

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room
Monday, September 28, 2015 at 4:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the Hearing to order at approximately 4:00p.m. on Monday, September 28, 2015. Assistant Town Manager Bud Bentley, Assistant Town Attorney Alan Gabriel, Building Official Jack Morrell, Fire Marshall Steve Paine, Town Planner Linda Connors, Code Compliance Inspector Carmen Sanchez and Code Compliance Inspector Sharon Foster were present at the Hearing. Also present was Clerk Idalia Gutierrez 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 present who intended testifying.

III. OPENING STATEMENT

A. APPROVAL OF MINUTES OF PREVIOUS CODE HEARING

August 24, 2015 Code Hearing – The minutes of 08/24/15 were not discussed.

IV. PUBLIC COMMENTS

The Special Magistrate briefly explained the new 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

Clerk Idalia Gutierrez noted the following cases were either in compliance or continued:

COMPLIED

- | | | |
|---------|----------|--|
| 1. C#: | 15050002 | 2 E Commercial Blvd |
| 2. C#: | 15050010 | 4900 N Ocean Dr #1401 |
| 3. C#: | 15060014 | 4220 El Mar Dr |
| 4. C#: | 15060024 | 253 E Commercial Blvd |
| 5. C#: | 15070004 | 4117 Bougainvilla Dr |
| 6. C#: | 15070006 | 4001 N Ocean Dr |
| 7. C#: | 15070008 | 229 Hibiscus Ave |
| 8. C#: | 15070012 | 2005 Oceanwalk Ter |
| 9. C#: | 15070018 | 4243 Bougainvilla Dr |
| 10. C#: | 15080001 | 266 Avalon Ave |
| 11. C#: | 15080003 | Property Along Shore Ct & Seagrape Dr |
| 12. C#: | 15080004 | Property Along Garden Ct & Seagrape Dr |
| 13. C#: | 15080006 | 4140 El Mar Dr |
| 14. C#: | 15080009 | 1460 S Ocean Blvd |

- 15. C#: 15080013 3256 Oleander Way
- 16. C#: 15080014 1973 Tropic Isle
- 17. C#: 15090001 220 Codrington Dr

CONTINUED

(Continued To)

- | | | |
|------------------|-----------------------|-----------------------------|
| 18. C#: 15060001 | 4629 Poinciana St | (October 26, 2015 Hearing) |
| 19. C#: 15060015 | 226 Basin Dr | (October 26, 2015 Hearing) |
| 20. C#: 15070003 | 255 Bombay Ave | (November 23, 2015 Hearing) |
| 21. C#: 15070005 | 4337 Seagrape Dr | (November 23, 2015 Hearing) |
| 22. C#: 15070010 | 219 E Commercial Blvd | (October 26, 2015 Hearing) |
| 23. C#: 15070015 | 4401 W Tradewinds Ave | (October 26, 2015 Hearing) |
| 24. C#: 15080007 | 267 Bombay Ave | (November 23, 2015 Hearing) |
| 25. C#: 15080015 | 226 Basin Dr | (October 26, 2015 Hearing) |
| 26. C#: 15080016 | 229 E Commercial Blvd | (October 26, 2015 Hearing) |

Clerk Idalia Gutierrez called the first case to be heard at this hearing.

OLD BUSINESS

ITEM #V.27

Case #: 14100013 – Zoning Violations
 Property Owner: Buena Vista Oceanside LLC
 Address/Folio: 4217 El Mar Dr
 Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-112.(f) (4) (c) (3) i-iv

Code Compliance Inspector Carmen Sanchez testified that the Special Magistrate has already given a Final Order and certified the fine for this case. This was regarding the property not being in compliance with their site plan amendment. Ms. Sanchez said that they have requested to be heard at this hearing to contest the finding of non-compliance as a re-hearing of a prior ruling by the Magistrate. Inspector Sanchez answered the Special Magistrate that the property is still in violation.

Samantha Haimo, attorney for the property owner, said that at the July 27, 2015 hearing, there was no appropriate testimony, document, or evidence presented to support the finding and fines for the non-compliance. She brought copies of the case law she cited and read some into the record. Ms. Haimo requests that the \$45,000+ fee judgment should be voided as it is not supported by the record. She stated she has other issues related to the order itself.

Alan Gabriel, Assistant Attorney for the Town, said that the fees asked for related only to the bankruptcy action that was filed by Ms. Haimo's client as a result of the Code Compliance case originally filed. That bankruptcy action started in December 2014 and was eventually dismissed by the Bankruptcy Court with direction to go back to the local body. Mr. Gabriel said this was a waste of the Town's resources and funds. Mr. Gabriel said that was why the Special Magistrate awarded the fees only related to the bankruptcy action which the Town was successful in having dismissed. He said that the Town was already awarded these fees by the Special Magistrate so there was no "second bite of the apple". He answered the Special Magistrate that under the record, he feels these fees are sustainable. He further answered the Special Magistrate that the original Code Compliance case precipitated the out-of-town bankruptcy action which started out under Chapter 7.

Ms. Haimo stated that the bankruptcy issues were not all related to the paver issues. It had to do with a Code Alarm. Ms. Haimo further stated that Mr. Gabriel or his firm did not represent the Town for the bankruptcy and there was no one here from the Pennsylvania firm that did represent the Town to explain their bills. Ms. Haimo said she did meet with the Town to understand what needed to be done in regard to the pavers. She said that neither she nor Mr. Gabriel came up with a proposed findings of fact and conclusion of law regarding the fees. Mr. Gabriel said that there was never a question of the hours or what was done for the billing provided. Since the attorney fees were redacted, Ms. Haimo stated she has no way of knowing if the fees reflect legal services only regarding the pavers. Mr. Gabriel said the outside firm was only hired for the bankruptcy action in Pennsylvania and that was identified to Ms. Haimo. He further said that to suggest that other billings are in those fees is totally erroneous. Discussion ensued. The Special Magistrate encourages Ms. Haimo and Mr. Gabriel to settle this and at this time, the Special Magistrate denied this re-hearing. Ms. Haimo said that they are also here for the fines in connection with the case. She said this re-hearing was twofold.

Attorney Haimo said that they did comply with the December 23, 2014 Order which was divided into four parts [Section 30-112.(f) (4) (c) (3) i-iv]. She said they believe that by January 25, 2015, these four subsections were brought into compliance by her client. She explained the letters between her client and Lauderdale-By-The-Sea (June 23, 2014, June 30, 2014, September 8, 2014, and October 8, 2014). She said that pursuant to the Order, they maintained they were in compliance according to the four subsections cited. She said that in 2015, her client responded to the Town and submitted a check for \$3,500 which was returned to him. A check for \$150 was later requested by the Town and then sent back to her client. Ms. Haimo said that the correspondence she just spoke about since 2014, shows that her client attempted in good faith to prove that he was in compliance on all four subsections. She requested that the letters she spoke about be entered into evidence.

Bud Bentley, Assistant Town Manager, was sworn in. He gave a recap. He said that the Town gave a building permit to the owner of the property in error to convert green space paving. The Town put a stop work order on that. He answered that the stop work order was when the pavers were completed on the private property but not on the public right-of-way. They continued to work after the stop work order. The Town informed them to submit an amended site plan. He said they need an amended site plan approved by the Town, a building permit issued and final inspection. In order to be in compliance, they need to supply these three documents to the Special Magistrate.

Mr. Gabriel said that the four sections in violation referred to by the property owner's attorney are correct. However, it is a single violation count accruing fines. The Notice of Violation, the Final Order and the certification of lien clearly identified that a site plan amendment was required. They need to submit an as-built survey verifying that the information they gave the Town of the work that was done is accurate. This has not been received. Ms. Haimo introduced her client, Frank Zokaite.

Mr. Zokaite said that he is the manager and owner of Buena Vista Oceanside. He explained that it would be dangerous to leave the public right-of-way in the excavated state. They had to add the pavers there after the stop work order was issued. The Special Magistrate said to the owner that he is mystified as to why an amended site plan was not submitted. Mr. Zokaite said that the Special Magistrate never ordered a site plan amendment. Mr. Gabriel read into the record where it was. Mr. Zokaite explained that what was in the Order was complied. Ms. Haimo said that besides the original site plan, another site plan (by Compass Survey) was submitted which included all the information requested by the four sections in violation. Mr. Gabriel explained that

the Special Magistrate already certified the lien and today was a re-hearing requested by the Town Commission to see if the Special Magistrate wants to reconsider his previous Order. Mr. Gabriel reiterated that the materials submitted by the property owner are not sufficient for compliance determined by the Town officials. For the record, Mr. Gabriel said the actual amount for legal fees is \$45,585.40. Ms. Haimo showed all her documents to Mr. Gabriel before submitting them into the record. The Special Magistrate accepted them all. He strongly urged Ms. Haimo to meet with the Town and work out these attorney fees.

The Special Magistrate ordered denial of the re-hearing.

CERTIFICATION OF LIEN

ITEM #V.48

***TAKEN OUT OF SEQUENCE**

Case #: 15070017 – Sign Violations

Property Owner: Buena Vista Oceanside LLC

Address/Folio: 4312 El Mar Dr

Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-505.(b)

Code Compliance Inspector Sharon Foster testified that this case was presented last month to the Special Magistrate for finding of the fact regarding a sign advertising beach parking. The property was in compliance but did not pay their \$150 Administrative Fee which was due by August 31, 2015. She was asking the Special Magistrate to certify the \$150 Administrative Fee. Attorney Haimo stated this is an isolated incident related to this sign and not a recurring incident. She said that the sign was destroyed. The Special Magistrate explained that there would be a fine imposed at another hearing if the Town establishes there was another sign.

The Special Magistrate ordered the certification of the Administrative Fee in the amount of \$150, to be paid in ten (10) days.

OLD BUSINESS

ITEM #V.29

***TAKEN OUT OF SEQUENCE**

Case #: 15010017 – Building Code Violations

Property Owner: Southern Seas Condominium Association, Inc.

Address/Folio: 4520 El Mar Dr

Code Section(s): Florida Building Code Section 105 Section 105.1 Required
Chapter 30 – Unified Land Development Regulations Section 30-317(g)

Code Compliance Inspector Carmen Sanchez testified that this case was before the Special Magistrate last month. The Special Magistrate requested a Status Hearing for today's hearing for doing work without a permit and paving and striping the parking lot. The property is running fines. Ms. Sanchez said they have made attempts to obtain the permit but they have issues.

Myrnabelle Roche, Esq., said that she has been retained by the condominium association. She said the permits were prepared and submitted but denied again. She said they keep on getting different comments and she has three separate documents to show the Magistrate. She was requesting additional time to keep this moving and to work with the Town.

Building Official Jack Morrell testified about the permit for re-striping. He said the Town is waiting for the comments on the permit to be addressed. Attorney Roche said that she has a court

reporter here to make a record. Ms. Sanchez said that the Town would not have a problem to hear this case as a status update at the October hearing. For the record, Ms. Sanchez said they have an old permit that expired. She said they need to take care of it before they can get the permit for the parking lot submitted.

The Special Magistrate ordered this case to be continued to the October 26, 2015 Hearing as a status update.

He feels that the attorney should meet with the Town to understand what needs to be accomplished. If it gets resolved, they will not have to come back in October.

ITEM #V.30

Case #: 15040001 – Zoning Violations
Property Owner: Sirgany, Benita
Address/Folio: 4343 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Florida Building Code Section 109.6 Section 5-501.11

Code Compliance Inspector Carmen Sanchez testified that as a recap, this is BurgerFi working on the grease trap, repairing the entire parking lot, and working on the landscape. The grease trap permit is finalized. They are requesting a sixty-day extension because they are incurring fines. She said the Town does not have an objection to the extension request. She answered the Special Magistrate that the fines should continue to run and when they are in compliance, something could be worked out.

Jeremy Kapper, Project Manager-BurgerFi, asked about the fines. Ms. Sanchez said that the fines have not been certified yet but they have been running at \$250/day for one violation. These fines just started accruing three days ago. Ms. Sanchez submitted the extension request to the Special Magistrate for the file. The sixty days to comply-by date is November 27, 2015. Discussion ensued and it was decided to defer the fines until November 27, 2015.

The Special Magistrate granted the 60 days extension and ordered to change the date to comply for November 27, 2015. If they are not in compliance, this agenda item will be heard at the December Code Hearing.

NEW BUSINESS

ITEM #V.37

***TAKEN OUT OF SEQUENCE**

Case #: 15010011 – Building Code Violations
Property Owner: Top of the Mile Condo
Address/Folio: 4013 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(d)(1-3)

Code Compliance Inspector Carmen Sanchez testified that the Notice was sent via certified mail and service was obtained. This property is in violation of the time limits in completing construction and repair. On December 17, 2014, this condominium had a building permit issued with a six-month timeframe to finish. The six months was June 17, 2015. They have been incurring fines per Town Code for 103 days totaling \$25,500. Today, Ms. Sanchez wanted to certify the fine but they applied for an extension through the Town Commission. They are scheduled for the October 13, 2015 Town Commission Meeting. Ms. Sanchez said that fines are to continue to accrue

waiting to see if they get the extension through the Commission. Ms. Sanchez said for the record, the permit that they have is due to expire two days from today.

Lee Huffstetler, property manager, said he would be attending the Town Commission Meeting. He asked about the permit expiring in two days. Town Planner Linda Connors explained that there are two different procedures for the permit: one is for construction with six-months to finish and the other is the permit expires depending on its last inspection. She said he should speak to the Town's Building Official about this.

The Special Magistrate ordered this case to be continued to the October 26, 2015 Hearing as a status update. Fines will continue to run.

FIRE CASES

ITEM #VI.1

***TAKEN OUT OF SEQUENCE**

Case #: 15-1213 –

Respondent:

Krzysztof Poprawski Rev Liv Tr Maria Poprawski Rev Liv Tr

Address/Folio:

4229 N Ocean Dr

Fire Marshall Steve Paine testified that this is the Horizon Hotel located at 4229 N Ocean Dr. On July 29, 2015, they did an inspection for a new business tax receipt (BTR). They found some violations of the Florida Building Code. They sent a Notice to the owner via registered mail and the Town has the receipt. There was a re-inspection today, and Mr. Paine read into the record what items are still in violation (repair or replace the inside cover plate at the electrical box pool equipment room, no exposed electrical wiring is permitted at the storage room, a repair building permit is required for the repair work that was done in the pool equipment room, an after-the-fact building permit is required for the re-modeling work done behind the manager's office, and no unused openings are permitted in the electrical panel inside the pool equipment room). Michael Poprawski, owner/operator, testified that he would need 90 days. The Fire Marshall explained what he would have to do to get all the work done. Mr. Paine thought three months to comply was warranted. If the work is not complete in ninety days, then Mr. Paine suggested \$250/day fine per violation. He did not request an Administrative Fee.

The Special Magistrate ordered compliance by December 27, 2015, or a fine of \$250/day/violation. No Administrative Fee was imposed today.

OLD BUSINESS

ITEM #V.31

***TAKEN OUT OF SEQUENCE**

Case #: 15070001 – Building Code Violations

Property Owner: Saltwater Tr Zur. Lynda Trstee

Address/Folio: 4213 Bougainvilla Dr

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(d)(1-3)

ITEM #V.32

Case #: 15070002 – Building Code Violations

Property Owner: Saltwater Tr Zur. Lynda Trstee

Address/Folio: 4209 Bougainvilla Dr

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(d)(1-3)

Code Compliance Inspector Carmen Sanchez testified that they are here today to certify the fines. The properties incurred fines for going over the time limits on construction. For the first property,

case #15070001 at 4213 Bougainvillea Drive, the property incurred \$3,300 in fines. For the second case #15070002 at 4209 Bougainvillea Drive, the property incurred \$8,800 in fines. Ms. Sanchez said that both properties are in compliance. Attorney Jon Kendrick represents the owner of these two properties. He explained the extenuating circumstances as to why she went over the time limit and had to apply for an extension. He said that the owner already paid the exterior fines in full. She had to get a Certificate of Occupancy (CO) versus a Certification of Completion. The Town would not issue a CO. The owner wants to move along and if there would be a reduction in the lien, the owner would pay it. Ms. Sanchez suggested paying 20% of each fine.

The Special Magistrate mitigated the fines by 80% for each case, to be paid by October 13, 2015.

Discussion ensued that there would be no lien if timely paid.

ITEM #V.28

***TAKEN OUT OF SEQUENCE**

Case #: 14110003 – Building Code Violations

Property Owner: Dee Jay Enterprises Inc.

Address/Folio: 4617 El Mar Dr

Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Carmen Sanchez testified that they have asked for another thirty-day extension. She has no objection. They are currently running fines for work without permit for striping the parking lot. They have been working toward obtaining the permit but they are having issues with the ADA parking space. The new comply-by date would be October 28, 2015. Ms. Sanchez answered Mr. Andrew Greenberg that he should talk to the Building Official, Jack Morrell, about what needs to be done. She asked for \$100/day fine if there is no compliance.

The Special Magistrate granted the 30 days extension and ordered to change the date to comply for October 28, 2015 or a fine of \$100/day.

FIRE CASES

ITEM #VI.2

***TAKEN OUT OF SEQUENCE**

Case #: 15-1214 –

Respondent: Lenore Nolan-Rayan (Tenant)

Address/Folio: 228 Commercial Blvd.

Fire Marshall Steve Paine testified that the name of the business is Lenore Nolan-Rayan Cooking School located at 228 Commercial Boulevard. On July 23, 2015, the fire department responded to the property for an odor of gas. They had to enter around the back of the building and force the door open to enter the building. They found the building with natural gas present and the space next to it. The fire marshall said there were numerous violations noted in the Special Magistrate Notice. He has pictures of everything. He said that the tenant, Lenore Nolan-Rayan, is here to ask for a sixty-day continuance. She wants to decide whether to move or to deal with the cost of compliance. The Special Magistrate asked if there was any business being conducted. Mr. Paine said that the gas is closed off by the gas company. Ms. Nolan-Rayan said that no business has been conducted since that day. Fire Marshall Paine answered the Special Magistrate that he is fine with the 60-day continuance but would like \$250/day fine if not in compliance by then.

The Special Magistrate ordered compliance by November 28, 2015 or a fine of \$250/day.

NEW BUSINESS

ITEM #V.38

***TAKEN OUT OF SEQUENCE**

Case #: 15070013 – Building Code Violations
Property Owner: Florida Development Group Inc.
Address/Folio: 4116 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-313(d)i

CERTIFICATION OF LIEN

ITEM #V.44

***TAKEN OUT OF SEQUENCE**

Case #: 15070025 – Building Code Violations
Property Owner: Florida Development Group, Inc.
Address/Folio: 4108 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-313(d)i
Chapter 6 – Building and Building Regulations Section 6-37(a)

ITEM #V.45

Case #: 15070026 – Building Code Violations
Property Owner: Florida Development Group, Inc.
Address/Folio: 4110 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-313(d)i

Code Compliance Inspector Carmen Sanchez testified that for the first case #15070013, 4116 N Ocean Dr, which is the old Holiday Inn, the violation is having a chain link fence around the property without an active building permit. She checked with the Building Department and no permits have been issued. On July 10, 2015, she took pictures of the property. She showed the pictures and an e-mail from the Building Department confirming no permits to the attorney representing the property owner. She is also requesting \$150 Administrative Fee. She gave her pictures and e-mail to the Special Magistrate to add into the record as evidence. She answered the Special Magistrate that the property has been like this for many months.

Attorney Ross Beckerman said that it is not as simple as taking the fence away. The building has some safety issue potentials as well as issues in case someone wanted to get in. Their contractors have been meeting with the Town and have gotten instructions as to what needs to be done. He said that they are in the process of preparing plans to meet that requirement. Everything will be submitted this week. Mr. Beckerman was requesting a thirty-day extension for this project as well as for case #15070025 – 4108 El Mar Drive and Case #15070026 – 4110 El Mar Drive. With the 4116 N Ocean Drive and the 4108 El Mar Drive properties, there are issues with the swimming pools that are not being used.

Town Planner Linda Connors testified that she would not like to grant them an extension. She would like the work completed and then to let the Special Magistrate mitigate the fines. Ms. Sanchez said that the 4116 N Ocean Drive property is in front of the Special Magistrate for the first time. However, for both 4108 El Mar Drive and 4110 El Mar Drive they are here tonight to certify fines. Ms. Connors suggested not certifying the fines tonight on the 4108 El Mar Drive and 4110 El Mar Drive properties and giving them an opportunity to come back for a status update at the October meeting. For the 4116 N Ocean Drive property, to give them until October 25, 2015 for compliance. Attorney Beckerman was in agreement.

The Special Magistrate ordered compliance by October 25, 2015 for 4116 N Ocean Drive (#15070013) or a fine of \$100/day.

The Special Magistrate ordered to continue the case for 4108 El Mar Drive (#15070025) and 4110 El Mar Drive (#15070026) to the October 26, 2015 Hearing as a status update. Fines will continue to run.

OLD BUSINESS

ITEM #V.33

***TAKEN OUT OF SEQUENCE**

Case #: 15070016 – Building Code Violations
Property Owner: Armstrong, Michael Trevor
Address/Folio: 1900 E Terra Mar Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(d)(1-3)

Code Compliance Inspector Sharon Foster testified that this case was heard at the last hearing and there was to be a status hearing today. She was asking to continue the case to the October 26, 2015 hearing. She said the owner is meeting with the Town Commission and we could get the status of the Commission Meeting then.

The Special Magistrate ordered to continue the case to the October 26, 2015 Hearing.

Clerk Idalia Gutierrez called the next case #15070022 – 2020 Waters Edge. Code Compliance Inspector Sharon Foster asked to skip this case for now.

NEW BUSINESS

ITEM #V.35

***TAKEN OUT OF SEQUENCE**

Case #: 15070019 – Building Code Violations
Property Owner: Bernsley, Curtis Neil
Address/Folio: 5000 N Ocean Blvd (Unit #1101)
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that on July 22, 2015, she responded to a call from the fire marshall and inspected a condo unit at 5000 N Ocean Blvd – unit #1101. Notice was sent via certified mail and service was obtained. The property is in violation of work without a permit. She said that a wall was knocked down in the master bedroom closet. A new bathroom and vanity area were also installed. Per the permit department, a permit was approved for a demo and closet remodel. As of September 24, 2015, the permit has not been picked up. However, the permit did not include the vanity or the re-model of the bathroom. On July 22, 2015, Inspector Foster took pictures of the property which accurately depict the condition of the property. She was requesting that they be submitted into evidence. The Special Magistrate accepted them as the Town's Composite Exhibit. Ms. Foster was requesting \$150 Administrative Fee.

The Special Magistrate ordered compliance in 60 days, by November 27, 2015, or a fine of \$100/day and imposed an Administrative Fee in the amount of \$150 to be paid by November 26, 2015.

ITEM #V.36

Case #: 15090002 – Recreational Vehicles & Boat Violations
Property Owner: Breitling, Dyane

Address/Folio: 1931 Waters Edge
Code Section(s): Chapter 19 – Traffic and Motor Vehicles Section 19-21(b)(4)

Code Compliance Inspector Sharon Foster testified that on July 1, 2015, an Order was issued by the Special Magistrate for code compliance for this property. The property is a single-family home. The Order found the owner violated parking or storage of a motor vehicle or vessel, Section 19-21(b)(4). On August 31, 2015, Inspector Foster observed the boat and trailer parked on the subject property indicating a repeat violation. Notice was sent via certified mail and service was obtained. Photos were taken which depict the condition of the property at the time she took them. Ms. Foster requested they be entered into evidence. She said that since the photos were taken, the property has not been brought into compliance and requested the Special Magistrate take judicial notice. Ms. Foster was requesting \$150 Administrative Fee. She answered the Special Magistrate that in the previous Order, the fines were cited as \$250/day.

The Special Magistrate ordered a fine of \$250/day fine for every day of violation that Ms. Foster established and imposed an Administrative Fee in the amount of \$150, to be paid within seven days, by October 5, 2015. Since the property has not been brought into compliance, fines will continue to run when established.

CERTIFICATION OF LIEN

ITEM #V.39

Case #: 15060004 – Building Code Violations
Property Owner: Torfor Investments Inc.
Address/Folio: 4552 Bougainville Dr
Code Section(s): Florida Building Code Section 105.11.2.1 Time Limitation.

Code Compliance Inspector Carmen Sanchez testified that she was here to certify the fines. The fines started running September 24, 2015 at \$100/day for one violation. The property is still not in compliance. As of today, they have incurred \$500 in fines plus \$150 Administrative Fee from last hearing. Today, she would request \$75 Administrative Fee. Ms. Sanchez first said total fines were \$750 but later corrected the total fines amount to \$725.

The Special Magistrate ordered the certification of fines in the amount of \$725.

ITEM #V.40

Case #: 15060019 – Building Code Violations
Property Owner: Chrzanowski, Rafal
Address/Folio: 245 Corsair Ave
Code Section(s): Florida Building Code Section 105.11.2.1 Time Limitation.

Code Compliance Inspector Carmen Sanchez testified that she was here to certify the fines. The fines started running September 24, 2015 at \$100/day for one violation. As of today, they have incurred \$500 in fines plus \$150 Administrative Fee from last hearing. Today, she would request \$75 Administrative Fee.

The Special Magistrate ordered the certification of fines in the amount of \$725.

ITEM #V.41

Case #: 15060022 – Building Code Violations
Property Owner: Merrick, Jason & Christy L.

Address/Folio: 272 Hibiscus Ave
Code Section(s): Florida Building Code Section 105.11.2.1 Time Limitation.

Code Compliance Inspector Sharon Foster testified that this property was brought into compliance on September 10, 2015. No fines were incurred but the \$150 Administrative Fee still needs to be paid and she would like it certified. There is no Administrative Fee for today.

The Special Magistrate ordered the certification of the Administrative Fee in the amount of \$150.

OLD BUSINESS

ITEM #V.34

***TAKEN OUT OF SEQUENCE**

Case #: 15070022 – Nuisance/overgrowth weeds & grass
Property Owner: Grassano, Cindy K Grassano, Nicholas R
Address/Folio: 2020 Waters Edge
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-39(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)
Chapter 6 – Building and Building Regulations Section 6-41(a)(3)

Code Compliance Inspector Sharon Foster withdrew this case.

CERTIFICATION OF LIEN

ITEM #V.42

Case #: 15060025 – Building Code Violations
Property Owner: Prunskis, Maria Maria Prunskis Rev Tr
Address/Folio: 2024 Coco Palm Pl
Code Section(s): Florida Building Code Section 105.11.2.1 Time Limitation.

Code Compliance Inspector Carmen Sanchez testified that she believes the property owner sent them an e-mail requesting an extension. Ms. Sanchez does not have any objection to the request for an extension. The property is in compliance. It was in compliance the day after the comply-by date.

The Special Magistrate ordered to change the date to comply for September 28, 2015. The property owner would not incur any fines. The property owner would only owe the previously ordered \$150 Administrative Fee. The Special Magistrate ordered payment of the \$150 Administrative Fee in thirty days, by October 28, 2015.

ITEM #V.43

Case #: 15060026 – Nuisance
Property Owner: Cole BN Lauderdale FL LLC
Address/Folio: 276 E Commercial Blvd
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Code Compliance Inspector Carmen Sanchez testified that she was here to certify the \$150 Administrative Fee which was not paid. The property is in compliance.

The Special Magistrate ordered the certification of the Administrative Fee in the amount of \$150.

ITEM #V.46

Case #: 15050001 – Building Code Violations
Property Owner: Huffman, Floyd Rodney, Huffman, Judi Ln
Address/Folio: 1948 Ocean Mist Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that the property was brought into compliance on September 21, 2015. There were no fines on this property. The \$150 Administrative Fee was not paid.

The Special Magistrate ordered the certification of the Administrative Fee in the amount of \$150.

ITEM #V.47

Case #: 15060002 – Building Code Violations
Property Owner: Light, David
Address/Folio: 5555 N Ocean Blvd (Unit #37)
Code Section(s): Florida Building Code Section 105.11.2.1 Time Limitation.

Code Compliance Inspector Sharon Foster testified that she was here to certify the fines but the property owner sent a written request for an extension to the next hearing. Ms. Foster said that per the Building Official, the owner's permit was approved to be renewed. The final inspections are supposed to be scheduled for this week. Ms. Foster was requesting to change the Final Order to a comply-by date of October 25, 2015. She would like the previous \$150 Administrative Fee to be due by October 25, 2015.

The Special Magistrate granted the extension to the next code hearing and ordered to change the date to comply for October 25, 2015. He also imposed an Administrative Fee in the amount of \$150 to be paid by October 25, 2015.

ITEM #V.49

Case #: 15070021 – Bulk Trash
Property Owner: Holekamp, Stark
Address/Folio: 4421 Seagrape Dr
Code Section(s): Chapter 10 – Garbage & Refuse Section 10-30 – Unlawful Disposal

Code Compliance Inspector Sharon Foster testified that the property was brought into compliance on July 28, 2015. The \$75 Administrative Fee was due on the property and she requests that it be certified.

The Special Magistrate ordered the certification of the Administrative Fee in the amount of \$75.

ITEM #V.50

Case #: 15080005 – Landscape Violations
Property Owner: Slough, Edward
Address/Folio: 3261 Oleander Way
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-6(a)

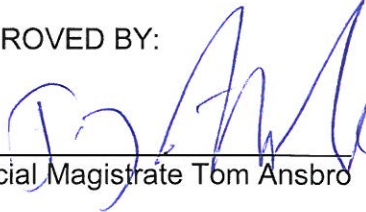
Code Compliance Inspector Sharon Foster testified that fines started running on the property on September 9, 2015 at \$100/day/violation. She said that previously there were two violations but one came into compliance on September 8, 2015. The one violation was out of compliance for twenty days at \$100/day equaling \$2,000 plus \$150 Administration Fee. Ms. Foster is requesting \$100 Administration Fee for this hearing. Today, she is requesting certification of \$2,250.

The Special Magistrate ordered the certification of fines in the amount of \$2,250.

VII. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the Hearing on September 28, 2015 at approximately 5:40p.m.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


Idalia Gutierrez, Special Magistrate Clerk
Town of Lauderdale-By-The-Sea, Florida