the initial encounter of work without permit. The Town knew that the property sold. Back in 2021, the Town observed demolition going on and a Stop Work Order was posted by the Building Official at that time. At the beginning, the son of the owner would attend the hearings but then contractors were sent. Earlier this year, a contractor did reach out to Inspector Banyas to see how the violations could be complied and Inspector Banyas told her. That did not come to fruition and the Town received no further contact.

There were also violations for maintenance for the exterior structure and in particular, the driveway was in severe disrepair, trees were removed without a permit, and there was overgrown vegetation but that one was complied. Then there was more overgrown vegetation that was abated by the Town via Special Magistrate authorization. The property was also boarded up.

The Town was asking for authorization to begin the foreclosure process on the liens under State Statute Chapter 162. She said that the Special Magistrate could authorize foreclosure of those liens after 90 days on a non-homesteaded property. She answered the Special Magistrate that the liens have already been recorded and in existence more than 90 days. The three new cases today for maintenance on the property were new and ongoing. These would not be foreclosed upon. The Special Magistrate ordered an order to authorize foreclosure to be instituted on the property. Now they would go onto the new cases for #22100008, #22100009, and #22100019.

NEW BUSINESS

ITEM #V.45

***TAKEN OUT OF SEQUENCE**

Case #: 22100008 – NAB Case
Property Owner: 827 NW 114 St LLC
Address/Folio: 230 Pine Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41 (a)(18)

Senior Code Inspector Banyas testified that this was for overgrown landscaping. It was a repeat violation per a previous final order that had been issued and became a lien in March 2022. This violation was sent to the owner via certified mail but the green card was not in the file. On October 17, 2022, this violation was posted on the property and in Town Hall. The Town recommended a repeat violation fine of \$500/day from the time this was first observed on October 12, 2022 through today, October 27, 2022, plus \$100 hearing cost. Then the repeat violation fine shall continue forward until compliance was achieved and to order abatement of this violation immediately as this was a repeat violation. The property should be charged for cost and an administrative fee. The Special Magistrate ordered a repeat violation fine of \$500/day from October 12, 2022 through today, October 27, 2022, plus \$100 hearing cost for today due immediately but payable within thirty days. This fine would continue forward until compliance was achieved and he ordered abatement by the Town of this violation immediately as this was a repeat violation and the property would be charged for the cost to abate and an administrative fee. Inspector Banyas gave the Special Magistrate photos as evidence which were relevant to all three cases. The Special Magistrate said that there was no one in attendance to object to the photos and he accepted them as the Town's Composite Exhibit. Discussion ensued about unhappy neighbors.

ITEM #V.46

Case #: 22100009 – NAB Case
Property Owner: 827 NW 114 St LLC
Address/Folio: 230 Pine Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41 (a)(7)

Senior Code Inspector Banyas testified that this was a new violation (not a repeat) and the Town was requesting a Final Order and abatement. The Town issued a Notice of Violation to the property owner on October 13, 2022 and posted the property on October 17, 2022 as the Town did not receive the green card back. This was an emergency violation regarding an infestation of bees in a couple of different places in a Strangler Fig Tree in the backyard and that tree was located near a neighbor. This neighbor was doing permitted construction and the Town warned the contractors to be cautious as the bees were swarming frequently due to the vibrations and activity next door. The Town would like to abate after November 3, 2022 and give them until November 3rd to comply or \$250/day fine to accrue thereafter and authorization for the Town to abate and the vendor that the Town would use was scheduled to give the Town an assessment of the situation on Tuesday. The Special Magistrate reminded that the vendor should be mindful not to destroy the bees, if they could. The Town also recommended to lien the property for the

abatement costs and continuing costs. The Town did consult with the Broward County Environmental Division who felt the tree itself was in good condition and would not qualify for a removal. The Town asked for the gentleman who would take care of the abatement, if necessary, to give his opinion as well. The Town was trying to save both the bees and the tree. The Town was also requesting \$200 hearing cost for today due to the time taken regarding this violation. The Special Magistrate ordered compliance by November 3, 2022 or \$250/day fine to accrue thereafter plus authorization for the Town to abate the bee problem mindful not to destroy the bees, if possible, and to lien the property for the abatement cost and continuing costs plus \$200 hearing cost for today due immediately but payable within thirty days.

ITEM #V.47

Case #: 22100010 – NAB Case

Property Owner: 827 NW 114 St LLC

Address/Folio: 230 Pine Ave

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41 (a)(1)

Senior Code Inspector Banyas testified that this was a new violation (not a repeat) regarding trash, debris and litter. The Notice of Violation was sent via certified mail on October 12, 2022 and then posted on the property on October 17, 2022 and posted as well in Town Hall. There was landscape litter on the property as well as other miscellaneous items. The Town recommended compliance by November 3, 2022 or a fine of \$250/day to accrue thereafter plus \$100 hearing cost for today. The Town was also requesting authorization to abate after November 3, 2022 and to bill the property for the cost. The Special Magistrate ordered compliance by November 3, 2022 or a \$250/day fine to accrue thereafter plus authorization for the Town to abate the violation after November 3, 2022 and to bill the property for the cost plus \$100 hearing cost for today due immediately but payable within thirty days.

SPECIAL SET

ITEM #V.63

***TAKEN OUT OF SEQUENCE**

Case #: SS-B

Property Owner: 4326 Ocean Drive LLC

Address/Folio: 4326 N Ocean Dr Units 1-4

Senior Code Inspector Banyas testified that this multi-family property was not homesteaded and vacant for at least seven years. There were eight liens that were recorded for over 90 days on the property. She has a list of the liens, copy of the liens, and a copy of the Broward County Property Appraiser's website sheet showing the property owner and that the property was not homesteaded for the record. Discussion ensued that the owner, Tarn Tantiku, usually shows up at these hearings but was not here tonight. The letter about the Town's intent to request foreclosure action was sent via certified mail on October 20, 2022 and posted on the property and in Town Hall as well. Inspector Banyas answered the Special Magistrate that Mr. Tantiku received his mail at an address in Fort Lauderdale which was also vacant property and it has liens by the City of Fort Lauderdale. To her knowledge, Mr. Tantiku currently resided in Thailand and the Town did not have that address. The Town was given authorization for this case and a previous one already heard tonight to move ahead for authorization for foreclosure. The Town was requesting authorization to move forward on foreclosure on the liens that have already been in existence and recorded for over 90 days. She submitted her evidence to the Special Magistrate who accepted them as Town's Composite Exhibit and stated no one was in attendance to object. The Special Magistrate asked to do the other case for this property after this. The Special Magistrate ordered an order to authorize foreclosure to be instituted on the property.

FIRE CASES**ITEM #V.66*****TAKEN OUT OF SEQUENCE**

Case #: 22-1353
Property Owner: 4326 Ocean Dr LLC
Address/Folio: 4326 N Ocean Dr

Fire Marshal Stephen Paine testified that Code Compliance requested that he visit the property owned by 4326 Ocean Dr LLC. He has photos for evidence of overgrowth, combustible storage inside the building, etc. which he gave to the Special Magistrate. The Special Magistrate noted that the last time Tarn Tantiku attended a hearing, he had someone pick up a lot of this stuff and the photos show that it looked bad again. Senior Code Inspector Banyas answered that a lot of that was indeed cleaned up. For the record, the property was previously inaccessible and the gates were locked. The gate and lock deteriorated to the point that it was open and unguarded to the public. She noted that there was no pool. So now they could see more of the property and when the Fire Marshal saw the issues in the rear, he had to address them. She added that the bees were swarming again and the adjacent property owner was being terribly affected as his tenant had to leave due to allergies. The Special Magistrate summarized that he remembered the hive was inside the building and the Town could not get into the building to adequately address the problem. Both the owner and the Town both tried to abate the bee infestation. In conjunction with the foreclosure action, Inspector Banyas said that the Town might move forward with a request to the Circuit Court to have the property declared a nuisance and receive an order to go inside the property. The Special Magistrate said that this has got to stop especially for the suffering of the next door neighbor. He asked the Town Attorney to get an administrative search warrant and do whatever they could to get the bees abated. Mr. Tantiku was very nice but we have to be finished with the bee problem.

Fire Marshal Paine read into the record some of the violations typed on the LBTS Fire Code Enforcement Special Magistrate paperwork which were listed as Florida Fire Prevention Code Broward County Amendments F-103.29, F-103.2.9.10 plus N.F.P.A. 1.10.12, 1.10.12.1 and 1.10.13.10. He answered the Special Magistrate that he did not go into the building but saw the situation as best he could. The meters were not on but he was not sure for certain if the power was off. The Special Magistrate said to do whatever he could to ensure that there was no power to that building. The Fire Marshal explained the violations which were read into the record.

The Special Magistrate asked why this was not in front of the County's Unsafe Structure Board. Development Services Director Campbell testified that the building was declared unsafe and the Unsafe Structure Board referral was also an option that would probably be explored. Now that they have the Commission's authorization and the Special Magistrate's authorization to move forward, they would gather all the options and information to get the quickest compliance to make this place safe for the community. The Special Magistrate warned about fire, bees, structure falling in, etc. The director said that an Unsafe Structure posting has been placed on the property and the Town was moving forward. The Special Magistrate inquired about boarding up the building. Fire Marshal Paine requested \$250/day fine for each violation with sixty days to come into compliance. After sixty days, he would get with the Building Official to start the paperwork to take this to the Unsafe Structure Board. The Special Magistrate would rather that the paperwork went sooner because the structure was unsafe but to give fair notice. The Fire Marshal said instead of sixty day, it would be thirty days plus \$150 hearing cost. The Special Magistrate ordered compliance within thirty days or \$250/day fine for each violation and paperwork sent to the County's Unsafe Structure Board plus \$150 hearing cost due immediately but payable within thirty days.

OLD BUSINESS**ITEM #V.26*****TAKEN OUT OF SEQUENCE**

Case #: 21110002 – Permits Required Violations
Property Owner: Whittier Towers Apartments Association, Inc.
Address/Folio: 1439 S Ocean Blvd
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that the original violation was already certified as a lien but the Town held off on recording as a courtesy to the Whittier Towers Apartments Association and their attorney. The work without permit was for the seawall that was altered with the addition of concrete on top of it, a new dock was installed as well as a floating dock which was later removed. So now there was a dock and alterations to the seawall. The Town requested to forgo any further hearings and to record the lien after this hearing. The Special Magistrate was answered by the inspector that the attorney for the adjacent property was not in attendance. The inspector answered Attorney Seiler, attorney of record for Whittier Towers, that attorney Jeremy Sherer used to represent the Palm Club but now it was Allen Levine. The Palm Club declined to send anyone to represent them today.

Attorney Seiler said there was a meeting with the Town and that he spoke with Mr. Levine who told him that his client was not able to agree to anything on the papers which were sent. That was the property to the west. The properties to the east were Surf Rider and Surfsider. The attorney said that Mr. Sobel was with Surf Rider and said that despite what the documents show that they own the subject area, they did not own it, did not want it or any of its responsibilities or liabilities. They would not respond to any requests to resolve this. Attorney Seiler reminded that this was a private and not public canal they were talking about. He informed that Surf Sider said they were represented by Diversified and would not object to the dock on their side but when Attorney Seiler did the title on the waterway, it appeared that Surf Rider was the owner and would have the rights for negotiation with them and not Surfsider. The Special Magistrate talked about the bottom lands/submerged lands and Mr. Seiler agreed. Attorney Seiler said that Surf Rider put up a fence and did not want access to the water. This put them in limbo. It did not appear that Surfsider had any authority in this matter.

Attorney Seiler said that they would try to take affirmative action and hope that Surf Rider did not oppose it since they refused to take any action. He spoke about an easement for this body of water and a survey was sent by Kathy Galullo on October 7, 2022 to the Town. They might need to update that survey interposing the easement over it because they have an easement to use as waterway for recreational boating. That easement would imply that they have a right to a dock since they have a right to the private waterway under that easement. That easement went back to the sixties. He requested not to record and give them a chance to work it out. Kathy Galullo, board president, was coming back to Florida on Tuesday. Right now, he could not get a response from Surf Rider and has an affirmative response from Surfsider and Palm could not agree to anything until this issue was worked out. The Special Magistrate asked if a quiet title action was possible. Attorney Seiler explained that their seawall was the correct height but was unsure about the other seawalls, so maybe that was why Surf Rider did not want anything to do with this.

Senior Code Inspector Banyas said that the Town recommended a continuance to January 26, 2023 for a Status Conference. Attorney Seiler thanked the Town and said that they have been very good to work with. The Special Magistrate ordered a continuance to the January 26, 2023 Hearing for a Status Conference.

Town Attorney Alan Gabriel departed the hearing at approximately 6:25PM.

****For the record, the respondent for the below Certification of Lien left and it was decided to telephone the respondent and put this aside until the respondent returned. Through messaging, Inspector Banyas said it was decided to recall these cases at about 7:00PM. There were eight units (see below) in the entire building known as Favale Condominium. It was earlier than 7:00PM but everyone was ready to go and this was heard and typed below after hearing agenda item #49 on page 13.**

CERTIFICATION OF LIEN

ITEM #V.50 (This item was listed incorrectly on the agenda as #50, #51 and #52)
***TAKEN OUT OF SEQUENCE**

Case #: 21100025 – Building Code Violations
Property Owner: Senouci, Carl
Address/Folio: 4652 Poinciana St 1
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.53

Case #: 21100026 – Building Code Violations
Property Owner: Senouci, Carl
Address/Folio: 4652 Poinciana St 2
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.54

Case #: 21100027– Building Code Violations
Property Owner: Wachter, Wilhelm & Edith
Address/Folio: 4652 Poinciana St 3
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.55

Case #: 21100028 – Building Code Violations
Property Owner: Roberto, John A Est
Address/Folio: 4652 Poinciana St 4
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.56

Case #: 21100029 – Building Code Violations
Property Owner: Roberto, John A
Address/Folio: 4652 Poinciana St 5
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.57

Case #: 21100030 – Building Code Violations
Property Owner: Favale, Joseph Favale, Vincent Mario
Address/Folio: 4652 Poinciana St 6
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.58

Case #: 21100031 – Building Code Violations
Property Owner: Brooks, Willie J Wilson-Brooks, Susan K
Address/Folio: 4652 Poinciana St 7

Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.59

Case #: 21100032 – Building Code Violations

Property Owner: Senouci, Brahim

Address/Folio: 4652 Poinciana St 8

Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

Senior Code Inspector Banyas testified that this was a violation of Building Code 110.15 Building Safety Inspection Program. She reminded that the Special Magistrate set a compliance date but they went past that date. They submitted a request for mitigation and the Town, including the Building Official and the Development Services Director, had no objection to reducing the fine to zero. The Special Magistrate ordered full mitigation of the fine down to zero. Susan was connected and Inspector Banyas made her aware that the fines were reduced to zero.

NEW BUSINESS

ITEM #V.48

***TAKEN OUT OF SEQUENCE**

Case #: 22100012 – NAB Case

Property Owner: Shanahan, George C Est

Address/Folio: 2036 Coco Palm Place

Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-313(p) (2) Swimming pool enclosures

Senior Code Inspector Banyas testified that this was a new case but there were previous nuisance violations at this location. The owner of the property was still listed as Shanahan, George C Est but the girlfriend of the deceased was still occupying the property. This violation, open and unguarded pool, was discovered recently and certified mail was sent and the property was posted on October 19, 2022. There was a lien already on this property for the fence that was in disrepair and has been but this was a new violation and not because the fence was in disrepair. The issue now was that the pool was fully open and unguarded. She has two photos to submit as evidence. The Town prepared an order to sign if the Special Magistrate reviewed it and found it appropriate requiring compliance by Sunday, October 30, 2022, or a fine of \$250/day fine to accrue starting October 31, 2022 and authorizing the Town to abate anytime after October 31, 2022 and to lien the property for the cost of the abatement plus \$100 hearing cost for today. Inspector Banyas answered the Special Magistrate that abatement meant to secure the pool quickly by any means possible including a mesh fence and boarding. The Special Magistrate said that no one was in attendance to object to the photos and he accepted them into evidence as Town's Composite Exhibit. He reviewed and agreed with the order as typed and the order was explained for the record by Inspector Banyas. The Special Magistrate signed the order and Development Services Director Campbell notarized his signature.

ITEM #V.39

***TAKEN OUT OF SEQUENCE**

Case #: 22070029 – Permits Required Violations

Property Owner: Endeavor Capital LLC Homestead Financial Mortgage LLC

Address/Folio: 4344 E Tradewinds Ave

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that this was new business and the violation was observed at a Business Tax Receipt inspection for an application for a new rental in December 2021. The

inspection was done by Greg Weinberg. A Notice of Violation was issued on July 28, 2022 for a kitchen renovation and the support beam on the rear patio to be replaced with a permit. The Special Magistrate asked if it was in danger of falling down and the Inspector said the Building Official would be able to speak on this but from her conversations with the Building Official, he was asking for a verification from an engineer to state that it was safe. The property has been occupied and continued to be occupied by a tenant. She showed her evidence to the respondent and explained the photos from the December inspection and the screen shot of the current Town permit record. The respondent had no objection to the evidence and Inspector Banyas gave the same copies of evidence to the Special Magistrate who accepted it without objection as the Town's Composite Exhibit. She said the Town was recommending a Final Order giving until November 16, 2022 to either (a) have a signed and sealed engineer's letter stating the building and rear patio were safe for continued residential use until a permit was obtained or (b) have a permit submitted by an engineer and approved for the repairs plus submit an after-the-fact permit for the kitchen renovations or a \$250/day fine would accrue starting November 17, 2022 plus \$50 hearing cost for today's hearing and come back to the November 17, 2022 Hearing.

Dave Barbau testified that he works for the company that bought the building. He was a tenant prior to the purchase of the building. Tenants were in the building prior to the purchase. He said that there were inspections on the building prior to purchasing it. He has emails from the prior inspector, Greg Weinberg, noting what had to be done. They have addressed everything except the last two items. They would get this handled right away. The Special Magistrate asked if he was a former tenant and Dave Barbau said he was the current tenant. He explained that they bought two buildings as one purchase. He was a current tenant but did not reside in the 4344 E Tradewinds Ave building which was tonight's subject. He would try to get everything done timely and would get the engineer's letter but finding a contractor was difficult so he hoped he would make the compliance date. They may just demo the patio which was added to the building but no one uses it. Inspector Banyas said that if they demo, they would need a demo permit and that would cure that violation. As long as they get an engineer's letter acknowledging the safety, the Town would work with them if they decided to secure a demo permit. They would still need an after-the-fact permit for the work already done in the kitchen. The Special Magistrate ordered to either (a) have a signed and sealed engineer's letter stating the building and rear patio were safe for continued residential use until a permit was obtained or (b) have a permit submitted by an engineer and approved for the repairs and in either case, submit an after-the-fact permit for the kitchen renovations or a \$250/day fine would accrue starting November 17, 2022 plus \$50 hearing cost for today's hearing due immediately or payable by November 16, 2022 and come back to the November 17, 2022 Hearing.

OLD BUSINESS

ITEM #V.29

***TAKEN OUT OF SEQUENCE**

Case #: 22020004 – BTR Housing Inspection

Property Owner: Lievano, Guillermo A Hernandez, Alfredo J

Address/Folio: 1801Terra Mar Dr

Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-480(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that this case was complied. The respondent was here to ask for mitigation. She gave the facts of the case stating that the violations were for general property maintenance and work without permit. Fines accrued beginning June 23, 2022 for 26

days for general maintenance and 54 days for work without permit. The balance due was \$8,250 which included \$250 in hearing costs which could not be mitigated. She said the Town was leaving mitigation up to the Special Magistrate's discretion.

Guillermo Lievano testified that he purchased this property with a business partner in October 2021. He bought it as an investment opportunity. He went through the short-term rental process. The inspector thought that there was work done without permits for kitchen remodeling, bathroom remodeling, a tree removed without permit, etc. The respondent said this was all done before he bought the property. He tried to remedy the situation and told the stories about what he went through to get a contractor and the many problems he encountered. He thought he would be able to get his short-term rental permit but was told there was an \$8,250 recorded lien on the property. He was requesting that the Special Magistrate forgive this lien. Inspector Banyas said she was not the person who inspected and she did not know costs and time spent on this case. She did not think that Greg Weinberg had to return to the property an inordinate amount of times. The time was mostly with the Building Department and the respondent did pay double fees and such. She did not think that the owners were delinquent in their efforts. The Special Magistrate ordered that \$250 would remain for hearing costs and he reduced the \$8,250 owed to just \$250 but the \$250 must be paid within thirty days or the fine would revert back to \$8,250. Inspector Banyas gave Dr. Lievano her card to contact her tomorrow and she would walk him through how to pay the \$250 by mail but he was cautioned that the check must be received timely or the fine would revert back to the original amount. He asked about his short-term rental certificate and he was told that it was already mailed to him. The Special Magistrate warned Dr. Lievano about dealing carefully with vacation rentals in this Town because it was very strict about full compliance. He spoke about such things but not limited to overparking, garbage, parties, etc.

FIRE CASES

ITEM #V.65

***TAKEN OUT OF SEQUENCE**

Case #: 22-1352
Property Owner: Leisure Mar Condominium
Address/Folio: 4540 N Ocean Dr

Fire Marshal Stephen Paine testified that this was the Leisure Mar Condo. They have an issue with a broken fire department connection to a Standpipe System. He was showing the property manager pictures that he would be submitting into evidence. The Fire Marshal explained why it was critical to have this working. The manager, Rod Fiedler, did not have an objection to the pictures which were given to the Special Magistrate who accepted them into evidence without objection as Town's Composite Exhibit. The Fire Marshal said that the building was not in danger of being unsafe as there was another working connection on the north side of the building. They did sign a contract with a fire protection contractor. The condo was asking for 90 days to get the repairs done and he was in agreement but if this did not come into compliance in 90 days from today, there would be a \$250/day fine until compliance was reached. The Fire Marshal said he was told that if they run into more problems, they would come back and ask for more time. There were no costs associated with this agenda item. The Fire Marshal answered that compliance was to have all the work completed, inspected and functioning. The Special Magistrate ordered ninety days from today for compliance by having all work completed, inspected, and functioning or \$250/day fine until compliance was reached and there were no hearing costs for today.

CERTIFICATION OF LIEN

ITEM #V.49

***TAKEN OUT OF SEQUENCE**

Case #: 21100018 – Building Code Violations
Property Owner: O'Sean Villa LLC

Address/Folio: 4641 N Ocean Dr, 1-8
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

The respondent, Jerry McGuire, explained the problems he went through to get the report and also that the repairs would be made on Saturday. He answered the Special Magistrate that he was the owner of the building. Senior Code Inspector Banyas explained that this was a violation of the Building Safety Inspection Program. This was an old case that was previously before the Special Magistrate. A Final Order was issued in April 2022 and since there have been extensions granted. Inspector Banyas said Mr. McGuire was here tonight for another extension of maybe another month and the fines were at \$12,800. Inspector Banyas suggested November 27, 2022 as the new comply-by date and if this was not complied by then, they would bring it back to the January 26, 2023 Hearing. She said that if it was complied by November 27, 2022, no fines would accrue but if it came back to the January 26, 2023 Hearing, fines would continue to run. Inspector Banyas explained that the Final Order would have a revised comply by date of November 27, 2022 but if it was not in compliance by then, this agenda item would be brought back to the January 26, 2023 Hearing and there was \$50 hearing cost for today. The Special Magistrate ordered a revised Final Order with a new comply-by date of November 27, 2022 but if this was not in compliance by that date, this agenda item would be brought back to the January 26, 2023 Hearing and \$50 hearing cost for today due immediately but payable within thirty days.

***Special Magistrate Clerk Megan Small recalled items #50 - #59 on the agenda for 4652 Poinciana St #1 - #8. There was one respondent ready even though it was before 7:00PM and it was decided to recall the cases now for 4652 Poinciana St 1 - 8. Please see page nine where this was typed as that was when it was first called. After hearing these cases, case #35 was called and that appears below.*

NEW BUSINESS

ITEM #V.35

***TAKEN OUT OF SEQUENCE**

Case #: 22040004 – BTR Housing Inspection
Property Owner: Faurer, Martin Faurer, Yarin
Address/Folio: 262 Tropic Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that the Notice of Violation was initially issued in April 2022 and the property was posted to achieve service on June 9, 2022. The violations for work without permits were on a/c units replacement, a new split a/c unit, garage conversion, kitchen and bathroom renovations. She showed the respondent a copy of a current permit log for the property, an email and photos of all the areas that were inspected by Greg Wienbarg when he did the inspection in April 2022. The respondent did not have any objections to the evidence and the Special Magistrate accepted her evidence as Town Composite Exhibit without objection. The Town recommended a Final Order with compliance by the issuance of after-the-fact permits for all the work done without permits by November 16, 2022 and would recommend a fine of \$250/day to accrue thereafter if not in compliance plus \$50 hearing cost for today and to come back to the November 17, 2022 Hearing.

Adam Kayce testified that he hired an engineer for the garage conversion, but he was being challenged by not being able to secure contractors. He explained that everything was in line to get done but he spoke about what he was waiting for. He said that the Building Official was very helpful during this whole process. Inspector Banyas said the Building Official agreed with the

November 16, 2022 date to have the permits. She said that the system showed after-the-fact permits moving through review for the kitchen, bathroom and garage conversion. The a/c still needed to be permitted and the respondent said he got that yesterday. The Special Magistrate ordered compliance by November 16, 2022 or a fine of \$250/day to accrue thereafter and \$50 hearing cost for today plus to return to the November 17, 2022 Hearing, if anything needed to be done. Mr. Kayce was answered by Inspector Banyas that he would be able to get a copy of the reviewer's comments.

CASES TO BE CONTINUED

ITEM #V.11***

***TAKEN OUT OF SEQUENCE**

Case #: 22040017 – Permits Required Violations

Property Owner: ACS 218 LLC

Address/Folio: 222 E Commercial Blvd

Code Section(s): Chapter 12 – Licenses Sec 12-2(a)
Florida Building Code FBC BCA Section 105.1. Work Without
Permits. Permits. Required

Senior Code Inspector Banyas testified that this case was before the Special Magistrate a few times. At the September Hearing, a Final Order was issued requiring compliance by September 21, 2022 for after-the-fact permits for work on a water heater replacement, urinal removal, as well as electrical wiring to add new fans in the studio for Arthur Murray Dance Studio. The fines were accruing and Property Manager Jordan Brown was to give an update and ask for additional time. He felt that within the next week, they should be up to speed and get all the things done. So far, fines were \$3,960 on the property and a violation for a BTR at \$10/day fine. She said that if the Special Magistrate gave an extension to the comply-by date to November 16, 2022, there would not be any violation fines running and then bring this back to the November 17, 2022 Hearing plus \$25 hearing cost for today. Inspector Banyas believed that there was a \$50 hearing cost still owed and needed to be paid. The Special Magistrate order a revised Final Order with an extended comply-by date to November 16, 2022, \$25 hearing cost for today due immediately but payable by November 16, 2022 and return to the November 17, 2022 Hearing plus pay an outstanding \$50 Hearing Cost.

OLD BUSINESS

ITEM #V.25

***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 Terry from Double P Construction sent out very helpful information today. Some deliveries came in and were being installed on the east side. This was the area not accessible to the public. There was no update on concrete but this was going to be an ongoing supply chain demand issue. Spiro Marchelos said that due to Hurricane Ian, they lost about ten days due to rain. The Special Magistrate asked if Mr. Marchelos could now come every other month instead of monthly but Inspector Banyas deferred this decision to the Director of Development Services. She would talk to Director Campbell and let Mr. Marchelos know that decision.

CERTIFICATION OF LIEN

ITEM #V.61

***TAKEN OUT OF SEQUENCE**

Case #: 22060001 – Permits Required Violations

Property Owner: Royal Imperial Group LLC
Address/Folio: 259 Miramar Ave
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas handed the respondent an evidentiary packet which contained a screen shot of the current permit status on the property and photos taken by Greg Wienbarg when he did the inspection on the property. The property is a single-family home currently used as a vacation rental. The BTR was not issued nor could it be issued on the property as of yet until all violations observed on the initial inspection were corrected. The Notice of Violation was issued on June first and the Final Order was issued on August 25, 2022 requiring compliance by September 21, 2022 for work without permit for kitchen and bath renovations, water heater replacement, a/c replacement and new pool heater. To date, there was just a central a/c permit. A fine has been accruing at \$100/day for 36 days for a total due today of \$3,650. The respondent said he was not the owner but helped to manage the property. He was the realtor who sold them the property. They were from Chicago, originally from Ukraine, and did not do the work without permit but bought the home that way. They were more concerned about their family in Ukraine but once they realized the situation here, they called the realtor who took the responsibility to help them. The realtor said that this encompasses a lot of issues, and it has taken quite some time to put a team together. They were just missing a plumber but found someone who may be willing to do this. He was hoping that in the next couple of weeks, they would have all the plans to submit. According to the engineer and the general contractor, the work seemed to have been done properly.

Senior Code Inspector Banyas said that the Town recommended that if the owner and the realtor could ensure that no more Airbnb, Vrbo, vacation rental, etc. were booked in the property, and remove any online advertising and show this to the Town, then the Building Official and Inspector Banyas would agree to an extension wiping out the fines. Having tenants now was a liability to everyone, including the Town. If the Town continued the case, fines would continue to accrue but if rental stays would not be in the building after November 16, 2022 and no more advertising and come back to the November 17, 2022 Hearing, then the Town would extend the compliance date sixty days at that time and come back to the January 26, 2023 Hearing. The Special Magistrate warned that if it was not handled that way, he would impose the fine.

Inspector Banyas summarized that for today, fines would continue to run and come back to the November 17, 2022 Hearing having the building vacant and no more stays booked and evidence provided for no more online or any advertising, by verbal agreement the compliance date would be extended sixty days wiping out the fines and come back to the January 26, 2023 Hearing with all violations complied. The Special Magistrate ordered fines to continue running and compliance by November 16, 2022 by no more Airbnb, Vrbo, vacation rental, etc. and proof depicting no more online or any advertising and the house vacant and remains that way until total compliance was reached, come back to the November 17, 2022 Hearing where he would extend the compliance date sixty days (by verbal agreement if in compliance with a vacant house and no advertising) to become compliant for the work done without a permit and come back to the January 26, 2023 Hearing cautioning that if it was not handled this way, he would impose a fine.

NEW BUSINESS

ITEM #V.41

***TAKEN OUT OF SEQUENCE**

Case #: 22080016 – BTR Housing Inspection
Property Owner: Stanley, George Stanley, Rose
Address/Folio: 4641 Bougainvilla Dr

Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-327(k)1.a-h
Chapter 6 – Building and Building Regulations Section 6-36(a)
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that this was a new case in front of the Special Magistrate for the first time. She had photos to submit that she showed to the respondent and then were given to the Special Magistrate who entered them into the record. The property is a single-family home, not homesteaded and occupied by what she believed was a long-term tenant. On August 10, 2022 the owners were sent a certified letter but the green card was not yet returned. The property was posted on October 17, 2022. She explained the three violations which included a kitchen remodel, 2 bathroom remodels, 2 A/C units, electrical panel and pool water heater which all need an after-the-fact permit for all the work done without a permit, the interior ceiling is open up to the roofing boards in the closet with the A/C unit and water heater. The ceiling is to be replaced in the closet to close off the open area. Also, for vacation rental or short-term rental dwellings, the completed rental binder guide information needed to be in any rental unit within 10 feet of the door. She suggested hearing from the respondents' representative about how much time he thought was needed for permits.

The respondent, Rodrigo Vilchis, said he was a manager from Paradise In the Beach which was a corporation that managed this property and many other properties for Rose and George Stanley. Everything the inspector said was true including that they were accused of doing work without permit. The work was already done before the house was purchased by Rose and George Stanley. All the work was done about twenty years ago. The property was in pretty good condition but nothing was new there. The only thing they added was a closet and a permit was pulled for that. Their position was that they relied on the Town of Lauderdale-By-The-Sea (LBTS) and they inquired about permits. He had the documentation showing permits pulled and closed on the property. He found out that this used to be a duplex converted into a single-family home. This property was an investment and they did their due diligence. They hired an engineer who did a full inspection with a full set of plans. Now they were at an impasse. Their engineer felt that what the Town was asking to do was not right. Mr. Vilchis was still researching and felt that he would find out more information from the County. This house was built in 1956/1955. When they bought it, the property was advertised as a 3 bedroom, 2 bathroom property. They bought it and required the Town to let them know if there were any liens or any other problems with the property. He needed more time to figure out the request from the Building Department and time for electrical drawings, plumbing and other documentation and clarity as to what was expected of them.

Building Official Simo Mansor testified as to what his inspectors and reviewers would do during an inspection, including maybe even asking for a wall to be opened up. He asked Mr. Vilchis that if his engineer thought everything was good, have him write a letter which would be signed and sealed that all the work done was according to the plan and the Florida Building Code. This would make it easier on them to move forward smoothly. However, in this case, he would not accept an engineer's signed and sealed letter as he was told that the engineer felt the request was unethical. The Building Official would use his people and the respondent would have to do whatever his people asked to be done including opening a wall, if his guys deemed that necessary. The Building Official said that he was trying to make it easier on the respondent but not now, if they think that a signed and sealed letter from their engineer was unethical. Mr. Vilchis explained that he was relying on his engineer and that was what the engineer told him. The building official said that there would be only one option left, the place needed to be inspected. He said that Mr. Vilchis needed to bring the plans which needed to be reviewed by each trade. Then all the required

inspections would be done to move forward. The Special Magistrate asked the respondent if he knew exactly what needed to be done now and Mr. Vilchis answered in the affirmative but said he would need more time.

Inspector Banyas inquired about how much more time Rodrigo Vilchis required now that he understood what needed to be done. Mr. Vilchis answered that in sixty days he would be done. Inspector Banyas said for the record, there was a tenant in the building. Mr. Vilchis answered that the tenant would leave at the end of the month when the lease expired and the house would be vacant. Building Official Mansor answered that he was fine with sixty days and Inspector Banyas said the fines would run after sixty days if not compliant at \$250/day fine dealing with obtaining after-the-fact permits, \$250/day fine for replacing the interior closet's ceiling closing the open area, and \$10/day fine for the completed rental binder guide information placed within 10 feet of the door plus \$100 hearing cost which was changed to \$50 for today and she informed that once the permits were approved and issued, the violation was compliant but she could not issue the BTR until the permits were inspected and closed. The Special Magistrate ordered a final order to comply the three violations by December 26, 2022 or \$250/day fine dealing with obtaining after-the-fact permits, \$250/day fine for replacing the interior closet's ceiling closing the open area, and \$10/day fine for the completed rental binder guide information placed within 10 feet of the door plus \$50 hearing cost due immediately but payable by December 26, 2022 for today. She informed that once the permits were approved and issued, the violation was compliant but she could not issue the BTR until the permits were inspected and closed and come back to the January 26, 2023 Hearing.

ITEM #V.42

Case #: 22080017 – Permits Required Violations

Property Owner: Vicnsos Realty Group LLC

Address/Folio: 263 Commercial Blvd

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Special Magistrate Clerk Small said that this case was complied. Then after item #27 below was called, Senior Code Compliance Inspector said that this case was new and was the one that should be heard today as case #22060022 below was complied. They then heard this case.

Senior Code Inspector Banyas said that this was a case of air conditioner units installed without permits in the rear of a commercial building. Service was achieved by a signed and dated green card in the file. The Notice of Violation was originally issued on August 10, 2022. It was continued at the last hearing due to the cancellation of the hearing. The earliest the contractor could get out there was 10/31/22 and the respondent testified that Ms. Banyas was correct in what she was stating. The Town was recommending a Final Order giving them time to comply as this was somewhat complicated or \$250/day fine and \$50 hearing cost. The Building Official said November 16 should be okay for a compliance date and Inspector Banyas suggested compliance by November 16, 2022 and return to the November 17, 2022 Hearing, if anything needed to be discussed. The Special Magistrate ordered compliance by obtaining an after-the-fact permit for work done without a permit by November 16, 2022 or a fine of \$250/day to accrue thereafter plus \$50 hearing cost for today's hearing due immediately but payable by November 16, 2022 and return to the November 17, 2022 Hearing, if needed.

OLD BUSINESS

ITEM #V.27

Case #: 22060022 – Permits Required Violations

Property Owner: Vicnsos Realty Group LLC
Address/Folio: 263 Commercial Blvd
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Compliance Inspector said that this agenda item was transposed on the agenda because this case was complied. Now they were going back to the case above #22080017 and hear that one.

NEW BUSINESS

ITEM #V.37

Case #: 22070017 – BTR Housing Inspection
Property Owner: Rumbaugh, George F & Rumbaugh, James L
Address/Folio: 6000 N Ocean Blvd, 16D
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that she has evidence to submit from an inspection from Greg Wienbarg in December 2021 showing the addition of a wall in order to enclose a second bedroom in the unit. The Special Magistrate accepted the evidence as Town's Composite Exhibit and stated that there was no one in attendance to object. The property was posted on October 17, 2022 when the green card from the certified mail was not sent back. The Town recommended a Final Order for compliance by November 16, 2022 or \$250/day fine and \$50 Hearing Cost for today by either obtaining a demolition permit and removing the wall and finalizing the permit or obtain approval for keeping the wall from the Town by obtaining an after-the fact permit. The Special Magistrate ordered a Final Order for compliance by November 16, 2022 or \$250/day fine and \$50 Hearing Cost for compliance by either obtaining a demolition permit and removing the wall and finalizing the permit or approval for keeping the wall from the Town by obtaining an after-the fact permit, plus \$50 Hearing Cost due immediately or payable by November 16, 2022.

ITEM #V.40

Case #: 22080012 – Permits Required Violations
Property Owner: Seagrape One Apartments LLC
Address/Folio: 4300 Seagrape Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-477 (a) Maintenance of landscaped area
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that she spoke to the lady who was the property manager who said she was aware of the situation. The property was posted for service on October 17, 2022 due to non-receipt of the green card. She said that a lot of the violations were corrected but what remained were multiple mini-split a/c units and central a/c units and a front door replacement. The Town recommended obtaining after-the-fact permits for all work done without a permit by November 16, 2022 or \$250/day fine and \$50 Hearing Cost for today. The Special Magistrate ordered obtaining after-the-fact permits for work done without a permit by November 16, 2022 or \$250/day fine and \$50 Hearing Cost for today due immediately but payable by November 16, 2022.

The Building Official left the meeting at approximately 7:50PM .

OLD BUSINESS**ITEM #V.28*****TAKEN OUT OF SEQUENCE**

Case #: 22070011 – Property Maintenance
Property Owner: Colaner, Joseph
Address/Folio: 4507 W Tradewinds Ave
Code Section(s): Chapter 21 – Vegetation Section 21-26(c)
Chapter 30 – Unified Land Development Regulations – Section 30-477 (a) Maintenance of landscaped area
Chapter 6 – Building and Building Regulations – Section 6-36 (a)
Chapter 6 – Building and Building Regulations – Section 6-36 (f)
Chapter 6 – Building and Building Regulations – Section 6-41 (a)(10)
Chapter 6 – Building and Building Regulations – Section 6-41 (a)(2)
Chapter 6 – Building and Building Regulations – Section 6-41 (a)(7)

Senior Code Inspector Banyas had pictures for evidence of her re-inspection today. The progress was great. She had no objection to an extension of time to wrap up the details. She showed the pictures to Laura Colaner and the owner, Joseph Colaner. Laura Colaner, daughter, said that the photos were taken earlier in the day and her dad did more work today. Inspector Banyas explained what was left to do. She said FPL had to come out to cut landscape away from the utility line, she wanted to check again if landscape was completely fixed, hedges in the back still need trimming, etc. She suggested extending the timeline to give Mr. Colaner time to finish up. Laura Colaner explained that FPL was already out and explained to them why they had to get a private cutter. Inspector Banyas suggested trying Comcast to see if they could do some of this. Inspector Banyas also put on the record that she thought the bee situation was pretty much in compliance. She suggested extending the compliance date to January 25, 2023 and come back to the January 26, 2023 Hearing, if not complied. If they feel they were in compliance before that, contact Inspector Banyas. There was still a previous \$50 Hearing Cost owed and for today the Hearing Cost was \$25. Both the Special Magistrate and Inspector Banyas thanked Mr. Colaner for being so proactive. The Special Magistrate ordered a revised Final Order extending the comply-by date to January 25, 2023 plus \$25 Hearing Cost for today's hearing due immediately but payable within thirty days and to pay a previous \$50 Hearing Cost and return to the January 26, 2023 Hearing, if still not compliant.

NEW BUSINESS**ITEM #V.36*****TAKEN OUT OF SEQUENCE**

Case #: 22060003 – Property Maintenance
Property Owner: Swanton Street 184 LLC
Address/Folio: 239 E Commercial Blvd
Code Section(s): Chapter 6 – Building and Building Regulations – Section 6-37(a)(1)

Special Magistrate Clerk Small said that this would be continued to November 17, 2022. The Special Magistrate ordered continuance to November 17, 2022.

ITEM #V.38

Case #: 22070018 – Permits Required Violations
Property Owner: Robert J Sparks Rev Liv Tr MaryLou Sparks Rev Liv Tr
Address/Folio: 6000 N Ocean Blvd, 1D
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a)
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Special Magistrate Clerk Small said that this would be continued to January 26, 2023. The Special Magistrate ordered continuance to January 26, 2023.

ITEM #V.43

Case #: 22080018 – Bulk Trash
Property Owner: Estihomes LLC
Address/Folio: 224 Codrington Dr
Code Section(s): Chapter 10 – Garbage and Refuge Section 10-28(e) Maintenance

Senior Code Inspector Banyas thought that the respondent would be here but was not. This was a recurring violation for having bulk trash and vegetation at the street not on pickup schedule days. They needed to adhere to the bulk trash pickup schedule. Neighbors were complaining and today was a request for finding of fact. The violation did exist but was complied prior to the hearing and if it would happen again at this property within the next five years, it could be deemed a repeat violation and fined up to \$500/day and no hearing cost for today. The Special Magistrate ordered a Finding of Fact that the violation existed but was complied prior to the hearing and if this violation would happen again at this property within the next five years, it could be deemed a repeat violation and fined up to \$500/day and no hearing cost for today.

ITEM #V.44

Case #: 22090006 – Property Maintenance
Property Owner: William B Regis Liv Tr Regis, William B Trstee
Address/Folio: 3231 Spanish River Dr
Code Section(s): Chapter 6 – Building and Building Regulations – Section 6-8 (c)(1)
a – d construction site perimeter fencing
Chapter 6 – Building and Building Regulations – Section 6-41(a)(18) Maintenance

Senior Code Inspector Banyas testified that the Town was requesting a Final Order and authorization to abate the overgrown grass however necessary. She had a photo for evidence that she gave to the Special Magistrate. She said there were two violations. One was a construction fence in severe disrepair for a couple of months and the other was overgrown vegetation on the lawn needed to be cut. A Final Order was requested for compliance in seven days or the Town would have a contractor abate however necessary the overgrown vegetation and assess the cost to the property along with an administrative fee as a lien or \$250/day fine to accrue for any day out of compliance plus \$50 hearing cost for today and return to the November 17, 2022 Hearing. For clarity, she said that the Town would not abate the construction fence in disrepair. The Special Magistrate ordered a Final Order for compliance in seven days for the two violations or the Town would have a contractor abate the overgrown vegetation and assess the cost to the property along with an administrative fee as a lien but not abate the fence or \$250/day fine to accrue for any day out of compliance plus \$50 hearing cost for today and return to the November 17, 2022 Hearing.

CERTIFICATION OF LIEN

ITEM #V.60

Case #: 22030010 – Building Code Violations
Property Owner: Leisure By The Sea Association, Inc. c/o Exclusive Property Mgmt
Address/Folio: 226 Hibiscus Ave
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

Senior Code Inspector Banyas testified that the Town recommended an extension of the comply-by date to January 25, 2023 as sufficient work was being done plus \$25 hearing cost for today. The Special Magistrate ordered a revised final order by extending the comply-by date to January 25, 2023 plus \$25 hearing cost due immediately but payable within thirty days.

Special Magistrate Clerk Megan Small called into the record cases to be continued (and some were extended).

CONTINUED / EXTENDED			
Item #	Case #	Property Address	Hearing
1	21060005	3210 Oleander Way	EXTENSION TO JANUARY 25, 2023
2	21080006	4324 Seagrape Dr, 1-4	CONTINUED TO NOVEMBER 17, 2022
3	21100022	1620 S Ocean Blvd	CONTINUED TO JANUARY 26, 2023
4	21120003	2000 S Ocean Blvd	CONTINUED TO JANUARY 26, 2023
5	22010002	238 Corsair Ave	CONTINUED TO NOVEMBER 17, 2022
6	22010004	2011 Coral Reef Dr	CONTINUED TO NOVEMBER 17, 2022
7	22020002	262 Commercial Blvd	CONTINUED TO JANUARY 26, 2023
8	22020007	1984 Sailfish Pl	CONTINUED TO JANUARY 26, 2023
9	22030004	4420 E Tradewinds Ave	EXTENSION TO JANUARY 25, 2023
10	22040002	4213 El Mar Dr, 1-6	CONTINUED TO NOVEMBER 17, 2022
11	22040017	222 E Commercial Blvd	(**see page 14) EXTENSION TO NOVEMBER 17, 2022
12	22060004	224 Codrington Dr	CONTINUED TO JANUARY 26, 2023
13	22070006	2049 Ocean Mist Dr	CONTINUED TO NOVEMBER 17, 2022
14	22070008	4553 Bougainvillea Dr	CONTINUED TO JANUARY 26, 2023
15	22070010	4655 Bougainvillea Dr	CONTINUED TO NOVEMBER 17, 2022
16	22070024	4050 N Ocean Dr	CONTINUED TO JANUARY 26, 2023
17	22070025	4600 Seagrape Dr. 1-2	COMPLIED
18	22070026	265 Commercial Blvd	CONTINUED TO NOVEMBER 17, 2022
19	22080002	4109 N Ocean Dr, 1-8	CONTINUED TO NOVEMBER 17, 2022
20	22080004	4533 Poinciana St	CONTINUED TO JANUARY 26, 2023
21	22080011	4533 Poinciana St	CONTINUED TO JANUARY 26, 2023
22	22080025	216 E Commercial Blvd	CONTINUED TO NOVEMBER 17, 2022
23	21-1336	224 Hibiscus Ave	EXTEND TO JANUARY 25, 2023
24	21100012	1470 S Ocean Blvd	CONTINUED TO JANUARY 26, 2023

SPECIAL SET (LATE ADDITION)**ITEM #V.**

Case #: 22040025
Property Owner: Bee Properties Inc.
Address/Folio: 4305 Bougainvillea Dr

Senior Code Inspector Banyas said that they were asking for a mitigation of fine. The Town had no objection to a full mitigation of fines that accrued in the amount of \$5,450. However, if there were any hearing costs not paid, they had to pay that within thirty days. The Special Magistrate ordered a full mitigation of the fines that accrued in the amount of \$5,450 down to zero but if there were any hearing costs not paid, they had to pay that within thirty days.

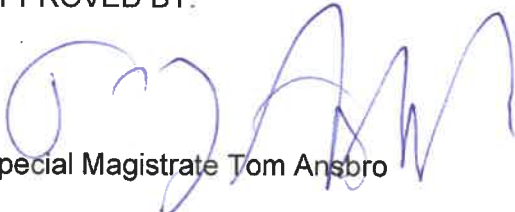
Items 30 through 34 under Old Business on the agenda were not called. They were complied and there was nothing that needed to be done with them.

OLD BUSINESS - COMPLIED			
Item #	Case #	Property Address	Disposition
30	22060015	234 Hibiscus Ave, 172	Complied
31	22060016	234 Hibiscus Ave, 369	Complied
32	22060017	234 Hibiscus Ave, 365	Complied
33	22060018	234 Hibiscus Ave, 362	Complied
34	22060019	234 Hibiscus Ave, 360	Complied

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on October 27, 2022 at approximately 8:13PM.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


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