

APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES**

*Town Commission Meeting Room
Thursday, October 27, 2016 at 5:00 PM*

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the Hearing to order at 5:00p.m. on Thursday, October 27, 2016. Building Official Jack Morrell, Code Compliance Inspector Bethany Banyas, and Code Compliance Inspector Sharon Foster were present as well as Special Magistrate Clerk Jhanelle Campbell to record the minutes. Special Magistrate Tom Ansbro explained the procedures for the Hearing.

II. SWEARING OF WITNESSES

The Special Magistrate administered the oath to all those who intended testifying.

III. OPENING STATEMENT

A. MINUTES OF PREVIOUS CODE HEARING – September 22, 2016

The minutes of 09/22/16 were not discussed.

IV. PUBLIC COMMENTS

The Special Magistrate briefly explained State law and asked for public comments at this time or when a case was called. No one from the public spoke now.

V. CODE CASES

Special Magistrate Clerk Jhanelle Campbell said that she was calling cases that were either in compliance or continued.

COMPLIED

1. C#:	16080005	1500 W Terra Mar Drive	
2. C#:	16090007	4001 N Ocean Drive, Suite 105	Finding of Fact
3. C#:	16090002	263 Shore Court	Finding of Fact
4. C#:	16080037	276 Commercial Blvd	Finding of Fact
5. C#:	16080026	4146 Seagrape Drive	Finding of Fact/Continued 11/17/16
6. C#:	16080022	4561 N Ocean Drive	Finding of Fact
7. C#:	16100003	6002 N Ocean Blvd	

CONTINUED

8. C#:	16070012	6 Sunset Lane
9. C#:	16060012	2031 Coco Palm Lane
10. C#:	16030030	2072 Sailfish Place
5. C#:	16080026	4146 Seagrape Drive

HEARING DATE

Continue to November 17, 2016
Continue to November 17, 2016
Continue to December 8, 2016
Continue to 11/17/16 (see #5 above)

28. C#:	16080018	4443 W Tradewinds Ave	Continue to November 17, 2016
11. C#:	16070008	2011 Waters Edge	Continue to November 17, 2016
12. C#:	16050009	2011 Coral Reef	Continue to December 8, 2016
13. C#:	16060025	4340 Seagrape Drive	Continue to December 8, 2016
14. C#:	16070017	1541 S Ocean #203	Continue to December 8, 2016

Ms. Campbell will now call the agenda items that the Town will present.

NEW BUSINESS

ITEM #V.21

***TAKEN OUT OF SEQUENCE**

Case #: 16100002 – Building Code Violations
 Property Owner: Kennington Co Inc % Morcon
 Address/Folio: 4900 N Ocean
 Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Inspector Sharon Foster testified that the property is a condo, unit 817. The property was posted and Affidavit of Posting is in the file. Also the notice was sent via certified mail and service was received. The violation is for expired permit. Building permit #15-3697 expired due to lack of progress. Notice of Violation was sent on October 1, 2016. As of today, the permit is still in expired status. Ms. Foster requested that the e-mail and letter sent to the property owner be entered into evidence. She is requesting \$150 Administrative Fee. She said that the Building Official is here. Mr. Morrell confirmed everything that Ms. Foster stated. He explained that the Town made many attempts to notify the property owner of the permit that expired in December 2015. Mr. Morrell said that the Town has not been able to contact the property owner plus they cannot get into the unit. However, the property owner has received notice as the Town did get their signed green card for return receipt. Mr. Morrell recommends \$50/day fine. The Special Magistrate ordered compliance within thirty days by November 26, 2016 or a fine of \$50/day and \$150 Administrative Fee to be paid by November 26, 2016. He accepts Ms. Foster's exhibits as the Town's Composite Exhibit.

OLD BUSINESS

ITEM #V.17

***TAKEN OUT OF SEQUENCE**

Case #: 16080006 – Citizen Complaints
 Property Owner: Thibant, Jack HW & Annika
 Address/Folio: 3260 Oleander Way
 Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that this is a single-family home. Notice was sent via certified mail and service was obtained. The violation is work without permit for erecting a Tiki Bar and Hot Tub. On May 31, 2016, Ms. Foster received an e-mail from the Zoning Department regarding this matter. She did an inspection with the property owner on June 2, 2016. Annika, property owner, told Ms. Foster that she was not aware that permits were needed. Ms. Foster was advised by Mr. Morrell that he sent a letter to the property owners on May 31st regarding the violation. Ms. Foster sent out a Courtesy Notice at that time. On June 2nd, she e-mailed to Annika a copy of the notice plus the Building Official's letter. Annika replied that she would take care of the violation. On August 5, 2016, Ms. Foster sent out a Notice of Violation. On August 25, 2016, Jack Thibant, property owner, came into the Building Department and spoke with Jack Morrell about getting the violation corrected.

Ms. Foster explained that the home was taken off of vacation rental sites and Mr. Thibant moved back into the home. Building Official Jack Morrell advised the property owner that if he

applied for homestead exemption, then he could use an owner/builder permit. Ms. Foster explained that Mr. Thibant had difficulty securing some documents for the permit. Mr. Thibant came in again this week stating that he was still having difficulty getting the documents he needed for the permit. As of now, the permit has not been applied for. Mr. Morrell stated that Mr. Thibant came in about an hour ago with the plans and specifications but they were deficient. A permit cannot be issued at this point. Mr. Thibant's architect has to make a few corrections. Mr. Morrell suggests postponing this item another thirty days. The Special Magistrate ordered that this agenda item is to be continued to the November 17, 2016 hearing.

Mr. Thibant testified that he agrees with everything that was said. The Special Magistrate further ordered \$150 Administrative Fee to be paid by November 17, 2016. Mr. Morrell explained to Mr. Thibant why he needed a permit. Ms. Foster said that she took pictures on June 2, 2016 and requested that the pictures be entered into evidence. The Special Magistrate entered them into evidence as the Town's Composite Exhibit.

Ms. Campbell will now call the agenda items from the Sign-In Sheet.

NEW BUSINESS

ITEM #V.27

***TAKEN OUT OF SEQUENCE**

Case #: 16090010 – Vacation Rental

Property Owner: Howard, Benjamin R

Address/Folio: 218 Pine Avenue

Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30 – 327(c)

Code Compliance Inspector Bethany Banyas testified that this is a non-homestead rental townhome property. Certified mail was sent on September 15, 2016 to the property owner of record at the mailing address of record. A copy was also e-mailed. The green card was not received. The property was posted on October 15, 2016. This is a repeat violation. The one violation is vacation rental advertised for less than the minimum seven day requirement. This was discovered during a routine review of vacation rental sites and she saw the owner's ad on FlipKey. Mr. Howard informed Ms. Banyas that he never used the website FlipKey. Ms. Banyas told him to speak with customer service at FlipKey to have the ad removed. The Town is requesting a final order and certification of repeat violation fine. The ad is still running today and it started running on September 15, 2016. She said the standard violation fee for this is \$500/day.

Mr. Howard said that his original violation was when he used the HomeAway website. He said he has fulfilled all the requirements for the State and Lauderdale-By-The-Sea for a vacation rental property. He has not had a rental in the property since mid-August. He testified that he never did any business with FlipKey. Officer Banyas said that she is unsure if this is a fraudulent listing with FlipKey. The Special Magistrate stated that the Town cannot establish that he actually placed this ad for less than 7 day rental with FlipKey. Compliance would be to have this ad removed from FlipKey. The Special Magistrate ordered continuance to the December 8, 2016 hearing. If there is compliance, Mr. Howard would not have to come back on December 8, 2016. If there is no compliance, the Special Magistrate would be informed of any progress and decide if another continuance would be necessary. This would depend upon if things are progressing or not. There would be no Administrative Costs for today's hearing.

CERTIFICATION OF LIEN

ITEM #V.29

Case #: 16080003 – Vacation Rental

Property Owner: Howard, Benjamin R
Address/Folio: 218 Pine Avenue
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30 – 327(c)

Code Compliance Inspector Bethany Banyas testified that this violation was just for a few days for an ad for less than seven day vacation rental. The notice was sent via certified mail to the property owner of record, Mr. Howard, at the mailing address of record but we did not receive the green card. The violation ran for four days from August 3, 2016 to August 7, 2016 on the HomeAway website and VRBO.com. This is a repeat violation. The Town would like to obtain a Finding of Fact in this matter and certify four days of this repeat violation. The Town requests an Administrative Fee for this hearing in an amount decided by the Special Magistrate. The standard violation fee for this fine is \$500/day but the Special Magistrate has discretion. The Special Magistrate said that Mr. Howard admitted the violation and corrected it quickly; however, it is a repeat violation. The Special Magistrate ordered a Finding of Fact that if the violation should re-occur in the future, the property may be deemed a repeat violator and fines may be immediately assessed. The Special Magistrate ordered reduction of the fine to \$25/day for the four days equaling \$100 plus \$50 Administrative Fee for a total of \$150 to be paid within thirty days by November 26, 2016.

OLD BUSINESS

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 16080001 – Building Code Violations
Property Owner: Rizzo, Frank C & Dana
Address/Folio: 1948 Windward Drive
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that this is a single-family home. Notice was sent via certified mail and service was obtained. The violation is work without a permit for a new side fence and the gate was erected without a permit. On August 2, 2016, Ms. Foster observed two side gates were installed and the Building Department said that there were no permits on file. The case was continued from the August hearing because the property owner was having a hard time trying to fulfill the easement requirements for the Building Department for the permit. He was waiting for a call from the Building Official which he did not get so the case was continued. Per an e-mail, Ms. Foster learned that the property owner did submit an application on October 21, 2016. It was denied because he has to address some comments. Today, he came in to address them. Ms. Foster requested to enter into evidence some pictures she took on August first that depict the condition of the property. She showed the pictures to Mr. Rizzo. The Special Magistrate accepted the photos into evidence without objection as the Town's Composite Exhibit. Mr. Rizzo explained that he had damage to his fence due to a windstorm. Upon repairing, he noticed that some of the wood was rotten and he replaced the gate. He did both sides because he wanted it to match. He did not know that he needed a permit. The Special Magistrate ordered continuance to the November 17, 2016 hearing and if the property owner is in compliance, the agenda item will be complied then. There is no Administrative Fee requested for today's hearing. The Special Magistrate said that if there is compliance by the next hearing, there would be no costs.

NEW BUSINESS

ITEM #V.25

***TAKEN OUT OF SEQUENCE**

Case #: 16080024 – Building Code Violations
Property Owner: Richard Barrie Jr Inc.
Address/Folio: 226 Basin Drive

Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-311(c)(2)b
Chapter 30 – Unified Land Development Regulations Section 30-311(c)(7)

ITEM #V.24

***TAKEN OUT OF SEQUENCE**

Case #: 16080025 – Building Code Violations
Property Owner: Silver Shores Yacht Basin Inc
Address/Folio: 230 Basin Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-311(c)(2)b
Chapter 30 – Unified Land Development Regulations Section 30-311(c)(7)

Code Compliance Inspector Bethany Banyas testified that the first case #16080024 is a commercial property, the marina. Certified mail was sent on August 26, 2016 to the owner of record, Robert Barrie Jr Inc., at the mailing address of record. She updated that the Town did receive a signed green card. This is a new case. There are two violations on the property. She clarified that the second case #16080025 is for the exact same violations at the marina. There are two parcels on the marina each with the same violations. The violations are finger piers that exceed the allowable length and are spaced less than 25 feet apart. The finger piers are in poor condition. She explained that the Town began to work with the marina's representative in mid-2014 regarding the unlawfully erected finger piers installed without a permit. In May 2016, a new ordinance was enacted to help resolve this situation. The marina still has not complied with the ordinance. The Town is still receiving complaints about the condition of the marina. A Courtesy Notice was sent on July 20, 2016 and a Notice of Violation on August 26, 2016. Nothing has been done. The Town was requesting a final order with 21 days to comply or a fine of \$250/day plus \$150 Administrative Fee. She answered the Special Magistrate that the marina has come in front of him before but with violations regarding length of boats, installation of a new parking lot, etc. This is a completely different case with different issues. Ms. Banyas said that some of the finger piers are in unsafe condition and others are very deteriorated but all will have to be replaced.

David Garmizo, engineer, testified that they were originally brought in for the parking lot. In June 2016, they were contracted to create a new site plan for the marina that would address the pier lengths, the pier widths, etc. He has a site plan here that complies with the pier lengths and pier spacing, disabled accessibility, and was done with the assumption that the property would get approved for the marina mooring area criteria. He will make the submittal of the site plan and the application for the marina mooring area on Wednesday to get this all back on track. Inspector Banyas answered the Special Magistrate that her recommendation of 21 days took into consideration the time that has already passed and recommendation of Town staff. The Special Magistrate ordered a timely submittal of a full-set of documents for the site plan and marina mooring area application to be submitted within 21 days by November 17, 2016 or a fine of \$250/day. He further ordered \$150 Administrative Fee to be paid by November 17, 2016. (Later on, he amended his order for the Administrative Fee to be \$75 due by November 17, 2016.) At the next hearing, November 17, 2016, the marina representative would come back to see what the next step would be to keep this moving. Ms. Banyas spoke about the constant complaints regarding the marina and put on record that these problems have to be resolved. This has taken an extremely long time and fines might have to start accruing. Ms. Banyas has photos that she asked to submit into evidence.

Ms. Banyas testified that the second case #16080025, 230 Basin Drive, is for the same violations. She said that a Notice of Violation was sent on August 26, 2016 to the property owner of record at the mailing address of record. The green card is signed, dated and in the file. She recommended the same fine and Administrative Fee. The Special Magistrate said he would divide the \$150 Administrative Fee to \$75 Administrative Fee for each of the two cases. Ms. Banyas showed the pictures she took to Mr. Garmizo who had no objection. The Special Magistrate accepted Ms. Banyas' pictures into evidence without objection as the Town's Composite Exhibit. The Special Magistrate stated that it would be the same order as the first case but one-half the Administrative Fee. The Special Magistrate ordered a timely submittal of full-set of documents for the site plan is due and marina mooring area application submitted within 21 days by November 17, 2016 or a fine of \$250/day. He further ordered \$75 Administrative Fee to be paid by November 17, 2016. At the next hearing, November 17, 2016, they would come back to see what the next step would be to keep this moving.

Ms. Campbell will now call the agenda items that complied but needed a finding of fact.

COMPLIED (obtain finding of fact)

ITEM #V.2

***TAKEN OUT OF SEQUENCE**

Case #: 16090007 – Zoning Violations
Property Owner: Ocean Medical Center LLC
Address/Folio: 4001 N Ocean Drive, Suite 105
Code Section(s): Florida Building Code Section 101.4.4.1.1

Code Compliance Inspector Bethany Banyas testified that this is a commercial property. Certified mail was sent September 8, 2016 to the owner of record to the mailing address of record. The green card is signed and in the file. This case is in compliance for the violation of draining water into the Town right-of-way. She explained how the violation came about and that it has happened before. The Town's Plumbing Inspector had them cut off their sump pump and remove all of the associated plumbing. The violation re-occurred this year in September. The Town is asking the Special Magistrate for a finding of fact that the violation occurred and if this should happen again in the future, the property may be deemed a repeat violator and may be subject to immediate fines. Ms. Banyas said that this type of violation is irreversible health and safety concerns. She asked for \$100 Administrative Fee due by November 26, 2016. The Special Magistrate ordered a Finding of Fact that the violation did occur and should it re-occur again in the future, the property may be deemed a repeat violator and immediate fines may be assessed. He further ordered \$100 Administrative Fee due by November 26, 2016.

ITEM #V.3

Case #: 16090002 – Vacation Rental
Property Owner: Power Windsun Ltd
Address/Folio: 263 Shore Court
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327 (c)

Code Compliance Inspector Bethany Banyas testified that this is a non-homestead townhome property. Certified mail was sent to the owner of record to the address of record on September 3, 2016. A green card signed by the registered agent and a green card signed by the property owner were returned to the Town. This is a new case that is currently in compliance but is here for a finding of fact. The violation is for advertising for less than the seven day minimum rental. The Notice of Repeat Violation did get a response from the owner's attorney by e-mail. He wrote that the property owner was in compliance and apologized for the violation. Ms. Banyas

checked and they are in compliance. The Town was requesting a finding of fact that the violation occurred and if it should happen again in the future, the property may be deemed a repeat violator and may be subject to immediate fines. The recommended Administrative Fee is \$100 and the recommended due date is November 26, 2016. She would like to submit the ad and the attorney's e-mail into evidence. The Special Magistrate ordered a Finding of Fact that the violation did occur and should it re-occur again in the future, the property may be deemed a repeat violator and immediate fines may be assessed. He further ordered \$100 Administrative Fee due by November 26, 2016. He accepted Ms. Banyas' documents into evidence as Town's Composite Exhibit. *Later on in the hearing, the Special Magistrate removed the \$100 Administrative Fee (see page 11).

ITEM #V.4

Case #: 16080037 – Property Maintenance
Property Owner: Cole BN Lauderdale FL LLC % National Tax Resource Group
Address/Folio: 276 Commercial Blvd
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-28 (b)
Chapter 10 – Garbage and Refuse Section 10-31 (4)
Chapter 6 – Building and Building Regulations Section 6-36(f)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Code Compliance Inspector Bethany Banyas said this is Benihana restaurant. Certified mail was sent to the owner of record on August 31, 2016 at their address of record. There is a signed green card from the property owner and the property manager. This is a new case that is in compliance but the Town was asking for a finding of fact for the violations of a dirty dumpster area, discolored walls, dumpsters left uncovered and dumpsters not clean. This property was brought into compliance on September 9, 2016. The Town was requesting a finding of fact that the violations occurred and if they should happen again in the future, the property may be deemed a repeat violator and may be subject to immediate fines. The recommended Administrative Fee is \$100 and the recommended due date is November 26, 2016. The Special Magistrate ordered a Finding of Fact that the violations did occur and should they re-occur again in the future, the property may be deemed a repeat violator and immediate fines may be assessed. He further ordered \$100 Administrative Fee due by November 26, 2016.

ITEM #V.6

Case #: 16080022 – Nuisance/Vacant Lot
Property Owner: Powergate Investments LLC
Address/Folio: 4561 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(18)
Chapter 6 – Building and Building Regulations Section 6-41(a)(19)

Code Compliance Inspector Bethany Banyas said this is a non-homesteaded vacant lot. Certified mail was sent on August 20, 2016 to the property owner of record at their mailing address of record. Both the property owner and the registered agent signed and returned their green card. This is a recurring violation which has reoccurred three times this year including April and July for overgrowth of grass and weeds on a vacant lot. This property is on a main right-of-way in town. The Town is asking for a finding of fact that if the violation for overgrowth occurred again, the Town would be authorized to cut the grass. The Town was looking for a Finding of Fact that the violation existed but is now in compliance and if it should happen again in the future, the property may be deemed a repeat violator and subject to immediate fines. The recommended Administrative Fee is \$100 and the recommended due date is November 26,

2016. Ms. Banyas asked to submit a photo of the overgrowth into evidence. The Special Magistrate accepted it as Town's Composite Exhibit. The Special Magistrate ordered a Finding of Fact that should the violations re-occur in the future, the property may be deemed a repeat violator and fines may immediately be assessed and that the Town could cut the grass and pass the cost on to the property owner. He further ordered \$100 Administrative Fee due by November 26, 2016.

#15 - Special Set "A"

Re: Town Requesting to Extend Compliance Date
Site Address: 4225 El Mar Drive
Property Description: 4943 18 01 1600
Legal Description: LAUDERDALE BY THE SEA 6-2 B
LOT 18 & 19 BLK 16

Case Number: 16060014
Violation: FBC 105.1 (work without permit)

Code Compliance Officer Bethany Banyas was requesting, on the Town's behalf, that for code case #16060014 an extension of the compliance date is granted due to lack of service of the Final Order that was issued at the August hearing. The Compliance date should be extended to November 16, 2016, and be brought back to the November 17 hearing for certification of fines if not in compliance by that date. The Special Magistrate said that he ordered the compliance date to be extended to November 16, 2016 for case #16060014 and that it is to be brought back to the November 17, 2016 hearing for certification of fines, if not in compliance by that date.

OLD BUSINESS

ITEM #V.16

Case #: 16070023 – Vacation Rental
Property Owner: Sotillo-Boluarte, Eduardo Sotillo, Tamara
Address/Folio: 238 Corsair Avenue
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327 (a)
Chapter 30 – Unified Land Development Regulations Section 30-327 (c)
Chapter 30 – Unified Land Development Regulations Section 30-327 (d)

Code Compliance Inspector Bethany Banyas testified that this is a non-homestead vacation rental property. Certified mail was sent on September 3, 2016 to the property owners of record. A green card is in the file signed and dated. The three violations now in compliance as of this week, are for no Business Tax Receipt (BTR), advertisement for less than seven day rental, and no Vacation Rental Certificate. The Town was requesting a finding of fact stating that the three violations did exist but they came into compliance prior to the hearing. If they should re-occur in the future, the property may be deemed a repeat violator and may be subject to immediate fines. She was requesting \$100 Administrative Fee due by November 26, 2016. As evidence, she has the original VRBO advertisement. The Special Magistrate accepted Ms. Banyas' document into evidence as the Town's Composite Exhibit. The Special Magistrate ordered a Finding of Fact that the violations did occur and should they re-occur again in the future, the property may be deemed a repeat violator and immediate fines may be assessed. He further ordered \$100 Administrative Fee due by November 26, 2016. *Later on in the hearing, the Special Magistrate removed the \$100 Administrative Fee (see page 11).

NEW BUSINESS

ITEM #V.19

Case #: 16080038 – Property Maintenance
Property Owner: Lionetti, Christine M H/E Lionetti, Gerard D Etal
Address/Folio: 267 Imperial Lane
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Code Compliance Inspector Bethany Banyas said this case is in compliance.

ITEM #V.20

Case #: 16090017 – Nuisance/overgrowth weeds & grass
Property Owner: Johnson, Danielle
Address/Folio: 1724 Bel Air
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Code Compliance Inspector Sharon Foster said that for the record, the Town Manager apologizes that he could not be here tonight. He wanted to give his input and testimony as this is a problem case. Ms. Foster said that the property was posted on September 29, 2016 and the Affidavit of Posting is in the file. Contact was made with Danielle Johnson on September 29th by Inspector Banyas. Ms. Johnson was advised that there was a violation at her property for overgrowth of weeds and grass. She gave the Town her correct address and notice was sent via certified mail on September 30th and service was received. This is a repeat violation for overgrown grass. It was previously cited in case #13050009. A copy of the notice was also e-mailed to Ms. Johnson on October 1, 2016. Ms. Johnson was advised that the property needed to be cut as soon as possible. Today, Ms. Johnson called Inspector Banyas back again. She stated that she could not attend tonight's hearing and that her lawyer was not given notice. Today was the first time that the Town has heard that Ms. Johnson has an attorney for this particular case. Ms. Johnson inquired if the case could be continued because she could not be in attendance this evening. Ms. Banyas told Ms. Johnson that she could have attorney representation and that the attorney is required to give the Town a seven-day written notice that he is going to be present. To reiterate, the Town just found out today about the attorney for this case. The Town is objecting to her request to continue this case as the Town deems this to be an emergency health and safety issue due to the state of the property. This property has been an eyesore for a while with numerous complaints still coming in.

Code Compliance Inspector Sharon Foster said that for the repeat violation, she started observing it on September 28, 2016. She has pictures that she has been taking. The property is out of compliance for thirty days, as of today. The Town is requesting the maximum daily fine of \$500/day for each day the property is out of compliance. The Town is also requesting the minimum amount of time to allow Ms. Johnson to come into compliance on the property. She answered the Special Magistrate that this is the same respondent who had this problem in the past. She said that there is a proposed order available for signature tonight. The Town was also asking for an order for the Town or a contractor on behalf of the Town to cut the grass and abate the nuisance on a continuous basis while the property is in possession of Danielle Johnson. Ms. Johnson will be responsible for the costs incurred by the Town. Ms. Foster was asking to submit into evidence pictures of the property depicting the condition of the property as well as the e-mails that were sent to Danielle Johnson. The Special Magistrate accepted the photos and e-mails as the Town's Composite Exhibit. Ms. Foster read the proposed Final Order into the record. In summary, compliance is to be met by October 31, 2016 or the Town is authorized to take necessary action to abate the violation and the cost due to the Town for lawn maintenance will become a lien against the subject property. The \$150 Administrative Fee must be paid by November 26, 2016. He checked with Ms. Foster that Ms. Johnson's attorney will be

copied on all future notices. He clarified with Ms. Foster that for each of the thirty days out of compliance, there is a picture.

The Special Magistrate ordered payment of the fine of \$500/day (for a repeat violator) for thirty days for a fine amount of \$15,000 which is due now and by October 31, 2016, the property is to come into compliance or the Town is authorized to abate by cutting the lawn and passing their costs to Ms. Johnson which must be paid within thirty days, by November 26, 2016 or this amount becomes part of the fine amount. The Special Magistrate ordered \$150 Administrative Fee due by November 26, 2016 and the fines will continue to run until the property is brought into compliance. **Later on in the hearing, Code Compliance Inspector Sharon Foster wanted to ensure that it states that fines will continue to run until the property is brought into compliance (see page 13).

Ms. Campbell will now call the last agenda item from the Sign-In Sheet.

CERTIFICATION OF LIEN

ITEM #V.30

***TAKEN OUT OF SEQUENCE**

Case #: 16080029 – Building Code Violations

Property Owner: Vantage Holdings Corp

Address/Folio: 267 Bombay Avenue

Code Section(s): Florida Building Code Section 105.11.2.1

Michael George was sworn in. Code Compliance Inspector Sharon Foster said that this case was previously before the Special Magistrate for work without permit. There were pavers installed in the front portion of the driveway. The property owner came into the Building Department and Ms. Foster told him that he needed a permit for that work. He was given additional time to get the permit application submitted. The permit was denied as of September 16, 2016. As of today, no other action was taken on this permit and we are here today to certify the fines running (impose the lien).

Mr. George said that he tried to comply by obtaining a simple permit for pavers. He was installing pavers and repairing a broken sprinkler pipe under the driveway. His first application went in August 23, 2016 but was not accepted under Vantage Holdings Corp which is an LLC. He is 100% shareholder of Vantage Holdings Corp which owns the house. Under that same name, Vantage Holdings Corp, he was issued a complete alteration permit nine months earlier. The Building Department, Mr. Morrell, informed him that permit #16080029 was expired because he abandoned the project for more than 90 days. Mr. George said that he was still working on the project. He was told he had to pay \$2,275 to reinstate the permit which he did on September 12, 2016. He also paid an additional \$255 for a change in contractor name. He said he paid over \$3,000 for the original permit nine months ago. On September 12th he hired a new contractor and architect who with the builder applied for a new permit and he paid over \$200 then. This still is not approved and sent to his contractor for re-submittal requirements. He has brought a copy of these requirements. He does not understand it as it is not a new driveway but an existing one and he just made repairs. On October 25, 2016, his contractor and architect explained the situation to David Lee. He is here tonight because Mr. Lee advised that he should come to this hearing. Mr. George would like to get this resolved tonight so he can get the proper permit. He has pictures of the driveway before he purchased the house and how it looks now. He feels that the Town should have told him from the beginning that he could not have an owner/builder permit while the house is in an LLC's name. He showed his pictures to Ms. Foster and then gave them to the Special Magistrate who kept them for the file as evidence as Respondent's Composite Exhibit without objection. Ms. Foster said she has a

picture dated February 29, 2016 showing the work that was being done which she showed to Mr. George and gave to the Special Magistrate. The Special Magistrate accepted her picture into evidence without objection as the Town's Composite Exhibit. Mr. George showed pictures of the front yard to Ms. Foster who gave them to the Special Magistrate. The Special Magistrate suggested that Mr. George or his people or both meet with Mr. Morrell before the next meeting to resolve the issues. The Special Magistrate ordered this agenda item continued to the next meeting, November 17, 2016. Ms. Foster said that fines are currently running on the property. The Special Magistrate suspended any fines running starting with today. Ms. Foster said that the current fine is \$100/day and started running on August 28, 2016 for a total of 61 days out of compliance. The Special Magistrate will discuss the fine amount at a future meeting but did suspend the running of fines starting today. The Special Magistrate will not impose the lien today and wants to retain jurisdiction. He wants to get this resolved. If there is still disagreement by the next meeting, Mr. Morrell and Mr. George's contractor and/or architect should come to the next hearing. Mr. George will not be in the country on November 17th, so the Special Magistrate changed the date in his order to December 8, 2016 so the amended order now reads: The Special Magistrate ordered this agenda item continued to the December 8, 2016 hearing. Fines will remain suspended as of today.

**Ms. Campbell said Code Compliance Inspector Bethany Banyas asked that for agenda item #16 – 16070023 (see page 8) and agenda item #3 – 16090002 (see page 6-7), that the \$100 Administrative Fee be removed. The Special Magistrate ordered the removal of both \$100 Administrative Fees for these two agenda items.*

NEW BUSINESS

ITEM #V.22

Case #: 16080015 – Property Maintenance
Property Owner: 230 Tropical Shores Dev LLC
Address/Folio: Garden Court Construction Site
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-8(d)1-4
Chapter 6 – Building and Building Regulations Section 6-10(c)
Chapter 6 – Building and Building Regulations Section 6-3
Chapter 6 – Building and Building Regulations Section 6-41(a)(11)
Chapter 6 – Building and Building Regulations Section 6-41(a)(12)
Chapter 6 – Building and Building Regulations Section 6-8(a)

Code Compliance Officer Bethany Banyas testified that the folio number is 494318270300. The property is a vacant construction site. Certified mail was sent to the property owner of record at their mailing address of record and the green card was received. This is a new case. Out of the six violations from the beginning of the case, there are two that are non-compliant. The Town was asking for a final order for the two violations that remain; construction containers not provided on a construction site and the maintenance and appearance of the construction site. The Town was also asking for a finding of fact on two of the other violations; demolition site was not sodded within 90 days after demolition was completed and construction has now started and should their permit expire, it would revert to a demolition site. The same thing would occur if their permit expires; she explained how it would affect the storage of materials for construction.

On August 13, 2016, notice was sent. On August 26, 2016, Ms. Banyas and Ms. Connors met with Terry Patterson, the property developer, on site to discuss the violations. She explained that two other violations were resolved regarding parking of inoperable vehicle and parking of vehicle without a valid tag. The Town is requesting a final order giving the property twenty-one days to come into compliance regarding violation #1 (Section 6-8(d) 1-4) and violation #6

(Section 6-8 (a)). The Town recommends a fine of \$200/day per violation should they not comply by November 17, 2016. The Town requests a finding of fact for violation #2 (Section 6-10 (c)) and violation #3 (Section 6-3) that they did exist and if they re-occur in the future, the property may be deemed a repeat violator and may be subject to immediate fines. The Town also recommends \$150 Administrative Fee due by November 17, 2016.

The Special Magistrate ordered a final order giving the property twenty-one days by November 17, 2016 to come into compliance regarding violation #1 and violation #6 or a fine of \$200/day per violation. He further ordered a Finding of Fact for violation #2 and violation #3 that the violations did exist and if they re-occur in the future, the property may be deemed a repeat violator and may be subject to immediate fines. The Special Magistrate ordered \$150 Administrative Fee due by November 17, 2016.

ITEM #V.23

Case #: 16080021 – Citizen Complaints
Property Owner: Holekamp, Stark
Address/Folio: 4421 Sea Grape Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30 – 477(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Code Compliance Inspector Bethany Banyas said this is a homesteaded, occupied single-family property. Per public records, she said that the property is not in foreclosure. Certified mail was sent on August 20, 2016 to the owner of record at the mailing address of record. The green card was signed and returned but Ms. Banyas has not had contact with the property owner. The property is large and has a lot of landscape maintenance that needs to be done. There is also trash, landscape debris, bulk trash out at the wrong time and more trash constantly on the property. There seems to be some clearing up but there is a lot of landscape and it is a constant problem. She answered the Special Magistrate that someone seems to be living there. There is a realtor's sign out front but she cannot reach the realtor also. The Town recommends thirty days to comply by November 26, 2016 for all three violations or \$100/day fine and \$150 Administrative Fee to be paid by November 26, 2016. The Special Magistrate considered increasing the fine to \$200/day. Ms. Banyas gave pictures to the Special Magistrate who entered them into evidence. The Special Magistrate ordered thirty days to comply, by November 26, 2016 for all three violations or a fine of \$200/day if not in compliance. He ordered \$150 Administrative Fee to be paid by November 26, 2016.

ITEM #V.26

Case #: 16090003 – Vacation Rental
Property Owner: 230 Tropical Shores Dev LLC
Address/Folio: 255 Shore Court
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30 – 327(a)
Chapter 30 – Unified Land Development Regulations Section 30 – 327(c)
Chapter 30 – Unified Land Development Regulations Section 30 – 327(d)

Code Compliance Inspector Bethany Banyas testified that this is a non-homestead vacation rental single-family townhome. Certified mail was sent to the property owner of record at the

mailing address of record on September 3, 2016. The signed green card is in the file. The three violations are for vacation rental without a business tax receipt (BTR), advertising for less than the minimum seven-day stay (this violation has come into compliance), and no vacation rental certificate. Now only the first and third violations are not in compliance. Ms. Banyas observed this on the HomeAway website via a routine review of vacation rental websites. Ms. Banyas spoke with the property manager who said he would secure the vacation rental certificate on behalf of the property but has not. She advised him by e-mail to stop rental activity until all certificates are obtained. The Town was recommending thirty days, by November 26, 2016 to comply or a fine of \$100/day plus \$150 Administrative Fee due by November 26, 2016. She has photos of the advertisement and the e-mail conversation with the property manager to submit into evidence. The Special Magistrate spoke about giving fifteen days for compliance, by November 11, 2016. The Special Magistrate ordered fifteen days to comply, by November 11, 2016 or a fine of \$100/day plus \$150 Administrative Fee due by November 11, 2016. Ms. Banyas will reach out to the property manager and let him know what transpired tonight.

CERTIFICATION OF LIEN

ITEM #V.31

Case #: 16030005 – Building Code Violations
Property Owner: Motto, Raymond A & Barbara J
Address/Folio: 4900 N Ocean Blvd #1210
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

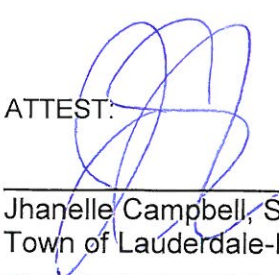
Code Compliance Inspector Sharon Foster testified that we are here today to certify the fines on this case. Fines started running on May 26, 2016 at \$100/day per one violation. As of today, the property is not in compliance. It has been out of compliance for 155 days. The fine amount is \$15,500 plus \$250 Administrative Fees for the two previous hearings. She is not requesting Administrative Fee for tonight's hearing. The total amount to certify is \$15,750. She does not know what happened to the contractor in this case as he was coming to every hearing. The Special Magistrate ordered the \$15,750 fine certified and the lien imposed.

***Code Compliance Inspector Sharon Foster asked to clarify agenda item #20, case #16090017 (1724 Bel Air) that the thirty days at \$500/day for a total of \$15,000 fine was for the days the property was out of compliance. She said that the fines are still running until compliance at \$500/day. Depending on when the lawn is cut, we could be looking at an additional four more days at \$500/day (see page 9-10).*

VI. ADJOURNMENT

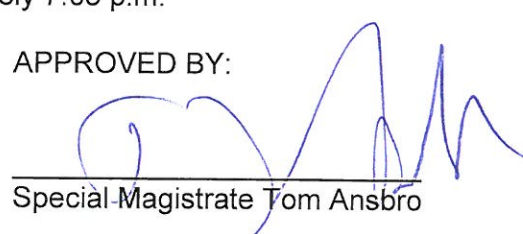
Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on October 27, 2016 at approximately 7:03 p.m.

ATTEST:



Jhanelle Campbell, Special Magistrate Clerk
Town of Lauderdale-By-The-Sea, Florida

APPROVED BY:



Special Magistrate Tom Ansbro