

APPROVED

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

*Town Commission Meeting Room
Thursday, August 30, 2018 at 5:00 PM*

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:04PM on Thursday, August 30, 2018. Building Official Randall Clutter, Senior Code Compliance Inspector Bethany Banyas, and Code Compliance Inspector Robert Harrison 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 wished to speak now.

V. CODE CASES

Special Magistrate Clerk Jhanelle Campbell called code cases for which the Building Official might speak.

OLD BUSINESS

ITEM #V.15

***TAKEN OUT OF SEQUENCE**

Case #: 18030008 – Permits Required Violations

Property Owner: Reineke, Brandon T & Kristen D

Address/Folio: 239 Imperial Lane

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

Inspector Banyas testified that this would be continued to September 27, 2018.

CERTIFICATION OF LIENS

ITEM #V.31

***TAKEN OUT OF SEQUENCE**

Case #: 17080018 – Permits Required Violations

Property Owner: 258 North Tradewinds LLC

Address/Folio: 258 N Tradewinds Ave

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

Inspector Banyas explained that this case was for work without a permit but has since been resolved. There are fines in the amount of \$15,150 and all administrative costs have been paid. Glenn Powell testified on behalf of the owner regarding the after-the-fact permits for the tiki hut. He requested that the fines be lowered. The Special Magistrate asked about any electrical work and Building Official Randall Clutter testified about the permits and that the electrical passed in August 2018. Mr. Powell spoke about their expenditures for double permit fees, etc. Inspector Banyas spoke about the hours Town Staff spent on this case. The Special Magistrate mitigated the fine down to \$1,000 and ordered the \$1,000 fine to be paid by October 1, 2018.

ITEM #V.32

Case #: 17110007 – Building Code Violations
Property Owner: Marinas 2010 LLC
Address/Folio: 4221 Bougainville Drive
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program 110.15

Inspector Banyas testified that this has been before the Special Magistrate for failure to comply with the building safety inspection program under the Florida Building Code and was continued numerous times. There is a previous Final Order that has been running fines. Fines ran from March 22nd and the violation recently became compliant. The amount of fines due is \$16,200 and the Town's recommendation was to certify that fine. There is no one here for the owner tonight but Ms. Banyas was in contact with Nelson who was always diligent. Fines ran for about five months and she never got to speak with the owner. Administrative Costs for certification of the lien is \$200. The Special Magistrate reduced the fine amount to \$8,000 plus \$200 for costs for a total of \$8,200 which he ordered must be paid by September 26, 2018 or the \$8,200 amount would be certified. However, the Town would not record this lien until the day after the next hearing. If the owner wants to discuss this \$8,200 amount, the owner would have to come in person to the next Code Compliance Hearing with a good reason for reduction of the \$8,200 amount. Ms. Banyas would reach out to the owner and explain the situation but is to let the owner know that the Special Magistrate is not inclined to reduce the amount any further unless there is a really good reason.

ITEM #V.34

***TAKEN OUT OF SEQUENCE**

Case #: 18030010 – Permits Required Violations
Property Owner: Pryor, John
Address/Folio: 4633 Bougainville Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Inspector Banyas testified that this was continued from the previous hearing and there are fines running for the work without permit violation. The violation was for a propane tank in an unpermitted area without an approved, issued building permit. There was also a lift station in the rear of the property without a permit. After-the-fact permits were obtained and closed out. Fines ran from May 24 to August 3, 2018 for 72 days at \$100/day. The balance due is \$7,200 and the Administrative Costs have been paid to date. John Pryor, owner, testified about the history of this project. Ms. Banyas said that there were three permits to comply this case and she outlined the hours it took Town Staff to ensure this case became compliant. The Special Magistrate reduced the fine to \$1,000 due in sixty days with no Administrative Costs due. The Special Magistrate ordered \$1,000 to be paid within sixty days, by October 29, 2018. He spoke about the fine reverting back to the original amount if the fine is not paid by October 29, 2018.

Special Magistrate Clerk Jhanelle Campbell called code cases for which there were people present and signed in.

NEW BUSINESS

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 18070008 – Zoning Violations
Property Owner: B & C Real Estate Holdings LLC
Address/Folio: 221 E Commercial Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-126(e)

Inspector Banyas testified that this a commercial site, SunTrust Bank, and that there is a conditional use for parking areas not used by their clients. The violation is parking vehicles in any location other than those specifically approved by the conditional use approval. She has copies of the parking map depicting the specifically approved parking area which she showed the respondent. July 4th and July 7th are two violation dates and there is a third violation date. She said that a green card was in the file for service.

Ms. Banyas explained that the green spaces on the map are the areas where vehicles could park in the non-striped spaces per the conditional use agreement. She also explained what the pictures showed proving the conditional use violation and another violation of parking on the grass. The photographs documented the three violation days. The representative, Pete Sorrentino, had no objections to the photos. The Special Magistrate accepted them into the file as the Town's Composite Exhibit without objection. Ms. Banyas said that the Town was requesting a Finding of Fact that this violation existed in order to prevent this from occurring in the future. If it should occur again, it may be deemed a repeat violation subject to \$500/day fine. The Fire Marshall, who took the photos, e-mailed that this is a life safety issue. The Town was not requesting fines or fees for today's hearing. Mr. Sorrentino testified that he does not dispute anything that was said today. He owns the parking company. The Special Magistrate warned the respondent that if this should happen again, he would be inclined to assess the highest fine. The Special Magistrate ordered a Finding of Fact that the violations did exist and if the violation should re-occur in the future, this may be deemed a repeat violation subject to \$500/day fine. There were no fines or costs for today's hearing.

ITEM #V.17

***TAKEN OUT OF SEQUENCE**

Case #: 1806006 – Nuisance/Abandoned Homes
Property Owner: Wilmington Trust, NA C/O SPS
Address/Folio: 2011 Coral Reef Drive
Code Section(s): Chapter 6 – Building Regulations Section 6-36(a)
Chapter 6 – Building Regulations Section 6-36(b)
Chapter 6 – Building Regulations Section 6-37(a)(2)
Chapter 6 – Building Regulations Section 6-41(a)(5)

COMPLIED (see page 8)**

ITEM #V.3

***TAKEN OUT OF SEQUENCE**

Case #: 18060005 – Nuisance/Abandoned Homes
Property Owner: Wilmington Trust, NA C/O SPS
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(f)
Chapter 6 – Building Regulations Section 6-36(e)
Chapter 6 – Building Regulations Section 6-41(a)(5)

Inspector Harrison testified that he would like to start with agenda item #3 (case #18060005) which is in compliance. Tonight is for certification of lien in the amount of \$4,400 plus \$200 for certification. He answered the Special Magistrate that this is a vacant, single-family home. This was for life safety and health violations regarding a stagnant pool, overgrown grass and a seawall that needed to be put back up. The Town started moving forward once the bank took over which Attorney William Manganiello said was at the end of May. They would have moved quicker but the bank's attorney spoke about the unfortunate events that happened, however, they took care of the life safety issues as soon as they took over the property. This vacant property is now in compliance and Attorney Manganiello asked for a waiver of the fines. Since both cases are related, the Special Magistrate asked to hear the other case before he ruled on this one.

Inspector Harrison said that the second case #18060006 is for property maintenance violations and explained that they are more about aesthetics. Attorney Manganiello said the property is under contract and the buyer is here. The potential buyer understands what needs to be done to get this property compliant. He does not represent the buyer but knows that he has been in contact with the Town. Discussion ensued and for case #18060006, it would be continued to the September 27, 2018 Hearing and for case #18060005, the Special Magistrate mitigated the fine from \$4,400 to \$1,400. The Special Magistrate ordered case #18060006 continued to the September 27, 2018 Hearing and that for case #18060005 he ordered that the \$1,400 fine is to be paid by October 1, 2018.

The future owner introduced himself and had some questions. He wanted to know if he could speak with the Town before the closing regarding renovating the house. It was suggested to be meet with Building Official Randy Clutter.

NEW BUSINESS

ITEM #V.22

***TAKEN OUT OF SEQUENCE**

Case #: 18070014 – Vacation Rental
Property Owner: Elgamal, Ahmed Hassabelle, Dalia
Address/Folio: 240 Imperial Lane
Code Section(s): Chapter 12 – Licenses Section 12-2(e)(1)
Chapter 30 – Unified Land Development Regulations
Section 30-327(d)
Chapter 30 – Unified Land Development Regulations
Section 30-327(e)
Chapter 30 – Unified Land Development Regulations
Section 30-327(c)

Inspector Banyas testified that she spoke with the vacation rental agent who is not available tonight. Her representative is here, Donna Engle. The violations are complied and tonight would be for a Finding of Fact. Ms. Banyas explained the complied violations for this single-family home and said that the property was sold and is now a vacation rental. If the violations re-occur in the future, the Town was requesting a Finding of Fact that they may be deemed a repeat violation and cited as such. There are no fines or fees for tonight. The Special Magistrate spoke with Ms. Engle about keeping this property compliant. The Special Magistrate

ordered a Finding of Fact that the violation(s) did occur and if there is reoccurrence, it may be deemed a repeat violation(s) subject to higher fines.

OLD BUSINESS

ITEM #V.16

***TAKEN OUT OF SEQUENCE**

Case #: 18050071 – Permits Required Violations
Property Owner: Anthony J Carioto Liv Tr, Carioto, Anthony J, Trstee
Address/Folio: 4900 N Ocean Blvd #1004
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.3.2.1 – Permits. Time Limitation

Inspector Harrison testified that this is a multi-family building cited for an expiration of a permit for a water heater change out. The permit expired April 11, 2018 and there has been no re-submittal. The Town was requesting a Final Order for compliance within thirty days plus \$150 Administrative Costs. There has been no contact with the owner but service was obtained by signed green card. The Special Magistrate ordered compliance by October 1, 2018 or \$100/day fine plus \$150 Administrative Costs to be paid by October 1, 2018.

NEW BUSINESS

ITEM #V.19

Case #: 17120006 – Vacation Rental
Property Owner: Michelle Hoff
Address/Folio: 222 Neptune Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(e)

ITEM #V.20

Case #: 18050077 – Vacation Rental
Property Owner: Michelle Hoff
Address/Folio: 222 Neptune Ave
Code Section(s): Chapter 12 – Licenses Section 12-2(e)(1)
Chapter 30 – Unified Land Development Regulations
Section 30-327(e)5
Chapter 30 – Unified Land Development Regulations
Section 30-327(i)1
Chapter 30 – Unified Land Development Regulations
Section 30-327(j)7.b

Inspector Banyas testified that for the two cases, one would be continued and for the other the Town was requesting a Finding of Fact. Agenda item #19 (case #17120006) is being continued. The Special Magistrate ordered this case continued to the September 27, 2018 Hearing.

Agenda item #20 (case #18050077) is a complied case and the Town was requesting a Finding of Fact. This was reported by BSO and Ms. Banyas would give a copy of the report to the Special Magistrate for evidence. She read all the violations into the record specifically citing May 19 and 20, 2018. She said that this is an occupied, multi-family property. Service was obtained for this case via green card signed by the owner. Should any of these violations re-occur on this property in the future, Ms. Banyas was requesting a Finding of Fact so that it may be deemed a repeat violation subject to higher fines. Ms. Banyas testified that she met with the owner who was shocked about the violations and said that she does have a property manager. The Special Magistrate ordered a Finding of Fact (case #18050077) that the violations existed

and should any of these violations re-occur in the future it may be deemed a repeat violation subject to higher fines.

ITEM #V.21

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

Inspector Banyas testified that she received notification today that the Business Tax Receipt application was received last month. She would like to continue this case to the next Hearing. The Special Magistrate ordered continuance to the September 27, 2018 Hearing.

ITEM #V.23

Case #: 18050066 – Vacation Rental
Property Owner: Mikozaur Properties LLC
Address/Folio: 267 Bombay (Corsair) Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(d)

Inspector Banyas testified that this was a vacation rental violation and she was requesting a Finding of Fact that should this violation re-occur in the future, it may be deemed a repeat violation subject to higher fines. This is a single-family registered vacation rental property. There was no one present to represent the property owner. Service was obtained by posting the property and the violation (advertised for a minimum rental of less than seven days) was complied prior to the hearing. The Special Magistrate ordered a Finding of Fact that the violation existed and should it re-occur in the future, it may be deemed a repeat violation subject to higher fines.

ITEM #V.24

Case #: 18050078 – Vacation Rental
Property Owner: Zhang, Chunheng Luo, Jianyi
Address/Folio: 4411 Seagrape Dr 1-2
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(e)

Inspector Banyas testified that on the weekend of May 20, 2018, BSO discovered this violation. The property is a duplex and service was received via green card signed by the owner. The violation was that there was no short-term rental certificate. The violation was complied and the Town was asking for a Finding of Fact that should this violation re-occur in the future, it may be deemed a repeat violation subject to higher fines. The Special Magistrate ordered a Finding of Fact that the violation existed and should it re-occur in the future, it may be deemed a repeat violation subject to higher fines.

ITEM #V.25

Case #: 18060013 – Vacation Rental
Property Owner: Bartczak, Jennifer C Marcus, Patrick A
Address/Folio: 4548 Poinciana St
Code Section(s): Chapter 12 – Licenses Section 12-2(e)(1)
Chapter 30 – Unified Land Development Regulations
Section 30-242

Ms. Campbell reported that this agenda item is continued to September 27, 2018.

ITEM #V.26

Case #: 17110002– Building Code Violations
Property Owner: LBTS Properties LLC
Address/Folio: 4561 El Mar Dr.
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

Ms. Campbell reported that this agenda item is complied.

CERTIFICATION OF LIENS

ITEM #V.27

Case #: 18070007 – Nuisance/Abandoned Homes
Property Owner: Johnson, Danielle
Address/Folio: 1724 Bel Air Avenue
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-40(a)

ITEM #V.28

Case #: 18070006 – Nuisance/overgrowth weeds & grass
Property Owner: Johnson, Danielle
Address/Folio: 1724 Bel Air Avenue
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(8)

Inspector Harrison testified that this property has been cited many times. Both cases are for repeat violations and are here for certification of liens. Both violations were abated by the Town. There was no one here to represent the property owner and both violations are still not compliant. Mr. Harrison requested continuance to the next hearing for certification then. The Special Magistrate ordered both of these cases continued to the September 27, 2018 Hearing.

ITEM #V.29

Case #: 18030016 – Permits Required Violations
Property Owner: 2024 Ocean Mist Dr LLC
Address/Folio: 2024 Ocean Mist Dr
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits. Required

Ms. Campbell reported that this item was continued to the September 27, 2018 Hearing.

ITEM #V.30

Case #: 17060002 – Landscape Violations
Property Owner: Malkoon, Edmund F
Address/Folio: 2073 Ocean Mist Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-477(a)

Ms. Campbell reported that this item was complied.

ITEM #V.33

Case #: 18050063 – Property Maintenance
Property Owner: Seva Florida Tropicaire LLC

Address/Folio: 4553 Bougainvillea Dr
 Code Section(s): Chapter 30 – Unified Land Development Regulations
 Section 30-477(a)
 Chapter 6 – Building and Building Regulations Section 6-37(a)(2)
 Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
 Chapter 6 – Building and Building Regulations Section 6-41(a)(2)

Ms. Campbell reported that this item was complied.

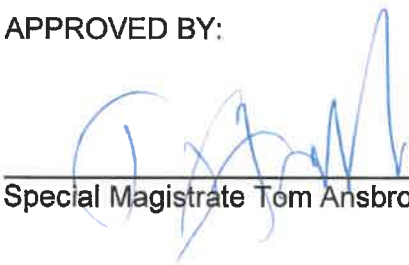
Special Magistrate Clerk Jhanelle Campbell read into the record cases listed on the agenda as either complied or continued.

COMPLIED				
1.	C#:	18060012	112 E. Commercial Blvd	
2.	C#:	17080030	1961 Windward Dr	
3.	C#:	18060005	2011 Coral Reef Dr	See page 3 of minutes**
CONTINUED				To Date:
4.	C#:	18050068	1850 S Ocean Blvd #707	09/27/2018
5.	C#:	18050057	1931 Waters Edge	09/27/2018
6.	C#:	18020014	1951 Coral Reef Dr	09/27/2018
7.	C#:	17100002	226 Basin Dr	10/25/2018
8.	C#:	17100004	230 Basin Dr	10/25/2018
9.	C#:	17060017	256 Commercial Blvd	09/27/2018
10.	C#:	17080020	268 Imperial Ln	10/25/2018
12.	C#:	17110006	4400 N Ocean Dr	11/15/2018
13.	C#:	18030031	4449 W Tradewinds Ave	10/25/2018
14.	C#:	18060002	5 Sunset Ln	09/27/2018

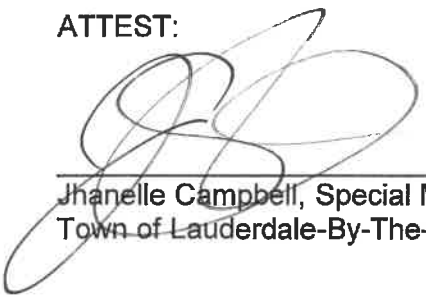
VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on August 30, 2018 at approximately 6:11 PM.

APPROVED BY:


 Special Magistrate Tom Ansbro

ATTEST:


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