

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE VIRTUAL HEARING MINUTES
BROADCAST FROM TOWN COMMISSION MEETING ROOM
CONDUCTED USING COMMUNICATIONS MEDIA TECHNOLOGY via ZOOM PLATFORM
Thursday, October 22, 2020 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:00 PM on Thursday, October 22, 2020 with Senior Code Inspector Bethany Banyas, Code Inspector Terry-Ann Boyd-Reynolds, and Planning Technician/Special Magistrate Clerk Sydney Ramirez to record the minutes.

II. SWEARING OF WITNESSES

The Special Magistrate explained how the hearing would be conducted and would administer the oath to those who intended testifying.

III. OPENING STATEMENT

Ms. Ramirez called the cases first for people who were present online and started with an attorney.

IV. PUBLIC COMMENTS

No one from the public requested to speak.

Cases were typed in the order they were called.

V. CODE CASES
OLD BUSINESS

ITEM #V.4

***TAKEN OUT OF SEQUENCE**

Case #: 19080004 – Permits Required Violations

Property Owner: 4648 Investments LLC

Address/Folio: 4648 Poinciana St. 1-4

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

Attorney Nectaria Chakas, representing the owner, said that this item was before the Special Magistrate in August when they were going through the permit process to re-stripe the parking lot. It was re-stripped but failed inspection. They would be meeting with the building inspector on Monday to go over what needed to be done. She was requesting a continuance. If Senior Inspector Banyas had no objections, she would rather request a sixty-day extension to the compliance date. The Special Magistrate swore in both Senior Code Inspector Bethany Banyas and Code Inspector Terry-Ann Boyd Reynolds. Inspector Banyas testified that the contractor was not supplying accurate measurements. She suggested a continuance to the November hearing but was not comfortable with an extension that would wipe away fines. The decision was up to the Special Magistrate. If this case was completed by the November hearing,

Inspector Banyas would not be against a mitigation of fines. Attorney Chakas said that they were not significantly out of compliance for this case and it was just ensuring the contractor was matching with the plans submitted to the Town. She would prefer no fines running and maybe a thirty-day extension to the compliance date.

The Special Magistrate contemplated a thirty-day continuance but reserved the right to mitigate fines and reduce them if he received a recommendation to that effect. Inspector Banyas understood that this case was not a life safety issue but the next case for these owners really needed to give proof that 4552 Poinciana Street was unoccupied and maybe some type of stipulation could be worked out. Attorney Chakas did not know about occupancy for the other case, and requested that the Special Magistrate rule on this case only. Inspector Banyas testified that fines started running today at \$150/day. The Special Magistrate decided to hear the next case and then come back to this case for his ruling. After hearing case #19080002, the Special Magistrate ordered for this case #19080004 an extension of the compliance date to November 18, 2020 and no costs for today's hearing.

ITEM #V.5

Case #: 19080002 – Permits Required Violations

Property Owner: 4552 Poinciana St LLC

Address/Folio: 4552 Poinciana St. 1-2

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

Senior Inspector Bethany Banyas testified that the original Notice of Violation was issued in August 2019. The final order was issued November 19, 2019. The order was extended for them to obtain permits for the parking lot and the interior had a kitchenette type of structure/built-in range. She understood that this property was continuously occupied or rented and there was no BTR on the property essentially because of the work without permit violation. As of today, the fine was running at \$150 per day. Attorney Nectaria Chakas said that she knew the owners have been working diligently on a site plan amendment to add a parking space to this property and obtain an after-the-fact permit for the kitchenette that was added by the previous owner. She had no knowledge of occupancy or rental. The after-the-fact permit was applied for and the site plan amendment was approved.

Inspector Banyas asked her to clearly notify the owner of the property that there could not be rental of this property at all and to make it part of the order, even though the owner was informed previously. The attorney said she would make this clear to her clients. Inspector Banyas said that the after-the-fact permit was in denied status because there were five items to be corrected. In answer to the Special Magistrate, Inspector Banyas testified that the Town's recommendation was to place the property on notice and enter an order through the force of law, to bring the property into compliance on the after-the-fact permit. The occupancy issue was a separate and concurrent code violation but she would like something in writing. Inspector Banyas answered the Special Magistrate that the owners submitted items but not a full permit package until around October 8, 2020. Fines started running at \$150/day and the Special Magistrate would let them continue to run. He proposed to continue this agenda item to the next hearing. He would not reduce fines if the Town found out that occupancy and/or rental was going on.

The Special Magistrate ordered this continued to the next hearing, November 19, 2020, with fines running and no costs for today's hearing. He cautioned that if he finds out through competent evidence that occupancy and rental continued after today, he would take that into consideration as to what he was going to do with mitigation of fines. If the Town recommended

reducing the fines, he would do so as long as there was no competent evidence of occupancy and rental. Inspector Banyas explained that after reading the comments, for example for electrical, people would have to come into the unit and occupancy would postpone that. The attorney should let her clients know that the unit should not be occupied because it could be occupied in an unsafe manner.

As there were no other attorneys present, Ms. Ramirez called the next case for people waiting to be heard.

CERTIFICATION OF LIEN

ITEM #V.7

***TAKEN OUT OF SEQUENCE**

Case #: 20100001 – Vacation Rental

Property Owner: Feldman, Randy & Maria Lorena

Address/Folio: 1755 E Terra Mar Dr

Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(i)4

The Special Magistrate swore in Josh Escobar. Senior Inspector Bethany Banyas testified that this was a short-term rental property/vacation rental property. There was an active certificate and BTR from the Town of Lauderdale-By-The-Sea. Notice of Violation was provided September 30, 2020. She met with the property agent, Josh, to discuss the one observed violation. The vehicle report issued September 30, 2020 showed six cars parked in the driveway and two parked out on the street. The officers reported no other violations but this was a repeat violation for parking outside of the designated areas. The Town recommended up to \$500 fine because the violation existed and was observed again for one night. The property manager did confirm the violation and spoke with the bride who stated that family stopped by for a toast to the happy couple. They were not parked long but someone had called BSO that a party was going on. There was no evidence of a party but rather a gathering of family. The property manager stated that parking rules were now posted as soon as you walk in and clearly noted where designated parking was. He went over all the steps he took to try to never have another repeat violation and asked for leniency. The Special Magistrate acknowledged that the steps taken by the property manager were helpful but this was a repeat violation of the exact same violation. The Special Magistrate imposed a \$500 fine plus \$25 hearing costs due within thirty days or the fine and hearing costs would be recorded as a lien on the property.

NEW BUSINESS

ITEM #V.9

***TAKEN OUT OF SEQUENCE**

Case #: 20020006 – BTR Inspection Commercial

Property Owner: 4051 N Ocean LLC

Address/Folio: 4051 N Ocean Dr

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(c)
Chapter 6 – Building and Building Regulations Section 6-36(d)
Chapter 6 – Building and Building Regulations Section 6-37(a)1
Chapter 6 – Building and Building Regulations Section 6-36(1)a
Chapter 6 – Building and Building Regulations Section 6-36(5)

ITEM #V.10

Case #: 20030002 – BTR Housing Inspection

Property Owner: 4051 N Ocean LLC

Address/Folio: 4105 N Ocean Dr

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)1
Chapter 6 – Building and Building Regulations Section 6-36(1)a

Chapter 6 – Building and Building Regulations Section 6-40(a)

ITEM #V.11

Case #: 20030001 – BTR Housing Inspection
Property Owner: 4051 N Ocean LLC
Address/Folio: 4109 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(1)a
Chapter 6 – Building and Building Regulations Section 6-37(a)
Chapter 6 – Building and Building Regulations Section 6-40(a)

ITEM #V.12

Case #: 20020005 – BTR Housing Inspection
Property Owner: The Daniel Boutique LLC
Address/Folio: 4245 N Ocean Dr
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-28(a)
Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-37(a)
Chapter 6 – Building and Building Regulations Section 6-40(a)

Carol Dieter was sworn in. Code Inspector Terry-Ann Boyd-Reynolds testified that they wanted to proceed with a continuance of all four cases (#9, #10, #11, and #12) to the November 19, 2020 hearing. There was quite a bit of work that needed to be done and Ms. Dieter made a big effort but the rain impeded all efforts for inspections. The Town was satisfied so far with what they did with the exterior. The Special Magistrate ordered continuance of all four cases (#20020006, #20030002, #20030001, and #20020005) to the November 19, 2020 hearing.

CERTIFICATION OF LIEN

ITEM #V.8

***TAKEN OUT OF SEQUENCE**

Case #: 20100002 – Vacation Rental
Property Owner: Gagarin, Pavel
Address/Folio: 263 N. Tradewinds Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-27(i)1

Senior Inspector Bethany Banyas testified that this was a repeat violation for the same violation which was occupancy for more than ten people of a vacation rental. The report came in from BSO that on September 29, 2020, at approximately 2:00AM, there were 25 vehicles parked on the street and approximately 50 people on the property. Inspector Terry-Ann Boyd-Reynolds met the next day with the respondent representative, Fernando. Some documentation came in right before the hearing and was not reviewed. Inspector Banyas cannot verify his status for the property, because some paperwork was not reviewed. The Special Magistrate swore Fernando in. Fernando David answered the Special Magistrate that he was the property manager. He took over the property on January 20, 2020 but did not go operational until July 1, 2020. He said that the police report was accurate. They have safeguards regarding parties but they did not have staff working that late at night. They responded immediately and evicted them for violation of the rules. Inspector Banyas requested that the Special Magistrate find that the violation existed and the imposition of fine could be up to \$500 to be recorded as a lien if not paid within thirty days. Fernando testified that the original violation occurred in 2019 and they were not part of the property in 2019. Inspector Banyas said that Fernando was not part of the property but the same owner had the property in 2019. The Special Magistrate imposed a

\$500 fine plus \$25 hearing costs due within thirty days or the fine and hearing costs would be recorded as a lien.

As the only people left to speak were for Whittier Towers, Ms. Ramirez announced that Whittier Towers cooperative and all parcels of land associated would be heard next. Special Magistrate Clerk Sydney Ramirez was instructed to read the address once and then just to read each of the unit numbers into the record. The Special Magistrate swore in everyone who was going to speak on this item.

WHITTIER TOWERS

ITEM #V.14

***TAKEN OUT OF SEQUENCE**

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

ITEM #V.15

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

ITEM #V.16

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

ITEM #V.17

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

ITEM #V.18

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

ITEM #V.19

Case #: 18050030– Property Maintenance
Property Owner: Castro Vollo, Marcella
Address/Folio: 1439 S Ocean Blvd. 301
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.20

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

ITEM #V.21

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

ITEM #V.22

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

ITEM #V.23

Case #: 18050032– Property Maintenance
Property Owner: Fereia & Reyes LLC
Address/Folio: 1439 S Ocean Blvd. 303
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.24

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

ITEM #V.25

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

ITEM #V.26

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

ITEM #V.27

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

ITEM #V.28

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

ITEM #V.29

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

ITEM #V.30

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

ITEM #V.31

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

ITEM #V.32

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

ITEM #V.33

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

ITEM #V.34

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

ITEM #V.35

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

ITEM #V.36

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

ITEM #V.37

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

ITEM #V.38

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

ITEM #V.39

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

ITEM #V.40

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

ITEM #V.41

Case #: 18050046 – Property Maintenance

Property Owner: Pizzi, Thomas III Pizzi, Thomas Jr. ET AL
Address/Folio: 1439 S Ocean Blvd. 108
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.42

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

ITEM #V.43

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

ITEM #V.44

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

ITEM #V.45

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

ITEM #V.46

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

ITEM #V.47

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

ITEM #V.48

Case #: 18050028– Property Maintenance
Property Owner: Sawicki, Stanley D
Address/Folio: 1439 S Ocean Blvd. 217

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

ITEM #V.49

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

ITEM #V.50

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

ITEM #V.51

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

ITEM #V.52

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

ITEM #V.53

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

ITEM #V.54

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

ITEM #V.55

Case #: 18050020– Property Maintenance
Property Owner: Trezza, Anthony Trezza, Jeana
Address/Folio: 1439 S Ocean Blvd. 116
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)

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

ITEM #V.56

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

ITEM #V.57

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

ITEM #V.58

Case #: 18050039– Property Maintenance
Property Owner: Rose Vitale
Address/Folio: 1439 S Ocean Blvd. 310
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.59

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

ITEM #V.60

Case #: 18050025– Property Maintenance
Property Owner: White-Duare, Marcia White-Duare, Michael E
Address/Folio: 1439 S Ocean Blvd. 214
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.61

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

ITEM #V.62

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

ITEM #V.63

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

Senior Inspector Bethany Banyas testified that she would like to hear a status update from Whittier Towers. The Town received a lot of photographs and updates and she would like to be walked through as to what has happened in the past month or two and what the completion date would be. She also wanted to know how many inspections were completed by the Special Inspector. Matthew Nolan gave a brief rundown. There were three major items that needed to be resolved. The first was the carport which was completed. The second was the major project of the condominium building itself which had major structural problems/life safety issues. By the end of November, all structural repairs and life safety issues should be addressed and be in the closing stages. Now they were finishing the topcoat for waterproofing the balconies which all have railings. The parking lot would have to be repaved and restriped. They would like to upgrade and add lighting to the front of the building with items not on the permit. He said that many residents have changed and the board has changed.

The new board president was Kathy Galullo and she spoke next regarding security on the property. She gave a brief overview of situations that happened. She wanted the refuse moved in order to alleviate the rat problem. They were trying to get recycling to run properly. The pool did not look right and Ms. Galullo found out that it was not working properly. Trees were on powerlines and other things were needed to upgrade the building outside of the existing permit. She spoke about the ownership of the dock and how to move forward with that and other things. Mr. Nolan said that the third item was the seawall. They were learning quite a bit about the seawall and would soon request a meeting with Town staff. Ms. Galullo spoke with Whittier Towers' legal counsel regarding the seawall. He drew up a letter asking the Surf Rider to give Whittier Towers permission to work on the seawall and the dock. They refused to sign it. This has become a major issue. Mr. Nolan said the seawall was to be strengthened and raised to protect the property and that they were working as hard as they could to finish the building and the site.

Inspector Banyas explained how the Town did try to determine ownership of that area. Discussion ensued about what the Town asked Whittier Towers to do and Whittier Towers now has a good understanding and maybe a good solution. They need more conversations with their legal counsel and then would request a meeting with the Town. Right now, we have to focus on the code violations for this meeting. Mr. Nolan informed the Special Magistrate that issues were being handled and life safety issues that concerned the Town would be finished at the end of November. The seawall and dock were to be parked now for this meeting. Every area that was under construction has been protected with signage and other things. The Special Magistrate felt that notices should be clear for snowbirds returning, guests, children, etc. Shannon Berkman was sworn in and said that she sends out email notifications and posts notices in the lobby and on doors. Safety communication was being handled. Mr. Nolan asked the contractor for an updated schedule and would give it to Inspector Banyas who suggested bringing this case back in November. She was satisfied that progress has taken place and the Special Magistrate ordered an extension to the November 19, 2020 hearing to have this agenda item come back for a Status Hearing with no hearing costs for tonight's hearing.

OLD BUSINESS**ITEM #V.3*****TAKEN OUT OF SEQUENCE**

Case #: 19040009 – Zoning Violations
Property Owner: Brandt, Yann
Address/Folio: 267 Capri Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(a)

Senior Inspector Bethany Banyas testified that this was a request for mitigation by the owner, Yann Brandt. Yann Brandt was sworn in by the Special Magistrate. Inspector Banyas testified that this case has come before the Special Magistrate before and it was for a violation of the timeline to complete construction. She said Mr. Brandt applied for an extension under the Municipal Ordinances and he received an extension by the Special Magistrate but Mr. Brandt went past that extension deadline by about eight months. Fines have accrued in the total amount of \$21,550. Mr. Brandt sent the Special Magistrate a letter and Inspector Banyas recommended reading that letter. She said that if there were any fines to be paid, it should be paid within thirty days. The Special Magistrate said that he read the letter and saw the photos and requested the Town's representations regarding the letter and Inspector Banyas did that. She said the Town would recommend that the Special Magistrate make a fair assessment based on Mr. Brandt's request. Mr. Brandt explained the scope of the construction which was much more than expected and drastically extended this project. They tried to be diligent and appreciated the staff and Town that was always cooperative. Inspector Banyas testified that this case was complied. Inspector Banyas requested \$100 hearing costs for today's hearing. The Special Magistrate ordered \$20,000 abated from the fine bringing the fine down to \$1,550 plus \$100 hearing costs for today's hearing for a total of \$1,650 due in thirty days or if not timely paid, the fine would revert back to \$21,550 and the hearing cost would remain \$100.

As there were no others present, these cases would be called now.

ITEM #V.1***TAKEN OUT OF SEQUENCE**

Case #: 20080001 – Nuisance
Property Owner: 4326 Ocean Dr LLC
Address/Folio: 4326 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(7)

For the record, there was no one in attendance to represent the property owner. Senior Inspector Bethany Banyas testified that this was already recorded as a lien. She said tonight was to be a status hearing and to discuss abatement. She explained that this was discussed with the Town Attorney as to what to do regarding abatement of the property including a legal order to be able to enter the property.

ITEM #V.2

Case #: 19040014 – Permits Required Violations
Property Owner: Bentsen, Kristen Bentsen, Samuel A
Address/Folio: 3211 S Terra Mar Dr
Code Section(s): Florida Building Code Section 105.1. Required

For the record, there was no one in attendance to represent the property owners. Senior Inspector Banyas testified that this case was before the Special Magistrate previously regarding work without permits. She said that the property has complied. The inspections were complete and permits were closed. The owners submitted for full mitigation and the Town had no

objection to that plus no costs were due for today's hearing. The Special Magistrate ordered full mitigation of any accrued fines for this case and no costs due for today's hearing.

NEW BUSINESS

ITEM #V.13

Case #: 20020007 – Vacation Rental
Property Owner: 4430 Seagrape Drive LLC
Address/Folio: 4430 Seagrape Dr 1-2
Code Section(s): Chapter 12 – Licenses 12-2(e)(1)
Chapter 30 – Unified Land Development Regulations
Section 30-327(e)
Chapter 30 – Unified Land Development Regulations
Section 30-505(b)

For the record, there was no one in attendance to represent the property owner. Inspector Terry-Ann Boyd-Reynolds testified that they have been trying to work with the owner who has no BTR on file but they appear on airbnb. They explained to the owner to submit the proper paperwork for a vacation rental property or to remove all ads on any vacation rental website that they were on. She was requesting a final order with a compliance date of November 18, 2020 to get proper paperwork/application submitted or to remove all their ads from websites plus \$50 hearing costs. The Special Magistrate ordered compliance by November 18, 2020 by either submitting proper paperwork/application or removing all vacation rental ads from websites or a fine of \$150/day if not timely complied plus \$50 hearing costs for today's hearing due in thirty days.

OLD BUSINESS

ITEM #V.6

Case #: 18070009 – Business Tax
Property Owner: SKY007 LLC
Address/Folio: 230 Lake Ct
Code Section(s): Chapter 12 – Licenses 12-2(e)(1)

For the record, there was no one in attendance to represent the property owner. This case was not heard tonight and if needed, would be heard at the next hearing.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on October 22, 2020 at approximately 6:32 PM.

ATTEST:



APPROVED BY:

 Thomas J. Ansbro

Digitally signed by Thomas J. Ansbro
DN: cn=Thomas J. Ansbro, o=FL,
email=tansbro@daniasbeachfl.gov, c=US
Date: 2020.11.06 15:26:07 -05'00'

Special Magistrate Tom Ansbro

Sydney Ramirez, Planning Technician/Special Magistrate Clerk
Town of Lauderdale-By-The-Sea, Florida