

APPROVED

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

*Town Commission Meeting Room
Thursday, September 28, 2017 at 5:00 PM*

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:06PM on Thursday, September 28, 2017. Building Official Jack Morrell, Development Services Director Linda Connors, Code Compliance Inspector Bethany Banyas, and Code Compliance Inspector June Peart were present as well as Special Magistrate Clerk Jhanelle Campbell to record the minutes.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

The Special Magistrate explained the procedures for the Hearing for code compliance.

IV. PUBLIC COMMENTS

The Special Magistrate spoke about 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 called code cases that were either in compliance or continued.

COMPLIED				
1.	C#:	17070004	288 Imperial Lane	
2.	C#:	17070006	1600 S Ocean Blvd #803	
3.	C#:	17070010	284 Codrington Drive	
4.	C#:	17070011	4241 El Mar Drive	
5.	C#:	17070012	4305 N Ocean Drive	
6.	C#:	17070013	232 Imperial Lane	
7.	C#:	17070014	267 Corsair Avenue	
8.	C#:	17070021	1972 Ocean Mist Drive	
9.	C#:	17070022	5400 N Ocean Blvd #59	
23.	C#:	17070019	3231 Spanish River Dr	
24.	C#:	17080013	3280 Oleander Dr	
54.	C#:	17070028	4900 N Ocean Dr #817	
30.	C#:	17050020	1825 Bel-Air Ave	
51.	C#:	17040002	1911 Waters Edge	
61.	C#:	17070008	254 Neptune Ave #1-2	

10.	C#:	17070023	6000 N Ocean Blvd #15D	
11.	C#:	17070024	1700 S Ocean Blvd #15A	
12.	C#:	17070025	1673 Blue Water Terrace N	
13.	C#:	17070026	1439 S Ocean Blvd #102	
14.	C#:	17060003	2072 Ocean Mist Drive	
15.	C#:	17070027	1470 S Ocean Blvd #703	
40.	C#:	17090001	4116 N Ocean Blvd	
CONTINUED				HEARING DATE
16.	C#:	17070017	1500 S Ocean Blvd #1007	Continue to 10/26/2017
17.	C#:	17070020	1600 E Terra Mar Drive	Continue to 10/26/2017
18.	C#:	17060009	1800 S Ocean Blvd #902	Continue to 11/16/2017
19.	C#:	17070030	2025 Sailfish Place	Continue to 10/26/2017
20.	C#:	17070035	238 Commercial Blvd	Continue to 11/16/2017
21.	C#:	17070015	1700 E Terra Mar Drive	Continue to 10/26/2017
22.	C#:	17070018	3231 Spanish River Drive	Continue to 11/16/2017
25.	C#:	17070031	4132 N Ocean Drive	Continue to 10/26/2017
26.	C#:	17080012	4140 El Mar Drive	Continue to 10/26/2017
27.	C#:	17070034	4229 Seagrape Drive #1-2	Continue to 11/16/2017
47.	C#:	10707032	4400 N Ocean Drive	Continue to 10/26/2017
44.	C#:	17080002	233 Commercial Blvd	Continue to 11/16/2017
28.	C#:	17050034	4521 Poinciana Street #1-3	Continue to 01/25/2018
29.	C#:	17080022	6 Sunset Lane	Continue to 01/25/2018
53.	C#:	17060005	259 Tropic Drive	Continue to 10/26/2017

Special Magistrate Clerk Jhanelle Campbell called the fire cases.

72.	C#:	17-1234	4204 N Ocean Drive #5	Complied
73.	C#:	17-1235	4343 N Ocean Drive	Complied
74.	C#:	17-1236	4051 N Ocean Drive	Complied
76.	C#:	17-1238	4116 N Ocean Drive	Complied
75.	C#:	17-1237	2005 Ocean Walk Terrace	Continue to 10/26/2017

Special Magistrate Clerk Jhanelle Campbell called the cases that the Building Official would present.

OLD BUSINESS

ITEM #V.31

Case #: 17050024 – Permits Required Violations

Property Owner: 1825 Bel Air Avenue c/o Annika Thibaut (R.A.) Real Estate Gizmo

Address/Folio: 1825 Bel Air Ave

Violation: Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits Required.

Inspector Banyas testified that this case for work without permits was before the Special Magistrate last month. Wooden decking was observed to be installed in the back of the property without a permit. She said that the Administrative Fees have been paid on this case. The amount currently certified (for which fines continue to run until compliance is reached) is \$6,400.

Building Official Jack Morrell testified that there are two permits involved. One is for the Chickee Hut and the other one is for the Deck. The Chickee Hut permit will expire on October 31, 2017 and the Deck permit on October 18, 2017. He met with the contractor who said he would have a revision for the Town in the morning and then Mr. Morrell feels that they should have their inspections as early as Monday. That should close out both permits.

The owner's attorney stated that they would like to seek complete abatement of the fines. The Special Magistrate said that when the property is in full compliance, he would entertain a request for mitigation of fines. He cannot guarantee anything because it would depend on the Town's recommendation. Jack Thibaut testified that the issue was that the Town would not accept the owner's permit and said it needed a general contractor. Mr. Thibaut felt that this was not done after the fact. The Special Magistrate explained that the Chickee Hut originally did not need a permit but once electrical, etc. was put in, the exempt status is lost and the structure is now under the Florida Building Code. Mr. Morrell said because of the decking and other items, the exempt status was rescinded. They could remove the deck and put it back to earth or get a permit and bring the Chickee Hut up to code.

The Special Magistrate ordered continuance of this agenda item for a Status Hearing at the October 26, 2017 Code Hearing with fines still running until compliant. Mr. Thibaut said that they have not been able to rent this property since they paid for the license. If it was rented at half-rental, it would have brought in \$80,000. His company would have received \$24,000 and the Town would have received taxes. All this money is a waste because of a wooden deck. The Special Magistrate reminded Mr. Thibaut that if he rented it out, the tenants would have been on an unpermitted wooden deck, etc. Tenants need to be protected. Mr. Morrell explained that when a building is leased, an owner cannot obtain an owner permit. Also, an LLC or any corporation of that nature cannot personally appear to sign a permit. Ms. Banyas testified that the Town was requesting \$50 Administrative Fee for today's hearing.

Inspector Banyas stated that the companion case #17050020 to this agenda item (Business Tax Receipt required and Vacation Rental Certificate required) is in compliance. She said that Mrs. Thibaut requested an inspection of the rental advertisements on line. After the hurricane, Ms. Banyas did an inspection and they are in compliance. The fines on the property are \$11,000 for this case. The Special Magistrate remarked that there was no evidence that people were renting the property. He would work on this culminating into a fair conclusion for both cases. Ms. Banyas was not requesting Administrative Fee for this case update but the Special Magistrate ordered that this case is to be brought back to the October 26, 2017 Status Hearing as a companion case. He further ordered \$50 Administrative Fee for case #17050024 to be paid by October 26, 2017.

NEW BUSINESS

ITEM #V.49

***TAKEN OUT OF SEQUENCE**

Case #: 17080008 – Permits Required Violations

Property Owner: Grant P. Galuppi Liv Tr Galuppi, Grant P Trstee

Address/Folio: 1949 Windward Dr

Violation: Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits Required.

Inspector Banyas testified that a building inspector observed interior renovations being done on this single-family home without a permit. A Stop Work Order was posted. Service was obtained by green card sent to the owner of the property. Building Official Jack Morrell said that a representative of the owner came in today. Mr. Morrell answered the Special Magistrate that

work ceased but a permit was not applied for. The owner's representative said that the owner told her that a permit was submitted and he is working with the Town. She further stated that Mr. Galuppi's brother-in-law, Greg, spoke with the Building Official today about an extension but it was not granted. Inspector Banyas said that David Lee told her that someone was in but did not have the sub-contractor's information and could not submit fully for the permit. Ms. Banyas suggested for compliance to have the permit issued and picked up by October 24, 2017 with a Status Hearing on October 26, 2017. If not compliant, \$150/day fine starting October 25, 2017 plus \$150 Administrative Fee due by October 24, 2017. The Special Magistrate ordered the permit obtained by October 24, 2017 or a fine of \$150/day plus \$150 Administrative Fee due by October 24, 2017. This agenda item will be on the October 26, 2017 Hearing for a Status Hearing.

CERTIFICATION OF LIEN

ITEM #V.52

***TAKEN OUT OF SEQUENCE**

Case #: 17040008 – Building Code Violations
Property Owner: Buchanan, Wayne D Mazur, Andrea M
Address/Folio: 1911 Waters Edge
Code Section(s): 5th Edition (2014) FBC/BCA Section 116 116.2.1.2.2 Criteria
Florida Building Code 5th Edition (2014) FBC/BCA Section 116
116.2.1.1.1 Criteria.
Florida Building Code 5th Edition (2014) FBC/BCA Section 116
116.2.1.2.3 Criteria.
Florida Building Code Section 105 Section 105.1 Required
Florida Building Code Section 105 Section 105.11.2.1

Inspector Banyas gave a brief history of this case. The revised compliance date was September 25, 2017. They did not comply, so the \$200/day fine began running. Building Official Jack Morrell testified that they are progressing but there was a delay because of the hurricane. For the record, he said that the pool permit would expire on October 27, 2017. The dock permit would expire January 27, 2018 and the deck permit would expire on February 21, 2018. Mr. Morrell feels they could be finished in about two weeks. Ted Galatis, attorney for the owners, agreed. Attorney Galatis spoke about a slight change in the owner's plans. Ms. Banyas suggested continuing this agenda item and bringing it back with the fines still running. The Special Magistrate would retain jurisdiction and could mitigate the fines. Discussion ensued and the attorney asked for an extended compliance date due to the hurricane. It was decided to just continue the case to the hearing on October 26, 2017. Ms. Banyas stated for the record that the Administrative Fees were all paid and the companion case is in compliance. She was asking for \$50 Administrative Fee for today's hearing. The Special Magistrate ordered this item continued to the October 26, 2017 Hearing Agenda for a Status Conference and \$50 Administrative Fee for today's hearing to be paid by October 26, 2017.

ITEM #V.62

***TAKEN OUT OF SEQUENCE**

Case #: 17060007 – Permits Required Violations
Property Owner: Collins, Brendan
Address/Folio: 4629 Poinciana Street #519
Code Section(s): Florida Building Code 5th Edition (2014) FBC/BCA Section 105.1-
Permits. Required

This item was put on recall status so that agenda item #32 could be heard before this item. After hearing agenda item #32, this agenda item was recalled.

Inspector Peart testified that on September 15, 2017 a final order with a comply-by date of September 27, 2017 was issued or \$100/day fine would accrue regarding new flooring being installed without a permit. As of today, an after-the-fact permit has been applied for and is in review. The \$150 Administrative Fee due by September 27, 2017 has been paid. Ms. Peart was requesting a revised comply-by date of October 11, 2017 and \$100 Administrative Fee due by October 25, 2017. This case would come back to the October 26, 2017 Code Hearing, if not in compliance.

Building Official Jack Morrell clarified that flooring is not covered by the code, however, in a multi-family building sound proofing is required between the occupancy spaces both vertically and horizontally and that is what the permit is for. The Special Magistrate ordered a revised final order with a new comply-by date of October 11, 2017 and \$100 Administrative Fee due by October 25, 2017. If not in compliance, this agenda item would be brought back to the next hearing.

OLD BUSINESS

ITEM #V.32

***TAKEN OUT OF SEQUENCE**

Case #: 17060022 – Vacation Rental

Property Owner: Howard, Benjamin R

Address/Folio: 218 Pine Avenue

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

Inspector Peart said that this is a case that was already heard. It is for a third repeat violation for advertising a vacation rental for a stay of less than seven consecutive days. At the July 27, 2017 Code Hearing, a \$500 fine plus \$150 Administrative Fee was certified. As the owner was unable to attend that hearing, he asked to speak with the Special Magistrate tonight. Ben Howard testified that he was aggravated because the fine was assessed when he was not present and deserves his day in court. He showed a Sun-Sentinel article to the Special Magistrate. Inspector Banyas responded by explaining the newspaper article. She said that this is a single-family townhome and explained why the Town has jurisdiction on the number of rental nights. Ms. Banyas answered the Special Magistrate that the lien is certified but has not been recorded. The Special Magistrate explained that there is a distinction between certification and recorded.

Development Services Director Linda Connors perused the newspaper article and explained that the Town adopted regulations for single-family homes and townhomes prior to the State passing regulations. This makes the Town exempt and able to enforce its laws. Mr. Howard lives in what used to be a duplex as it was sub-divided and has its own folio number.

The Special Magistrate clarified that before him today is the matter of Mr. Howard's challenge that the fine was certified when he was not in attendance. Inspector Peart answered the Special Magistrate that a violation was established for the fine that was certified. The Special Magistrate said that the fine was for a violation and he never said he would abate the fine. Mr. Howard said that he is here today because of his conversation with Bud Bentley and what was written in the Sun-Sentinel article. Ms. Banyas spoke about her evidence from Broward County website depicting the property as a single-family townhome. The Special Magistrate explained to Mr. Howard that he has thirty days to appeal this in circuit court. If not, he ordered the fine to be paid within fifteen days by October 13, 2017 or the Town would record it against the property.

SPECIAL SET ITEM #V.77

Case #: #17050032/SPECIAL SET J
Property Owner: Norok International Ventures Corp.
Address/Folio: 3900 N Ocean Dr #2H
Violation: Florida Building Code 5th Edition (2014) FBC/BCA
Section105.3.2.1-Permits.

Inspector Banyas testified that at the August 24, 2017 Hearing, a final order was issued to the respondent to renew the expired permit LBS12-000153 by September 14, 2017 or face a fine of \$150/day until complied. The permit was not renewed and the \$150 Administrative Fee was not paid. The Town was requesting to certify the fine for non-compliance with the unpaid \$150 Administrative Fee and \$100 Administrative Fee for today's hearing. Building Official Jack Morrell testified that this is a very old permit dating back to 2012. There was a renewal in 2015 which expired in June 2016. There was a Final Inspection on April 1, 2016 which did not pass. An expiration notice was properly sent. The Special Magistrate ordered certification of the fine and \$250 Administrative Fees. For the record, there was no one present to represent the owner.

Ms. Campbell called all the Florida Development Group (FDG) cases into the record.

OLD BUSINESS**ITEM #V.33*****TAKEN OUT OF SEQUENCE**

Case #: 16120011 – Building Code Violations
Property Owner: FDG South LLC
Address/Folio: 4108 El Mar Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 110.15 –
Building Safety Inspection Program.

Building Official Jack Morrell testified that the status is they were issued a permit for the concrete restoration on this property on August 8, 2017 and to date there has not been any activity. Attorney Nectaria Chakas said that to clarify, there has been work going on for this building. They just have not called for inspections. Mr. Morrell said with concrete restorations there is a Special Inspector on the job. The Building Department must be called so we can go out and inspect the work. Ms. Chakas answered the Special Magistrate that she understands what the Building Official just said. She stated that there was a Stop Work order issued for the 4108 building which has resumed. Mr. Morrell said there was no Stop Work order. There was notification that the roof was off after the storm.

Development Services Director Linda Connors wanted to talk about the Stipulated Agreement. There were several parts to the agreement and one of the parts was getting the 40 and 50 Year Inspections' permits in and getting them done. Although they did not meet one of the deadlines, they are moving forward on that. The next step was for them to submit for a site plan for the 4116, 4108, and 4110 project with a September 22, 2017 deadline but the storm (Hurricane Irma) hit. Staff discussed this and has decided to move all the deadlines one month. So the September 22, 2017 deadline will now be October 22, 2017 and then move all of the other subsequent deadlines forward one month. The Special Magistrate said that is reasonable. Attorney Chakas is pleased that the Town agreed to a one-month extension. However, they are requesting a six-week extension. Besides the storm, their architect had a personal issue which was explained. Ms. Connors agreed to the across-the-board six-week extension. She stated that it is the last that the Town would agree to unless it is an act of God.

Ms. Chakas said there is a 4110 case for which fines have been running. She said the 4110 building filed a 40-Year/50-Year Inspection for which they thought the work did not have to commence at this time. The 4108 building they have been moving on. At the last meeting, the Special Magistrate ordered submission of a valid and complete building application for 4110. The permit was submitted but work has not commenced because the permit was not issued. Mr. Morrell corrected the attorney by stating the permit was issued on September 22, 2017. Inspector Banyas spoke on the fines that ran. For 4108 and 4110, they were to have plans submitted for the 40/50 year structural corrections and they did not meet that stipulation. Fines started running at \$200/day/case on August 9, 2017 and ceased on September 21, 2017 as this is the date they complied with the stipulation by submitting a repair permit application. The fine is \$17,600 and it was not recorded. Ms. Banyas testified that the Town requested a revised stipulation with the built-in six week extension. Ms. Chakas respectfully requested that the fines be abated. Ms. Banyas stated that the Town would like to see more progress before there is any abatement discussion. The Special Magistrate stated that he would reserve jurisdiction on this. He would wait until all parties agree that it is right for a decision on whether to abate or mitigate. Ms. Banyas requested one \$50 Administrative Fee for today's hearing. Ms. Chakas asked and was told that there are no other fines running. Ms. Banyas explained the \$17,600 fine for two cases for the 4110 building at \$200/case for 44 days.

The Special Magistrate ordered an amended order to add six weeks to each of the dates in the stipulated order for 4108, 4110 and 4116 buildings and one \$50 Administrative Fee for today's hearing to be paid by October 25, 2017. Ms. Chakas asked if the 4116 schedule could be separated out but Ms. Banyas testified that the stipulation language is clear and there is no need to separate it out.

ITEM #V.34

Case #: 16120054 – Building Code Violations
Property Owner: FDG South LLC
Address/Folio: 4108 El Mar Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation.

ITEM #V.35

Case #: 16110010 – Property Maintenance
Property Owner: FDG South LLC
Address/Folio: 4108 El Mar Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-36(c)
Chapter 6 – Building and Building Regulations Section 6-36(e)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-37(a)(2)
Chapter 6 – Building and Building Regulations Section 6-40(a)

ITEM #V.36

Case #: 16120055 – Building Code Violations
Property Owner: FDG South LLC
Address/Folio: 4110 El Mar Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation.

ITEM #V.37

Case #: 16120001 – Property Maintenance
 Property Owner: FDG South LLC
 Address/Folio: 4110 El Mar Drive
 Code Section(s): Chapter 30 – Unified Land Development Regulations
 Section 30-477(a)
 Chapter 6 – Building and Building Regulations Section 6-36(a)
 Chapter 6 – Building and Building Regulations Section 6-36(c)
 Chapter 6 – Building and Building Regulations Section 6-36(e)
 Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
 Chapter 6 – Building and Building Regulations Section 6-37(a)(2)
 Chapter 6 – Building and Building Regulations Section 6-40(a)

ITEM #V.38

Case #: 16120002 – Property Maintenance
 Property Owner: FDG South LLC
 Address/Folio: 4116 N Ocean Drive
 Code Section(s): Chapter 30 – Unified Land Development Regulations
 Section 30-317(g)
 Chapter 30 – Unified Land Development Regulations
 Section 30-317(d)
 Chapter 30 – Unified Land Development Regulations
 Section 30-477(a)
 Chapter 30 – Unified Land Development Regulations
 Section 30-512(b)
 Chapter 6 – Building and Building Regulations Section 6-36(a)
 Chapter 6 – Building and Building Regulations Section 6-36(c)
 Chapter 6 – Building and Building Regulations Section 6-36(e)
 Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
 Chapter 6 – Building and Building Regulations Section 6-37(a)(2)
 Chapter 6 – Building and Building Regulations Section 6-40(a)

ITEM #V.39

Case #: 16120056 – Building Code Violations
 Property Owner: FDG South LLC
 Address/Folio: 4116 N Ocean Drive
 Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 –
 Permits. Time Limitation.

ITEM #V.40

Case #: 17090004 – Police Complaint
 Property Owner: FDG South LLC
 Address/Folio: 4116 N Ocean Drive
 Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 116.4 –
 Posting

(This case #40 was called but is in compliance.)

Ms. Campbell called the last case to be presented by the Building Official this evening.

NEW BUSINESS**ITEM #V.46**

***TAKEN OUT OF SEQUENCE**

Case #: 17060017 – Zoning Violations
Property Owner: SIM by the Sea LLC
Address/Folio: 256 E Commercial Blvd
Code Section(s): Chapter 12 – Licenses Sec 12-2(a) Required.

Inspector Peart testified that on June 19, 2017 a Notice of Violation/Notice of Hearing was sent to the owner of record. Service was obtained by hand delivery. The violation is operating a business without a current Business Tax Receipt (BTR). Ms. Peart explained that the BTR was being held up by a parking lot permit, landscape, sealing and re-stripe the parking lot. Mr. Morrell explained that a permit was submitted July 2017 and was reviewed with comments in August. They re-submitted on the 26th and it was reviewed but had some conflicts. The architect assured Mr. Morrell today that this would all be cleared up. Once accomplished, the permit would be issued. Mike Dudas, the owner, asked if he could get a temporary BTR. Development Services Director Linda Connors testified that this project has been going on since her original e-mail in 2015. They cannot get a BTR because they changed the use which required more parking. When the parking lot is resolved, the BTR will be issued. If you don't have a BTR, you cannot give employees parking passes and there is no such thing as a temporary BTR. The Special Magistrate ordered continuance to the October 26, 2017 Code Hearing. Ms. Peart stated there was no Administrative Fee for today's hearing.

Ms. Campbell called the last case from the Sign-In Sheet.

ITEM #V.50

***TAKEN OUT OF SEQUENCE**

Case #: 17080003 – Recreational Vehicles & Boats Violations
Property Owner: Fleurant, Guy
Address/Folio: 1 Sunset Lane
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-311(d)(1)(a-c)

Inspector Banyas testified that the hearing notice was sent on August 9, 2017 and that the respondent is here today. She said the violation is the encroachment of a boat on the side property line in the water. She has photos and gave copies to the respondent and to the Special Magistrate. She said that the Town was requesting an order to remove the boat as it truly does not fit within that lot. The respondent did come to the Town Hall and explained to her that he is building another property where the boat would fit. The earliest he would be able to move the boat is March 2018. She answered the Special Magistrate that the Town received complaints from adjacent neighbors. Mr. Fleurant explained his experience with the complaining neighbor. He answered the Special Magistrate that he has no objection to the pictures and the Special Magistrate accepted them into evidence as the Town's Composite Exhibit. The Special Magistrate explained that the boat cannot intrude on his neighbor's property. Ms. Banyas said that she has to enforce the ordinances on behalf of the Town's residents. The only way she can think of for compliance would be to purchase his next door neighbor's property and execute a unity of title to have a much wider waterfront. It must be one parcel in order to comply with the ordinance. A private arrangement with his other neighbor as Mr. Fleurant described would solve the practical problem but would not technically bring this into compliance. As the boat is big, there is no physical way to accommodate it.

On another note, Ms. Banyas said that because someone else has a violation, the violation on Mr. Fleurant's property cannot be removed. She will check out the other property's violation. She put on the record that there is another lot on the street that would also come in front of the

Special Magistrate for a separate issue. Mr. Fleurant answered that his new place does not have a dock yet.

Barry Rubin testified that he is in the cross-strip. He did purchase a boat but he cannot get into his slip. He is not looking to give Mr. Fleurant a hard time to move his boat. The Special Magistrate asked Mr. Rubin if Mr. Fleurant leaves five foot on his side and intrudes on the other neighbor's property line five feet, would Mr. Rubin be okay. Mr. Rubin said he did not register the complaint and would be fine as long as he can get into his slip. The Special Magistrate told Mr. Fleurant to dock his boat in such a way as to be in the willing female neighbor's property line 5 feet and not in Mr. Rubin's property line. He wants something from that neighbor indicating that she is okay with Mr. Rubin being 5' into her property line. Ms. Banyas said that if the female neighbor is renting a portion of her property to Mr. Fleurant, then she would need a BTR. Discussion ensued and the Special Magistrate suggested continuing this case to the October 26, 2017 Hearing and to have Ms. Banyas help Mr. Fleurant understand how to work with his female neighbor to use her property in a temporary arrangement until the boat is moved in March 2018. This would give Mr. Rubin the use of his slip and the enjoyment of his property. The Special Magistrate wants the boat at the new property in March 2018 or fines would start then as the boat is just too big for his present property. The Special Magistrate ordered this agenda item to be continued to the October 26, 2017 Code Hearing.

Ms. Campbell is going back to the order of the agenda for cases not called yet.

ITEM #V.41

***TAKEN OUT OF SEQUENCE**

Case #: 17080028 – Vacation Rental
Property Owner: Nilsson, Bernt & Margot
Address/Folio: 1661 Bel Air Avenue
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(c)

Inspector Banyas testified that service was by signed green card by the vacation rental agent of the property. The property owner was notified on August 23, 2017 that their vacation rental property was renting for less than a seven day minimum stay. The evidence is from an advertisement on a vacation rental website. She told the vacation rental agent that since they came into compliance, there would be no fine or administrative fee today but the Town would be requesting a finding of fact that the first time violation on this property did exist and if it should re-occur in the future immediate \$500/day fines could be assessed. There was no one present to represent the owner of the property. The Special Magistrate ordered the finding of fact that the violation did occur and if it re-occurs in the future, it could be subject to \$500/day fines as a repeat violation beginning on the first day it is observed.

ITEM #V.42

Case #: 17080032 – No Garbage/Trash Service
Property Owner: Leal, Alvaro
Address/Folio: 2031 Coco Palm Place
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)

Inspector Banyas testified that this is a registered, long-term rental property single-family home. On August 23, 2017 notice was sent to the owner of record at his address of record. Service was obtained by a signed green card. The violation is a delinquent Waste Pro bill in the amount of \$131.80. January 2017 was the last payment. She gave the Special Magistrate a copy of an e-mail from Waste Pro. She was requesting a final order for 21 days to pay off the balance or

\$10/day fine plus \$150 Administrative Fee. The Special Magistrate accepted the copy of the e-mail into evidence as the Town's Exhibit. He ordered a final order for the balance of the delinquent Waste Pro invoice be paid in full within 21 days by October 19, 2017 or \$10/day fine plus \$150 Administrative Fee to be paid by October 19, 2017.

ITEM #V.43

Case #: 17070033 – Vacation Rental
Property Owner: Schmitz, Tona B
Address/Folio: 233 Corsair Ave
Code Section(s): Chapter 30 – Uniform Land Development Regulations Section 30-327(a)
Chapter 30 – Uniform Land Development Regulations Section 30-327(c)
Chapter 30 – Uniform Land Development Regulations Section 30-327(d)

Inspector Peart testified that the Notice of Violation/Notice of Hearing was sent to the owner of record at the mailing address of record. Service was obtained by posting the property on 9/18/2017. The violations are advertising the property as a vacation rental without first obtaining a Business Tax Receipt (BTR), vacation rental advertisement for less than seven consecutive days, and vacation rental advertising without first obtaining a Vacation Rental Certificate. The Town was requesting a final order with compliance by October 25, 2017 or \$100/day fine plus \$150 Administrative Fee due by October 25, 2017. Ms. Peart said that the owner came in on September 19, 2017 and spoke with Karen. The owner said that she was not renting and was advised to take down the internet ads. As of today, the advertisements are still there. Ms. Peart submitted a copy of the most recent ad and her Affidavit of Posting to the Special Magistrate. There was no one present to represent the owner. The Special Magistrate accepted her evidence into the record as the Town's Composite Exhibit. He ordered compliance by October 25, 2017 or \$100/day fine plus \$150 Administrative Fee due by October 25, 2017.

ITEM #V.45

Case #: 17070029 – Sign Violations
Property Owner: Narain, Sookrani & Shiv
Address/Folio: 239 E Commercial Blvd
Code Section(s): Chapter 30 – Uniform Land Development Regulations Section 30-505 (k)

Inspector Peart testified that the Notice of Violation was sent to the owners at the mailing address of record. Service was obtained by certified mail. This is a commercial property. The violation is for prohibited sandwich signs. The Town was requesting a Finding of Fact that the violation did exist but came into compliance. If the violation should re-occur in the future at this property, it may be deemed a repeat violation. The Special Magistrate ordered a Finding of Fact that should this violation re-occur in the future at this property, it may be deemed a repeat violation subject to immediate fines. There was no one present to represent the property owner.

ITEM #V.48

Case #: 17080021 – Nuisance/Vacant Lot
Property Owner: Bobby Dee Ashe Liv Tr Ashe, Bobby Dee Trstee
Address/Folio: 5 Sunset Lane
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Inspector Banyas testified that this is a recurring violation that possesses an immediate hazard to public health, safety, and welfare. The violation is overgrown grass on a vacant lot. She first notified the property owner of the overgrowth in June 2017. He corrected it but came back into violation. In August 2017, she sent a Notice of Violation because the overgrowth occurs on a frequent basis. The notice was sent to the mailing address of record and service was obtained by the owner's signed green card. No one was present to represent the property owner.

The Town is requesting: (1) compliance by cutting the grass (all of the overgrowth) on this vacant lot. This is a private road so ownership includes a few feet of the opposite swale (which is highly overgrown as well). The mowing of the lot and swale should be complied within 14 days by October 12, 2017 or a fine of \$100/day until compliance is achieved, and (2) if the owner does not comply the violation, the Town would request a recurring order of abatement with permission to go on the property to mow the lot and swale. The Special Magistrate accepted Ms. Banyas' pictures into the record as the Town's Exhibit. The Special Magistrate ordered compliance by cutting all the grass (lot and swale) within 14 days by October 12, 2017 or \$100/day fine and a continuous order for the Town to abate the violation assessing the costs to the property plus \$150 Administrative Fee for this hearing due by October 12, 2017. Ms. Banyas said that as she has contact with the property owner, she would post the property with notice if this happens again and bring it in as a new case. She further stated for the record that if the cost of abatement is not paid by the next hearing, it would be certified as a lien on the property and an Administrative Fee would be assessed.

CERTIFICATION OF LIEN

ITEM #V.55

Case #: 17080001 – Nuisance/overgrowth weeds & grass

Property Owner: Johnson, Danielle

Address/Folio: 1724 Bel Air Ave

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(8)

Inspector Banyas testified that on August 2, 2017 a Notice of Repeat Violation and Notice of Hearing was sent to the property owner at her address of record. Service was obtained by posting the property. The Town was requesting certification of repeat violator fines for August 2, 3, and 4 for violation of overgrown grass on a vacant, abandoned property. She submitted photos of the grass on August 2nd and photos of the grass after it was cut on August 4th per the abatement order. She said that the Town already certified the cost of abatement at a previous hearing. The Town was requesting \$500/day fine for August 2, 3 and 4, 2017 to be certified plus \$100 Administrative Fee. The Special Magistrate ordered the certification of \$1,600. He accepted the photos into evidence as the Town's Composite Exhibit. No one was present to represent the property owner. Ms. Banyas answered the Special Magistrate that the Town is trying to foreclose on the property and that it has been in Danielle Johnson's name for almost a year now.

ITEM #V.56

Case #: 17050027 – Nuisance/Abandoned Homes

Property Owner: Breitberg, Dyane

Address/Folio: 1931 Waters Edge

Code Section(s): Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(a)
Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(c)

Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(e)
Chapter 30 – Uniform Land Development Regulations Section 30-477 (b)
Chapter 30 – Uniform Land Development Regulations Section 30-480 (a)
Chapter 6 – Building and Building Regulations Section 6-36(a)

No one was present to represent the owner. Inspector Banyas testified that the Town needs to get an order revoking the previous final order that was issued. The Town was supposed to certify the fines for non-compliance but the Broward County Property Appraiser website finally showed a foreclosure sale to a new property owner on August 22, 2017 which pre-dates the compliance date on the previous final order. The Special Magistrate ordered revocation of the previous final order.

ITEM #V.57

Case #: 17070001 – Nuisance/Abandoned Homes
Property Owner: Maller, Michael
Address/Folio: 2011 Coral Reef Drive
Code Section(s): Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(a)
Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(c)
Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(e)
Chapter 6 – Building and Building Regulations Section 6-36(b)
Chapter 6 – Building and Building Regulations Section 6-36(e)

Inspector Banyas testified that this is a foreclosure property. Tonight is for certification of lien for four violations that were not in compliance as ordered. Only Section 11-23(a) is in compliance. The four fines continue to run and the Town would like to certify those fines plus a past due \$150 Administrative Fee and certification of \$100 Administrative Fee for today's hearing. No one was present to represent the property owner. The Special Magistrate ordered certification of the fines and the fees.

ITEM #V.60

***TAKEN OUT OF SEQUENCE**

Case #: 17060028 – Property Maintenance
Property Owner: 4326 Ocean Drive LLC
Address/Folio: 4326 N Ocean Drive 1-4
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Inspector Banyas testified that this is for certification of lien for non-compliance of fixing structural issues by September 14, 2017. The fines started to run at \$200/day/violation and the \$150 Administrative Fee was not paid. She was requesting certification of those fines and fee plus \$100 Administrative Fee for today's hearing to also be certified. She submitted photos into evidence and the Special Magistrate entered them into the record as Town's Composite Exhibit. No one was present to represent the property owner. The Special Magistrate ordered certification of fines and fees.

ITEM #V.59

Case #: 17080025 – Nuisance/Abandoned Homes
Property Owner: 4326 Ocean Drive LLC
Address/Folio: 4326 N Ocean Drive 1-4
Code Section(s): Chapter 6 – Building and Building Regulations
Section 6-41(a)(7)

Inspector Banyas testified that on August 19, 2017 she observed the re-occurring violation of bees. She sent notice to the property owner again at the mailing address of record. Service was obtained by posting the property. The violation is infestation of stinging insects. They are gone now because of the hurricane as the honeycomb was observed in the parking lot and no sighting of the bees. It is a \$500/day fine for the violation. She notified the owner by e-mail and posted the property but has not heard from the owner who is out of the country. She was requesting a fine for the repeat violation at the Special Magistrate's discretion. She said that after the hurricane was gone, there were 21 days of fines at \$500/day. The Special Magistrate ordered certification of a repeat violator fine at a reduced fine rate of \$100/day retroactive to also include an unpaid \$150 Administrative Fee plus \$100 Administrative Fee for today's hearing.

SPECIAL SET ITEM #V.63

Case #: #12100001/SPECIAL SET A
Property Owner: 102-251 Land Trust/Longtrend LLC, Trustee
Address/Folio: 251 S Tradewinds Ave
Violation: Overgrown grass, trash and debris

Inspector Banyas testified that this property has gone through several changes in ownership. The issue today is that the violation was complied, however, the \$50 Administrative Fee was never paid, certified or recorded and it still exists in the Town's records. They suggest revoking the Administrative Fee and issuing a revised order to that effect. The Special Magistrate ordered revocation of the \$50 Administrative Fee and issuing a revised order to that effect.

SPECIAL SET ITEM #V.64

Case #: #13020001/SPECIAL SET B
Address/Folio: 4443 W Tradewinds Ave

Ms. Campbell said that Special Set B was withdrawn.

SPECIAL SET ITEM #V.65

Case #: #13040007/SPECIAL SET C
Property Owner: Teresa & Lurie, Anthony
Address/Folio: 4443 W Tradewinds Ave

Inspector Banyas testified that this property has remained in Teresa and Anthony Lurie's possession. She explained the facts of the case and that an order was given verbally at a past hearing. It was never committed to writing and was not mailed to the respondent. A mitigation of a \$19,000 fine was reduced to zero by the Special Magistrate but there remained a \$250 Administrative Fee. If the fee wasn't paid, the fine amount would revert back to \$19,000. Ms. Lurie never paid the \$250 on time and it was supposed to revert back to \$19,000. However, she did pay the \$250 Administrative fee late and it was received on 1/28/2014. Ms. Banyas asked the Special Magistrate to make a decision to either issue an Order of Mitigation to revise the pay-by-date to January 28, 2014 which will place the respondent in compliance or state that

the late payment caused the mitigated amount due to revert to \$19,000 which would be due now and it may be certified at the next available hearing pending service of notice to the owner. The Special Magistrate ordered an Order of Mitigation to revise the pay-by-date to January 28, 2014. This will place the respondent in compliance.

SPECIAL SET ITEM #V.66

Case #: #13020035/SPECIAL SET D
Property Owner: Blue Lagoon Invest LLC (current owner)
Address/Folio: 258 Neptune Avenue
Violation: Unlawful storage of a trailer

Inspector Banyas testified that there were multiple owners of this property. The issue today is that the violation was complied, however, the \$50 Administrative Fee was never paid, certified or recorded and it still exists in the Town's records. Due to ownership changes, the Town suggests revoking the Administrative Fee and issuing a revised order to that effect. The Special Magistrate ordered revocation of the \$50 Administrative Fee and issuing a revised order to that effect.

SPECIAL SET ITEM #V.67

Case #: #13110019/SPECIAL SET E
Property Owner: Rita M. Silvestri Family Trust/Silvestri, John M. (current)
Address/Folio: 1900 S Ocean Drive #3A

Inspector Banyas testified that this property has changed ownership over the years and twice since the code case was resolved. She explained the facts of the case of work without permits in the condo unit with compliance ordered by February 24, 2014 or a fine of \$200/day. After compliance, a fine of \$7,000 was owed. The Town requests that the Special Magistrate consider the facts and make an impartial decision to either issue an Order of Mitigation or extension of the Comply-By-Date to 3/31/2014, either of which would place the new owner in compliance with no fines or fees or an order stating that the \$7,000 in fines may be certified at the next available hearing pending service of notice to the new owner. The Special Magistrate ordered an extension of the comply-by-date to 3/31/2014. This will place the new owner in compliance.

SPECIAL SET ITEM #V.68

Case #: #14020020/SPECIAL SET F
Address/Folio: 4363 N Ocean Drive

Ms. Campbell said that Special Set F was withdrawn.

SPECIAL SET ITEM #V.69

Case #: #14050016/SPECIAL SET G
Address/Folio: 250 Basin Drive

Ms. Campbell said that Special Set G was withdrawn.

SPECIAL SET ITEM #V.70

Case #: #15010004/SPECIAL SET H
Property Owner: Karthar Services LLC (current)
Address/Folio: 1736 Bel Air Avenue

Inspector Banyas testified that this property changed hands three times after foreclosure sale of the original owner. The violation was an expired Business Tax Receipt (BTR) – Section 12-2(a) – for a home office in 2014. The owner was to comply by February 10, 2014 or a fine of \$150/day plus an Administrative Fee. She complied late and never paid an Administrative Fee. The Town did not report this on the lien search. The property was foreclosed in March 2014 and transferred to the bank. The Town asks the Special Magistrate to consider the facts and make an impartial decision. Due to the fact that the case was reported to the Special Magistrate as complied and not reported on a lien search, the Town recommends an Order of Mitigation for case #15010004 be entered which removes the fine and Administrative Fee. The Special Magistrate ordered an Order of Mitigations removing the fine and Administrative Fee.

SPECIAL SET ITEM #V.71

Case #: #15090003/SPECIAL SET I
Property Owner: James & Alison Bates Family Trust (current)
Address/Folio: 4300 El Mar Drive #22

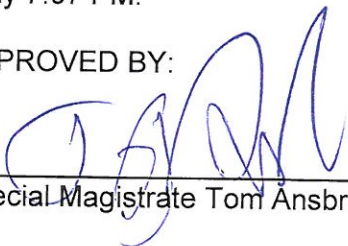
Inspector Banyas testified that this case is under review. Inspector Peart had a conversation with the owner, James Bates, in August 2017. She spoke about the particulars of the case with its extenuating circumstances and that an Administrative Fee was still owed. The Town recommends the Special Magistrate issue an order to revoke the Administrative Fee either through Mitigation or a Revised Final Order. The Special Magistrate ordered revocation of the Administrative Fee.

For the record, agenda item #58, case #17060012, property address 2031 Coco Palm Place, was continued to the January 25, 2018 Code Hearing.

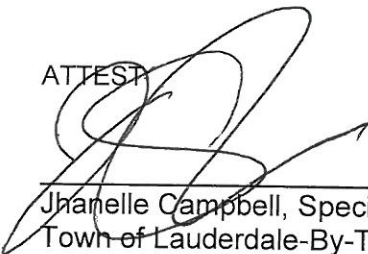
VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on September 28, 2017 at approximately 7:07 PM.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST


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