

APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE VIRTUAL HEARING MINUTES
BROADCAST FROM JARVIS HALL CONDUCTED USING
COMMUNICATIONS MEDIA TECHNOLOGY via ZOOM PLATFORM
Thursday, August 27, 2020 at 5:00 PM**

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:00 PM on Thursday, August 27, 2020 with Building Official Eugene Adach, Senior Code Inspector Bethany Banyas, Code Inspector Terry-Ann Boyd-Reynolds, and Planning Technician/Special Magistrate Clerk Sydney Ramirez to record the minutes.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

Ms. Ramirez explained how the hearing would be conducted this evening.

IV. PUBLIC COMMENTS

No one from the public requested to speak.

Cases appear below in the order in which they were heard, starting with those in which someone was present at the particular hearing of the case.

V. CODE CASES

OLD BUSINESS

ITEM #V.7

***TAKEN OUT OF SEQUENCE**

Case #: 19080002 – Permits Required Violations

Property Owner: 4552 Poinciana St LLC

Address/Folio: 4552 Poinciana St. 1-2

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

Senior Inspector Bethany Banyas testified that this case was previously before the Special Magistrate regarding work without permit for the parking lot and the interior of the building had a kitchenette type of structure/built-in range. They were previously given a compliance date for both violations but the Town received an extension request from their attorney. Attorney Nectaria Chakas stated that the work without permit was done by a previous owner. Her client was in the middle of processing a site plan amendment to legitimize some of the parking spaces and to process the after-the-fact permit for the kitchenette. They were requesting an extension to October 21, 2020 as a compliance date. Senior Inspector Banyas testified that the Town had no opposition to the request but suggested a \$25 Hearing Cost due immediately but payable before the October hearing. The Special Magistrate ordered an extension to October 21, 2020

for the compliance date and \$25 Hearing Cost for today's hearing payable immediately but due before the October hearing.

ITEM #V.8

Case #: 19080004 – Permits Required Violations
Property Owner: 4648 Investments LLC
Address/Folio: 4648 Poinciana St. 1-4
Code Section(s): Florida Building Code Section 105.1. Required

Senior Inspector Bethany Banyas testified that this case was similar to the one above except that this case was only for work without permit for the parking lot. For the record for this case, this property recently obtained a short-term rental certificate based on the understanding that they would be correcting this parking lot issue quickly. The other property (4552 Poinciana St. 1-2), for the record, could not operate as short-term rental as it did not have a Business Tax Receipt (BTR) or short-term rental certificate which could not be applied for until the case was closed. She answered the Special Magistrate that for the 4552 Poinciana St 1-2 property, the Town did see advertisements for short-term rental but they were taken down before they could be recorded. For this property, 4648 Poinciana St 1-4, they have a BTR and could rent under the certificate. The October 21, 2020 comply-by date extension requested for this property was fine with the Town. Attorney Nectaria Chakas explained the parking lot violation which was done by the previous owner and how her client was bringing the parking lot back to what the Town had on file before the violation. Senior Inspector Banyas recommended an extension to October 21, 2020 for this property and a \$25 Hearing Cost for this hearing. The Special Magistrate ordered an extension to October 21, 2020 and \$25 Hearing Cost for today's hearing due immediately but payable before the October hearing.

NEW BUSINESS

ITEM #V.61

***TAKEN OUT OF SEQUENCE**

Case #: 20020002 – Vacation Rental
Property Owner: Feldman, Randy & Maria Lorena
Address/Folio: 1755 E Terra Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(i)4
Chapter 30 – Unified Land Development Regulations
Section 30-327(k)1 h

Senior Inspector Bethany Banyas testified that this property was in compliance now. They were given a Notice of Violation in February 2020 for parking where not allowed under the vacation certificate and failure to have an active rental contract for the current rental party. The property agent met her at the property and complied the issues. These issues have not reoccurred and the Town was asking for a Finding of Fact that should either one or both of the violations occur again in the future, they may be considered a repeat violator subject to fines plus no Hearing Cost for today's hearing. The agent, Josue Escobar, was present and confirmed he was sworn in and understood what Ms. Banyas said. The Special Magistrate ordered a Finding of Fact that the violations existed but were complied prior to this hearing and if one or both violations reoccur in the future, they may be considered a repeat violator subject to fines plus no Hearing Cost for today's hearing.

OLD BUSINESS

ITEM #V.5

***TAKEN OUT OF SEQUENCE**

Case #: 18120007 – Permits Required Violations

Property Owner: Marchetti, Steven Mercante, Robert
Address/Folio: 4422 Seagrape Dr 1-2
Code Section(s): Florida Building Code Section 105.1. Required

Senior Inspector Bethany Banyas testified that the property was originally cited on December 11, 2018 for work without permits. She said one of the owners was here and she gave background on this agenda item. Even with continuances, they still exceeded the comply-by-date. On December 5, 2019, they finally complied and still owe \$16,200 for failure to comply by the comply-by date. She said that the owner was here for mitigation of fine. The owner stated that he was sworn in and testified that he purchased the property in August 2018 with his partner and he gave the background about this agenda item. As the Town left the decision to the Special Magistrate, he proposed a reduced fine of \$750 total to resolve this issue payable within thirty days which the owner found agreeable. The Special Magistrate ordered \$750 fine to be paid within thirty days which was a weekend, so it would be payable by the following Monday, September 28, 2020 and no Hearing Costs for today's hearing.

NEW BUSINESS

ITEM #V.60

***TAKEN OUT OF SEQUENCE**

Case #: 20020001 – Vacation Rental
Property Owner: Eddy, Tina M H/E Janese, Jay
Address/Folio: 3220 Cypress Creek Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(d)
Chapter 30 – Unified Land Development Regulations
Section 30-327(k)1

Senior Inspector Bethany Banyas testified that the Town received a complaint that this vacation rental property had a vacation rental for less than 7 days and 7 nights. The Town did find evidence in a web advertisement for a minimum stay for 1 to 3 nights on February 1, 2020. There was also an issue with no rental parking sketch in the book located within 10 feet from the front door. There was also no contract in the book for the current rental period. These three items were brought into compliance. The Town was requesting a Finding of Fact. Brian Putnam testified that he was sworn in and understood what Ms. Banyas and the Special Magistrate said. The Special Magistrate ordered a Finding of Fact that the three violations existed but were complied prior to this hearing and if one, two or all of the violations should reoccur in the future, they may be deemed a repeat violator subject to fines plus no Hearing Costs for today's hearing.

ITEM #V.64

***TAKEN OUT OF SEQUENCE**

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

Inspector Terry-Ann Boyd-Reynolds was present but could not be heard. Senior Inspector Bethany Banyas substituted and testified that the Town was requesting a continuance of this case. Carol Dieter was here for the property. It was decided that the other properties would be called into the record (see below) and Special Magistrate Clerk Sydney Ramirez did so.

ITEM #V.62***TAKEN OUT OF SEQUENCE**

Case #: 20020006 – BTR Housing Inspection
Property Owner: 4051 N Ocean LLC
Address/Folio: 4051 N Ocean Drive
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-37(a)
Chapter 6 – Building and Building Regulations Section 6-40(a)

ITEM #V.63

Case #: 20030002 – BTR Housing Inspection
Property Owner: 4051 N Ocean LLC
Address/Folio: 4105 N Ocean Drive
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-37(a)
Chapter 6 – Building and Building Regulations Section 6-40(a)

ITEM #V.65

Case #: 20020005 – Minimum Standards for Dwelling
Property Owner: The Daniel Boutique LLC
Address/Folio: 4245 N Ocean Drive
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-28(a)
Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-371)(a)
Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-37(a)
Chapter 6 – Building and Building Regulations Section 6-40(a)

Senior Inspector Bethany Banyas stated that Inspector Boyd-Reynolds, Fire Marshal Steve Paine, and Building Official Eugene Adach were at the inspection and gave Carol Dieter a list of issues to correct. The Town's expectation was for everything to be completed by the October Hearing (October 22, 2020). Ms. Banyas told Ms. Dieter to call Inspector Boyd-Reynolds and she would arrange for the inspections to be done. Michael (owner) asked to speak and he and Ms. Dieter confirmed they were sworn in. Michael testified that they were about 95% finished but still had two things (a window had to be replaced and they also had a unit they cannot get into until they evict). Once they can get into that unit, everything would be fixed but there were no evictions allowed now. Ms. Banyas testified that there were no fees or fines for all the agenda items but the Town would recommend providing documentation regarding the eviction. The Special Magistrate would then continue all four cases until the October 22, 2020 Hearing. The Special Magistrate ordered continuance until the October 22, 2020 Hearing for all four cases above (Item #62, #63, #64, and #65) with no fines and fees associated.

The next cases were for Whittier Towers cooperative and all parcels of land associated. Special Magistrate Clerk Sydney Ramirez was instructed to read the address once and then just to read each of the case numbers into the record.

OLD BUSINESS**ITEM #V.9*****TAKEN OUT OF SEQUENCE**

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

Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.10

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

ITEM #V.11

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

ITEM #V.12

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

ITEM #V.13

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

ITEM #V.14

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

ITEM #V.15

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

ITEM #V.16

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

ITEM #V.17

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

ITEM #V.18

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

ITEM #V.19

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

ITEM #V.20

Case #: 18050046 – Property Maintenance
Property Owner: Pizzi, Thomas III Pizzi, Thomas Jr. ET AL
Address/Folio: 1439 S Ocean Blvd. 108
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.21

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

ITEM #V.22

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

ITEM #V.23

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

ITEM #V.24

Case #: 18050049 – Property Maintenance

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

ITEM #V.25

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

ITEM #V.26

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

ITEM #V.27

Case #: 18050020– Property Maintenance
Property Owner: Trezza, Anthony Trezza, Jeana
Address/Folio: 1439 S Ocean Blvd. 116
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.28

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

ITEM #V.29

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

ITEM #V.30

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

ITEM #V.31

Case #: 18050010– Property Maintenance
Property Owner: Thompson, Janice
Address/Folio: 1439 S Ocean Blvd. 202

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

ITEM #V.32

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

ITEM #V.33

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

ITEM #V.34

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

ITEM #V.35

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

ITEM #V.36

Case #: 18050016– Property Maintenance
Property Owner: Bajdo, Maria Aura
Address/Folio: 1439 S Ocean Blvd. 209
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.37

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

ITEM #V.38

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

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

ITEM #V.39

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

ITEM #V.40

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

ITEM #V.41

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

ITEM #V.42

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

ITEM #V.43

Case #: 18050028– Property Maintenance
Property Owner: Sawicki, Stanley D
Address/Folio: 1439 S Ocean Blvd. 217
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.44

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

ITEM #V.45

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

ITEM #V.46

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

ITEM #V.47

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

ITEM #V.48

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

ITEM #V.49

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

ITEM #V.50

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

ITEM #V.51

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

ITEM #V.52

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

ITEM #V.53

Case #: 18050014– Property Maintenance
Property Owner: Zimmerman, Annette Zimmerman, James

Address/Folio: 1439 S Ocean Blvd. 207
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.54

Case #: 18050041– Property Maintenance
Property Owner: Via Sales & Leasing Inc. (previously Roberts, Lorene & Baker, Lucille)
Address/Folio: 1439 S Ocean Blvd. 312
Code Section(s): Chapter 6 – Building Regulations Section 6-41(a)(13)
Chapter 6 – Building Regulations Section 6-41(a)(17)
Chapter 6 – Building Regulations Section 6-41(a)(5)

ITEM #V.55

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

ITEM #V.56

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

ITEM #V.57

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

ITEM #V.58

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

Senior Inspector Bethany Banyas testified that all units share the same issues, e.g., exterior disrepair of all structures on the property, issues with paint on all exterior surfaces of the property, issues with ground and walking surfaces whether it was ground, paved, brick or concrete. She said that issues with the carport were completed. Ms. Banyas spoke about the Special Inspector, concrete restoration, and that the Town received an email from Mr. Nolan regarding it and that the Town would like to hear from Mr. Nolan about the estimated timing for completion. She reminded Special Magistrate Ansbro that the fines are continuing to run/accrue and that each unit would pay its share. Matthew Nolan, Project Manager from Hillman Engineering, asked if the fines were stopped at the last meeting and Senior Inspector Banyas said she would check. Ms. Banyas reported that the fines were stayed on the property at a sum of \$960 per unit and the comply-by date was extended further and they ran past that extended

date. She did clarify that it was not completed for reasons including that we have not been able to hold a meeting until now and that added about 30-45 more days of fines accrued for each unit. The Special Magistrate would be considering tonight these daily fines and a further extension.

Matthew Nolan confirmed that he was sworn in. He testified that joining us tonight were board members and a new board president, Kathy Galullo. He spoke about his recent photos and narrative of progress through yesterday that he provided to the Town. Work was going well and 50% of all concrete has been removed from the balconies and shored up with new rebars put in and concrete poured back. There was waterproofing and new screening would be put back after painting. He explained about life safety issues and the demo of railings and that new railings were being installed. Catwalks were shored up. He felt that the concrete restoration should be complete in late September/early October. Then he spoke about the parking lot with its two to three week process after the concrete restoration was finished.

As the board has changed, Mr. Nolan said that there was an emphasis on investment and they were being challenged to work on other things not on the Town's list. The board felt it would make it better for the people living there and bring property values up. Board President Kathy Galullo confirmed that she was sworn in. She had a concern about ADA compliance, the walkways, lighting, etc. and testified that she spoke with Senior Inspector Banyas about six months ago. She recently called the Fire Marshal for an inspection who gave them seven pages and they were working diligently to get that completed and have the property up to code. She said that the unit owners were contacted about another assessment. Mr. Nolan asked Ms. Banyas if she could give the Special Magistrate copies of what he supplied to the Town. Ms. Galullo asked Ms. Banyas about walkways, especially around the pool. Ms. Banyas shared documents for everyone to see and she would give the Special Magistrate copies for evidence. Ms. Banyas conferred with Building Official Eugene Adach that the Town should know the status in October to see what was completed and then to give more time at that point to finish. The Special Magistrate said he would wish to suspend the new fines that began daily and show it as an extension so that they did not accrue and then have this agenda item come back to the October 22, 2020 Hearing for a Status Hearing. There would be no fines running and when the project was complete, they would then deal with the \$960 fine on each unit. Ms. Banyas recommended an extension of the comply-by date to October 21, 2020 with the Status Hearing on October 22, 2020 and \$350 Hearing Costs for today's hearing to be assessed to one unit so that the management company could pay it or assess \$7 per unit to cover the cost of mailing. President Galullo offered her property to be assessed and Special Magistrate Ansbro said that the \$350 would not be payable until the end of the case. There would be no fines accruing, the fines that began would be removed until October 21, 2020 and a Status Hearing on October 22, 2020. Senior Inspector Banyas gave her phone number to Kathy Galullo.

The Special Magistrate ordered an extension to October 21, 2020 with the new comply-by date of October 21, 2020, to have this agenda item come back for a Status Hearing at the October 22, 2020 Hearing and \$350 Hearing Costs for today's hearing assessed to President Galullo's unit due and payable at the end of the case.

CONTINUED

ITEM #V.1

***TAKEN OUT OF SEQUENCE**

Case #: 20040001 – Permits Required Violations

Property Owner: Brenner, William Toth, Johanna

Address/Folio: 6000 N Ocean Blvd, 14E

Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

For the record, there was no one in attendance to represent the property owners. Senior Inspector Banyas testified that the Town recommended this be continued to the January 28, 2021 Hearing. The Special Magistrate ordered this agenda item continued to the January 28, 2021 Special Magistrate Hearing.

OLD BUSINESS

ITEM #V.2

Case #: 19040010 – Permits Required Violations
Property Owner: Gilchrist, Rael M Gilchrist, Lourdes L
Address/Folio: 1931 Waters Edge
Code Section(s): Florida Building Code Section 105.1. Required

For the record, there was no one in attendance to represent the property owners. Senior Inspector Banyas testified that she spoke with the Building Official today who was satisfied with the progress they were making. Both the Building Official and Senior Inspector Banyas felt it would be reasonable to extend the comply-by date to October 1, 2020, as requested by the owner via a phone call with Ms. Banyas. The Special Magistrate ordered compliance by October 21, 2020 and to reconvene at the October 22, 2020 Hearing if not complied and no Hearing Costs requested for today's hearing.

ITEM #V.3

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

For the record, there was no one in attendance to represent the property owner. Senior Inspector Banyas testified that the Town recommended this be continued to the October 22, 2020 Hearing. The Special Magistrate ordered this agenda item continued to the October 22, 2020 Special Magistrate Hearing.

ITEM #V.4

Case #: 19050007 – Building Code Violations
Property Owner: Amaturro, Joseph C and Winifred
Address/Folio: 3900 N Ocean Drive, 17GH
Code Section(s): Florida Building Code 6th Edition (2017) BCA Section 105.3.2.1
Permits. Time Limitation

For the record, there was no one in attendance to represent the property owners. Senior Inspector Bethany Banyas testified that this case was complied but went past the comply-by date and has accrued a number of fines. She spoke with the owners and the contractor was finally able to secure what they needed. The owners requested a full mitigation of the fines and the Town had no objection. The Special Magistrate ordered full mitigation of the fines.

ITEM #V.6

Case #: 18020015 – Property Maintenance
Property Owner: Anglin Fam Tr % Raymond Anglin
Address/Folio: 2 E Commercial Blvd

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

For the record, there was no one in attendance to represent the property owner. Senior Inspector Bethany Banyas testified that this was the pier. This property has been before the Special Magistrate a number of times to fix the damage from Hurricane Irma. They have passed their comply-by date, however, the Town's position was that their request for an extension was reasonable. The Town recommended a January 27, 2021 comply-by date to reconvene at the January 28, 2021 Hearing plus \$25 Hearing Costs for this hearing. The Special Magistrate ordered January 27, 2021 as the new comply-by date, reconvening at the January 28, 2021 Hearing plus \$25 Hearing Costs due immediately but payable prior to January 28, 2021.

ITEM #V.59

Case #: 19040009 – Zoning Violations

Property Owner: Brandt, Yann

Address/Folio: 267 Capri Ave

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(a)

For the record, there was no one in attendance to represent the property owner. Senior Inspector Bethany Banyas testified that the Town recommended a continuance to the October 22, 2020 Hearing. The Special Magistrate ordered a continuance to the October 22, 2020 Hearing.

NEW BUSINESS

ITEM #V.66

Case #: 20020007 – Vacation Rental

Property Owner: 4430 Seagrape Drive LLC

Address/Folio: 4430 Seagrape Dr 1-2

Code Section(s): Chapter 12 – Licenses 12-2(e)(1)
Chapter 30 – Unified Land Development Regulations
Section 30-327(e)

For the record, there was no one in attendance to represent the property owner. Inspector Terry-Ann Boyd-Reynolds testified that the Town requested continuance to the September 24, 2020 Hearing. The Special Magistrate ordered continuance to the September 24, 2020 Hearing.

CERTIFICATION OF LIEN

ITEM #V.67

Case #: 20080001 – Nuisance

Property Owner: 4326 Ocean Dr LLC

Address/Folio: 4326 N Ocean Dr

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-47(a)(7)

For the record, there was no one in attendance to represent the property owner. Senior Inspector Bethany Banyas testified that this was a new matter but it was a certification of fine. This property was brought before the Special Magistrate for four previous orders. This was the fourth repeat offense regarding infestation of buzzing insects. They were on the south side of the property immediately adjacent to 4324 N Ocean Drive. A Notice of Alleged Repeat Violation and Notice of Repeat Violation and Penalty Hearing were mailed to the respondent on August 17, 2020. This was an unsafe structure. The Special Magistrate said that he had been

forwarded an e-mail today before the hearing from a neighbor regarding concern with the insects. The property was also posted on August 17, 2020. This repeat violation was on August 17, 2020 and has persisted since. The Town recommended a \$500/day fine from August 17, 2020 through today and continuing until the violation was cured and competent evidence was shown to the Town proving it was cured. In the past, for this re-occurring violation, the owner has shown that the bees or buzzing insects were no longer visible at the property. The Town recommended that this would not be acceptable anymore. This has become an ongoing public nuisance. The owner has to show that he removed the home of the bees and that the order included that the owner has to demonstrate to the Town that all source of the infestation has been removed as the source of infestation was the violation. She has photos to submit into evidence and she showed them on the screen. Ms. Banyas received an email from the owner today stating that he would have a friend look at the property. The Town was recommending also to have the Final Order stating that the Town should be allowed to abate the property, if the violation was not cured in fourteen days from today. She answered the Special Magistrate that the property was vacant since at least 2015. The Building Official was asked to look into if this was an unsafe structure. The Special Magistrate said that he was handed a complaint by the Special Magistrate Clerk from a neighbor regarding the bees.

The Special Magistrate ordered Certification of Repeat Violation with a finding that the violation was documented beginning August 17, 2020 and persisted through today at a \$500/day fine and continuing until sufficient and competent evidence was presented to the Town that the source for the infestation of bees (buzzing insects) was gone and also in fourteen days from today, if that evidence was not presented for the source of infestation of bees or any buzzing insect not present anymore, then the Town would be authorized to take any action to abate the property including legal action. Hearing Costs in the amount of \$200 would be assessed due immediately but payable by September 24, 2020 and to reconvene at the September 24, 2020 Hearing. The Town would record the lien thirty days from today.

SPECIAL SET

ITEM #V.68

Case #: 15030007 – Business Tax
Property Owner: R Group LLC
Address/Folio: 4133 El Mar Dr.
Code Section(s): Chapter 12 – Licenses 12-2(a)

ITEM #V.69

Case #: 15030008 – Business Tax
Property Owner: R Group LLC
Address/Folio: 4136 N Ocean Dr.
Code Section(s): Chapter 12 – Licenses 12-2(a)

For the record, there was no one in attendance to represent the property owner for both cases. Senior Inspector Bethany Banyas testified that the Town has recently started reviewing all liens recorded in the public record for any outstanding liens that have not been paid. The Town was looking into how to get the property into compliance and possibly mitigate the lien. These two cases were valid but were recorded with the wrong folio number and she explained the whole administrative error. The Town recommended and would like the Special Magistrate to consider if they should be revoked in full. The Special Magistrate ordered that the liens for both agenda items should be revoked in full. Ms. Banyas said that a revocation of the liens would be recorded in the county records.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on August 27, 2020 at approximately 6:40 PM.

APPROVED BY:

ATTEST:

Special Magistrate Tom Ansbro

Sydney Ramirez

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