

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, August 25, 2022 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:10PM on Thursday, August 25, 2022 with Senior Code Inspector Bethany Banyas, Code Inspector Greg Wienbarg, Development Services Director Jhanelle Campbell, Building Official Simo Mansor, Fire Marshal Stephen Paine, and Special Magistrate Clerk Megan Small to record the minutes.

II. SWEARING OF WITNESSES

The Special Magistrate administered the oath to everyone speaking today, except not to lawyers.

III. OPENING STATEMENT

Please note for the record that this is an in-person hearing.

IV. PUBLIC COMMENTS

No one from the public wished to speak now on items not on the agenda.

V. CODE CASES

Cases were typed in the order they were called. Special Magistrate Clerk Megan Small called into the record items to be continued to the September 22, 2022 Code Compliance Hearing. People who were in attendance for these cases were advised they could leave.

CONTINUED TO SEPTEMBER 22, 2022			
Item #	Case #	Property Address	Property Owner
6	22050002	229 E Commercial Blvd	Sabatini Investments LLC
7	22050003	233 E Commercial Blvd	IMCO By C LLC
22	22070004	4433 N Ocean Dr	Z & K Property Corp Inc
26	22070010	4655 Bougainvilla Dr	Pulso Miami LLC
27	22030004	4420 E Tradewinds Ave	APCE Acquisitions LLC
32	22070024	4050 N Ocean Dr	The Caribe, Inc.
42	21060005	3210 Oleander Way	D'Angelo, Michael S Harris, Jonathan
53	22040025	4305 Bougainvilla Dr 1-7	Bee Bee Properties Inc

Special Magistrate Clerk Megan Small called into the record items to be continued to the October 27, 2022 Code Compliance Hearing. People who were in attendance for these cases were advised they could leave.

CONTINUED TO OCTOBER 27, 2022			
Item #	Case #	Property Address	Property Owner
2	22010004	2011 Coral Reef Dr	Esteves, John P
3	22030021	269 Lombardy Ave	Labiris, Nancy Renee & Peter
4	22040018	4617 El Mar Dr	Dee Jay Enterprises Inc.
8** (see page 6 and 15)	22060002	1984 Windward Dr	Tyche Holdings (corrected - Complied)
10** (see page 6 and 15)	22040008	4536 Poinciana St	4536 Home Land Tr (corrected - Complied)
12	21110002	1439 S Ocean Blvd	Whittier Towers
15	22020002	262 Commercial Blvd	FPA Holdings LLC
16	21100018	4641 N Ocean Dr 1-8	O'Sean Villa LLC
17	21080006	4324 Seagrape Dr 1-4	Isla Bella LLC
19** (see page 6)	22030016	5000 N Ocean Blvd 207	Jualu Investors LLC (corrected - Extension to October 26 for compliance or \$100/day/violation and return to October 27 Hearing)
31	21120003	2000 S Ocean Blvd	Royal Coast Condo Assn Inc.
45	21100025	4652 Poinciana St 1	Senouci, Carl
46	21100026	4652 Poinciana St 2	Senouci, Carl
47	21100027	4652 Poinciana St 3	Wachter, Wilhelm & Edith
48	21100028	4652 Poinciana St 4	Roberto, John A Est
49	21100029	4652 Poinciana St 5	Roberto, John A
50	21100030	4652 Poinciana St 6	Favale, Joseph
51	21100031	4652 Poinciana St 7	Brooks, Willie J
52	21100032	4652 Poinciana St 8	Senouci, Brahim
54	22010001	4620 N Ocean Dr	SHMF Escape LLC

Special Magistrate Clerk Megan Small called into the record an item to be continued to the November 17, 2022 Code Compliance Hearing. People who signed in for this case were advised they could leave.

CONTINUED TO NOVEMBER 17, 2022			
Item #	Case #	Property Address	Property Owner
5	21080007	1501 S Ocean Blvd	Conway Echarte Tumbridge

Cases were now called in the following order by Special Magistrate Clerk Megan Small starting with the cases with people in attendance; (e.g., an attorney (Town Attorney or a private attorney), or the property owner or someone to represent the owner). The Clerk called agenda item #34 into the record. As agenda item #34 through agenda item #38 were all the same owner, Inspector Wienburg would present all five agenda items.

NEW BUSINESS

ITEM #V.34

***TAKEN OUT OF SEQUENCE**

Case #: 22060019 – BTR (Business Tax Receipt) Housing Inspection

Property Owner: Cooper, Gary
Address/Folio: 224 Hibiscus Ave 360
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

ITEM #V.35

Case #: 22060015 – BTR Housing Inspection
Property Owner: Cooper, Gary
Address/Folio: 234 Hibiscus Ave 172
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

ITEM #V.36

Case #: 22060018 – BTR Housing Inspection
Property Owner: Cooper, Gary M
Address/Folio: 234 Hibiscus Ave 362
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

ITEM #V.37

Case #: 22060017 – BTR Housing Inspection
Property Owner: Cooper, Gary M
Address/Folio: 234 Hibiscus Ave 365
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

ITEM #V.38

Case #: 22060016 – BTR Housing Inspection
Property Owner: Cooper, Gary and Cooper, Richard Paul
Address/Folio: 234 Hibiscus Ave 369
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Code Inspector Wienburg testified that these five agenda items would each have the same order. The violation on each property was work without permits. Each property has different violations within FBC BCA Section 105.1 Work Without Permits. The Final Order should be the same for each of the properties and he said that the Town's recommendation was compliance by September 21, 2022 by obtaining an after-the-fact permit for all work done without permits at each property or \$100/violation/day and return to the September 22, 2022 Hearing plus \$50 Hearing Cost for today's hearing. The inspector read into the record the specific work done without permits, violation of FBC BCA 105.1, and compliance would be obtaining after-the-fact permits for each individual property for the work done without permits by September 21, 2022.

Lazaro Alonso, representative for the owner, said that this work was done many years ago. The owner purchased these units that way. He said that they started doing things for compliance and plan to get everything into compliance but he believed that compliance could not be reached by September 21, 2022. He needed more time. He was hoping to be given ninety days to come into compliance. Inspector Wienburg said they could get an extension if merited by making substantial headway but wanted to stay with the September 21, 2022 compliance date for now. He explained that they were told about this in June 2022 and also these units were rented and he did not want to go without a status hearing for ninety days. Mr. Alonso showed paperwork depicting that they were aggressively pursuing compliance but he needed more time to achieve compliance. Inspector Wienburg explained that if on September 22, 2022 the respondent showed substantial progress, the compliance date could get extended and the \$100/day/violation fines would not start on September 22, 2022, if an extension was granted. Mr. Alonso

questioned what the Town thought substantial progress, "headway", should be. The general contractor, Richard, was in attendance and sworn in.

Mr. Alonso answered the Special Magistrate about how he represented the owners. The Special Magistrate inquired as to the co-owner of unit 369 and Mr. Alonso testified that the co-owner was in attendance this evening. Building Official Mansor said that he was willing to work with them but they must continue to gain compliance. The Special Magistrate explained about an extension of the comply-by date and deferment of the fine, if substantial headway was achieved for all five units. He explained that there were people living in the five units and things did not have inspections and approvals involving electric and water, etc. and it must be safe for the people to be in there. Mr. Alonso said he would be working closely with the Town. Discussion ensued about the concealed work and the rough inspections. Inspector Wienbarg advised to get the Building Official's card tonight and to keep in contact with Permit Administrator David. The Special Magistrate explained about hearing costs by stating it helped defray some of the cost to the Town to work on the case and the taxpayers were not paying the whole cost of working on the violator's case.

The Special Magistrate ordered identical Final Orders for each of the five units (224 Hibiscus Ave #360, 234 Hibiscus Ave #172, #362, #365, and #369) for compliance by obtaining after-the-fact permits for the unpermitted work already done in the units by September 21, 2022 or \$100/day/violation, plus \$50 hearing cost for today's hearing due immediately but payable by September 21, 2022, and return to the September 22, 2022 hearing for status and discussion regarding an extension of the comply-by date, if the Town acknowledged substantial progress was done for each unit.

*****Special Magistrate Clerk Megan Small announced to Ryan Dunn that his case, agenda item #1, case #22070007, 1984 Sailfish Pl, Rhino Real Estate LLC was complied. (see page 15)

CERTIFICATION OF LIEN

ITEM #V.43

***TAKEN OUT OF SEQUENCE**

Case #: 22060014 – Noise Violations

Property Owner: Sealand Management LLC

Address/Folio: 4400 N Ocean Dr

Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-327(h) (6) b

Senior Code Inspector Banyas testified that tonight was a repeat violation for Taco Craft and the Town was recommending an imposition of fine. She was submitting for evidence a photo and a copy of a previous Final Order establishing the existence of the repeat violation. She showed it to Ann Marchetti who was representing the respondent. Ms. Marchetti asked for the video to be turned on for the attorney, Sam Weiss. They were able to hear each other but Mr. Weiss could not see the Town and it was agreed that it would be acceptable this way. Ms. Marchetti and Mr. Weiss agreed that there were no objections to the Town's evidence and Ms. Banyas gave her evidence to the Special Magistrate who explained that the photo was of someone playing the guitar in front of the restaurant and a Final Order entered May 27, 2021 for a noise violation which was a Finding of Fact being used tonight to substantiate the violation of an alleged repeat violation. He accepted the photo and copy of a Final Order into evidence without objection as the Town's Composite Exhibit.

Inspector Banyas testified that on June 18, 2022, in the outside area where the sidewalk café was located, there was a musician playing a guitar. This was a repeat violation of Section 30-327(h) (6) b (live or amplified music was prohibited within the confines of the outdoor seating area). There was a signed and dated green card in the file for service/notification. The violation has not been observed again since June 18, 2022 and the Town was recommending a one-day \$500 repeat violation fine with no hearing cost.

Ann Marchetti said she was a resident of L-B-T-S and she worked with many of the downtown businesses. Tonight she was representing Sealaud Management, owners of Taco Craft. She said that Attorney Sam Weiss was in attendance via Zoom but was not serving as attorney today. He was simply her counsel. She showed a few slides and explained how the code read to her regarding live and amplified outdoor music and Mr. Weiss said that the second part regarding speakers used for amplification were not part of tonight's violation. Ms. Marchetti had the Town's document, which was provided to restaurants, identifying three different areas outside. She blew up the three areas described showing where they were in Taco Craft: outdoor dining area, maintenance area, and the sidewalk café area. She explained that the language used in the code was for outdoor seating area and the language used for all of the restaurants was sidewalk area and outdoor dining. She felt there was a little confusion with the code language.

The Special Magistrate said that the photo showed the guitar player was next to the door in the midst of where the diners were. Ms. Marchetti said they believed the guitar player was sitting in the maintenance area and not in the dining area. She understood that this was a little semantics but the owners felt they were abiding by the rules. The Special Magistrate said that he respectfully disagreed with the owners and Ms. Marchetti. The musician was not there to do maintenance but rather to attract customers and entertain the people who were there with his outdoor music. Mr. Weiss said that he was not technically in the outdoor seating area. Ms. Marchetti read the code again and the Special Magistrate said that was where he was seated.

Inspector Banyas felt there was a misunderstanding. She asked Mr. Weiss if he had the picture before him and he said that he did. Then she proceeded to explain the different areas. Both Ms. Marchetti and Mr. Weiss said that the musician was seated under the overhang which was not in the seating area. Inspector Banyas said that he was under the overhang which was the maintenance area but that maintenance area was part of the sidewalk café permit area. Development Services Director Campbell read into the record the definition of the maintenance area. Then Inspector Banyas said that he was seated inside the buffer zone that was part of the café area. That area was governed by the ordinance that prohibited music in that area. Mr. Weiss said that the guitar player was not in the table area and he was inside their property line. The music was played indoor and there was no outside music. The guitarist was plugged into the music speaker that only played the music in the inside. Ms. Marchetti explained that there was an internal speaker system in Taco Craft and that was where the music played. Inspector Banyas said that would be fine if the guitar player was seated within the confines of the building. Ms. Marchetti asked if it had to be within the confines of the building or within the confines of their property. Mr. Weiss said that it was clear he was not by the tables but was within their property line and there was no complaint by a local resident.

Ms. Marchetti said their intention was to work with the Town and within the Code but this was on a Friday afternoon around 1:00PM and the whole purpose was not to create loud music but to attract customers. They apologize, but their intentions were honest and pure. She understood now with all the clarifications but it was very technical until today. They were just trying to market the business. Inspector Banyas said that she understood that the layman may not understand the language in the ordinances. She admitted that as a layman regarding marketing, she did not understand what she saw. There were speakers on the pavers but Ms. Banyas now understood that those speakers were wired to transfer the music inside the restaurant. The Special Magistrate asked if where the guitarist was seated and playing, were any speakers playing his music outside? Inspector Banyas said that while she was driving by, she saw the seated guitarist playing outside and there were speakers and a microphone outside of the building as well.

The Special Magistrate said that he did see the violation but did not see a problem with working a solution out for the future. He would not impose the entire \$500 fine as there was some ambiguity. He would

impose a one-time fine of \$250. Now that everything was clarified, if something needed to be brought before the Town Commission, then do it and not come back again with the same problem. The Special Magistrate said that he did not take noise violations lightly. He spoke about permits and Inspector Banyas explained about special event permits. This would make it doable for outside music but there was a fee for the permit. For now, just make sure that anything that had to do with music was indoors. If there was any doubt, just ask a code inspector. The Special Magistrate said that if there was any ambiguity now, get it fixed. The Special Magistrate said that the violation existed but was in compliance now and ordered a one-time \$250 fine for the violation payable within thirty days.

***Code Inspector Wienburg made three corrections to Cases To Be Continued. Agenda items #8 and #10 were complied not continued (see page 2 and 15). Agenda item #19 (22030016) had the comply-by date extended to October 26, 2022 or \$100/day/violation and return to the October 27, 2022 Hearing (see page 2).*

OLD BUSINESS

ITEM #V.13

***TAKEN OUT OF SEQUENCE**

Case #: 22050006 – Building Code Violations

Property Owner: 4051 N Ocean LLC

Address/Folio: 4051 N Ocean Dr

Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

Senior Code Inspector Banyas testified that today was a request for an appeal of a lien from the last hearing. She said that this was for a forty-year safety inspection and they submitted a timely request for an appeal. On June 23, 2022 the Special Magistrate ordered a building inspection report by July 27, 2022 or a fine of \$200/day would begin to accrue. They did not submit the report timely. Then a report was submitted that depicted both electrical and structural repairs were needed. The Town was requesting to record the lien. It was an unsafe structure. The Special Magistrate asked the type of building and he was informed that it was one property with two buildings and one was evacuated. They removed a load bearing wall in one building. They were still renting out in the other building but they did not have a BTR. The Town's position was to record the lien.

Eli Peretz testified on behalf of the owner. He said that they already complied unless he was missing something. Building Official Simo Mansor testified that the problem was that they took out the load bearing wall and the beam holding the whole structure. Now the building was with the Unsafe Structure Board with Broward County. This was serious stuff and no one was in the building. They did shore it up. The Special Magistrate asked about blocking it so no one could get into the building and the Building Official said no one was allowed there. The representative said it was locked and no one could get in the building. The Building Official said that a permit was submitted but it was out of our hands now. The Special Magistrate mentioned losing jurisdiction. Inspector Banyas testified that the permit submitted was for the temporary shoring and was good for 180 days from issuance. Nothing else has been submitted for this unsafe building but on this one parcel were two buildings. The larger building was a two-story that was evacuated, locked and unsafe. It was posted on all sides and the representative said there was no electricity. There was a second, smaller two-story building separated from the other building by about fifteen or twenty feet. People were still renting in that smaller building that had no BTR. It was occupied and we did not declare that building unsafe. However, they could not comply with the forty-year inspection and the Town has received a request to appeal the lien. They had the right to appeal but the Town recommended that the Special Magistrate deny it and the Town would like to record the lien. She answered the Special Magistrate that the lien would be on both buildings because they were on the same parcel and could not be split. She answered the Special Magistrate that the way to comply the larger building right now, would be to demolish it.

The representative said he submitted a permit to shore the building and Inspector Banyas said it was temporary shoring. That did not comply the building safety inspection program. Inspector Banyas answered the representative that the building did not have to be demolished now, that was just her speaking bluntly in answer to the Magistrate's question. The Special Magistrate said that the lien could be filed. The owner needed to work this out and get the lien to stop by becoming compliant. Inspector Banyas said they had to keep working with the Building Department. The Town would work with them but fines would be running. At the end of all of this, the Town Commission would be available to hear the owner's case for relief. Development Services Director Campbell said that in addition to this case, there would be an Unsafe Structure Hearing at some point through the county and the county's decision would supersede the Town's decision. She wanted the owner to understand that this was coming up and the owner would get notice from the county. The Special Magistrate ordered that the Town could go forward with filing the lien.

ITEM #V.14

Case #: 22010024 – Building Code Violations
Property Owner: 4051 N Ocean Dr LLC
Address/Folio: 4109 N Ocean Dr 1-8
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

Senior Code Inspector Banyas testified that this was the same owner as the previous cases but a different property. This was also a building safety inspection case where Yakov, the owner, appealed. He timely handed in the forty-year inspection report depicting repairs that were required for electrical and structural. He was entitled to appeal. She asked the representative, Eli Peretz, if all the repairs were done and he said he finished all of them except for the ones that he has a permit for. He testified that he did the life safety items and has a permit for the rest that has to be done. She explained that once the incidentals were complete, then there had to be a new building safety inspection report done by the engineer of record signed and sealed and given to the Building Department. Once it was reviewed and approved by the reviewers, this code case could be closed. As the Town did not have any guarantee as to when this would be done, she recommended to treat this case the same as the previous one but wanted to hear from the Building Official. Building Official Simo Mansor testified that the three buildings (two from the previous case and this one) were poorly maintained. When this report came to him, he and the Fire Marshal were going to shut down the building for the safety of the people. The representative came onboard and they gave him four days to put things into compliance for the safety of the people. The buildings were still in deplorable condition, especially 4105. After he shut down 4051, they did more work. He has no trust in the property owner. He would suggest to record the lien and go to the maximum that you could to get the owner to comply. The Special Magistrate ordered the recording of the lien. He said it would be incumbent upon the owner to become compliant.

NEW BUSINESS

ITEM #V.29

***TAKEN OUT OF SEQUENCE**

Case #: 22080062 – Building Code Violations
Property Owner: 4051 N Ocean Dr LLC
Address/Folio: 4109 N Ocean Dr 1-8
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that this was the same building as from the previous case. She had photos that she showed to the representative. She explained that this was for work without permit for the two units upstairs at 4109. The Building Official interjected that there were four units without

permits. The representative had no objections to the photos so Ms. Banyas gave a copy to the Special Magistrate who entered them into the file as Town's Composite Exhibit without objection. The Special Magistrate was answered that these were current photos even though they were taken weeks ago. The Building Official explained that they were stopped in progress and that was how it remained. He explained that for photo 3/8, it would go back to being storage. There was an office that was turned into a rental and other renovations that did not have permits. The Building Official answered the Special Magistrate that none of these units were supposed to be occupied. Inspector Banyas testified that the Town was recommending a Final Order requiring that all of the units that had work without permits remain unoccupied until such time as they were made legal, and that permits were to be issued for all of the units for the existing non-permitted work by October 26, 2022 and return to the October 27, 2022 Hearing or a fine of \$200/day plus \$50 hearing cost for today's hearing. Building Official Simo Mansor reminded the representative not to forget the repairs for the 4105 building even though he did not see that building on tonight's agenda. The Special Magistrate ordered a Final Order requiring that all of the units that had work done without permits remain unoccupied until such time as they were made legal, and that permits were to be issued for all of the units for the existing non-permitted work by October 26, 2022 and return to the October 27, 2022 Hearing or a fine of \$200/day plus \$50 hearing cost due immediately or payable within thirty days.

For the record, the representative left as the next case #22080005, agenda item #30, for 4109 N Ocean Dr 1-8, for the same property owner, 4051 N Ocean Drive LLC, was said to be complied.

ITEM #V.24

***TAKEN OUT OF SEQUENCE**

Case #: 22070011 – Property Maintenance

Property Owner: Colaner, Joseph

Address/Folio: 4507 W Tradewinds Ave

Code Section(s): Chapter 21 – Vegetation Section 21-26(c)

Chapter 30 – Unified Land Development Regulations – Section 30-477 (a) Maintenance of landscaped area

Chapter 6 – Building and Building Regulations – Section 6-36 (a)

Chapter 6 – Building and Building Regulations – Section 6-36 (f)

Chapter 6 – Building and Building Regulations – Section 6-41 (a)(10)

Chapter 6 – Building and Building Regulations – Section 6-41 (a)(2)

Chapter 6 – Building and Building Regulations – Section 6-41 (a)(7)

Laura Colaner, daughter of Joseph Colaner, was sworn in. (Joseph Colaner was previously sworn in tonight.) Senior Code Inspector Banyas testified that this was a new case regarding property maintenance. A courtesy notice was originally issued on January 2, 2022 for eight violations of property maintenance. These violations took a backseat for a time because there was a seawall issue that Mr. Colaner complied. In July, she did a reinspection and the seawall was corrected and she knew that she had to move forward with the violations listed in the courtesy notice. Mr. Colaner had the bees treated which was one of the items in that case. However, they did return so that item was listed in the Notice of Violation issued on July 9, 2022. She read all the violations into the record. On August 12, 2022 she did not receive a green card, so the property and Town Hall were posted. On August 17, 2022 she received a call from Mr. Colaner who advised that he did not receive any letter. She confirmed by looking in the USPS website which depicted that the letter was still in transit.

She reinspected on August 24, 2022 and was pleased to see that Mr. Colaner did a lot of work. The property was not in compliance with the standards of the code, however, she felt it would be reasonable to give him a realistic amount of time to finish. She answered the Special Magistrate as to what was left to finish. Joseph Colaner explained that the bee man came today and charged him \$450 to do the bees. This was the second time he paid but the first time the bees were not taken. Mr. Colaner showed the

picture of the hive and also testified that the bees have been taken care of. Inspector Banyas showed the picture of the hive to the Special Magistrate. Inspector Banyas said to answer the Special Magistrate's question as to what was left, she testified that the bees should be monitored and Mr. Colaner should keep Inspector Banyas apprised as to when the bee man would return. This bee case would be deferred for monitoring and for when the bee man determined that the treatment was done. She would accept his word as the expert and comply that one case. She further listed that storage items still needed to be cleared up. Discussion ensued and she suggested taking one line item and giving 30 days to clear that violation up and attend the hearing and if that item was complied, go on to another line item and giving 30 days and repeat that process until compliance or to just give 90 days to clear everything up. The Special Magistrate said that Mr. Colaner and his daughter were always good to comply whatever the Town said needed to be done. He appreciated this. Mr. Colaner showed pictures of what he has accomplished so far and Inspector Banyas said that she was aware of his diligence but it had to be finished. Laura Colaner said that her dad was doing most of this work by himself and had a few people helping him. He would not trust this job to anyone else. The Special Magistrate commended Mr. Colaner on the job he was doing and so did the Town. He was shown Mr. Colaner's pictures to see how much work was done and Mr. Colaner explained about the items. The Special Magistrate returned the pictures so Mr. Colaner could have them.

Ms. Banyas said that the Town recommended a Final Order with approximately ninety days to comply. That comply-by date would be November 16, 2022 and the hearing date would be November 17, 2022. Inspector Banyas would like to meet with Mr. Colaner every couple of weeks to go over what was left to be done. If on November 17th progress was made but additional time would be needed, the Town would work with them. The Special Magistrate recommended letting the daughter know when Inspector Banyas would meet with her dad, in case she would want to be there as well. Ms. Banyas reminded that with all the work accomplished, the property was still not in compliance. She suggested having herself and Development Services Director Campbell work with the Colaners. If they would rather work by themselves and not meet with the Town periodically to discuss what still needed to be done, that was their right. A Final Order could be ordered today for compliance by September 21, 2022 and to come back to the September 22, 2022 hearing for a status update with photos to see what they have done. We could then set another status update for October. She explained that whichever of these scenarios would be preferred by Mr. Colaner would be ordered this evening. The Town just needed to see the progress and get this property into compliance. She answered the Special Magistrate that these things came to their attention because of the seawall complaint. The Special Magistrate wanted the Colaners to understand the two options offered tonight and which one would they be amenable to.

Laura Colaner asked to go through what needed to be done tonight. Inspector Banyas said that it would take some time and she would be glad to do that but there were two other cases tonight where people were waiting. She asked if this could be tabled until the other two cases were heard tonight and then come back to this case and discuss what needed to still be done.

At about one hour and forty minutes into the hearing, this case was tabled to be called back after hearing two other cases for people who were attending the hearing tonight. This case would be called back this evening.

****This case was recalled at approximately two hours and twenty-two minutes into the hearing (see page 12). They were to go over specifically what had to be done and why this case was not in compliance.

Inspector Banyas testified that she was submitting photos taken yesterday. They represent the entire property at the time of inspection. They did not show every little detail of the violations. If the Colaners want, she was still willing to meet them at their property. They looked over the photos and Laura Colaner wanted to know how much more had to be done as quite a lot was accomplished. The Special Magistrate

suggested taking Ms. Banyas' suggestion to meet onsite and have Inspector Banyas walk you through so you would know exactly what still needed to be done. Ms. Colaner was answered by Inspector Banyas about there being two separate cases. One case was the seawall and the second case had these cases on them. They were entirely separate in the system. The Special Magistrate was given a package of Inspector Banyas' pictures as well and they were gone over one by one by the inspector for the Colaners and for the record. Inspector Banyas started with page #2 where there were trees in the FPL line. Inspector Banyas said that Mr. Colaner gave her a letter stating that FPL would cut those trees and he gave her a reference number. Mr. Colaner has to follow up with FPL to ensure this got done timely and he was told not to get on a ladder by power lines. Inspector Banyas explained that this could not be considered complied because the trees were not cut yet by FPL. Then the rest of the photos were gone over for the Colaners and for the record and Ms. Banyas explained what needed to be done through the last page which called for clearing out two pots.

The inspector recommended compliance of everything discussed tonight by October 26, 2022 and return to the October 27, 2022 hearing for a status hearing and evaluate from there. The fine would be \$100/violation/day if not timely complied. Discussion ensued and if they come back with good progress, they could reevaluate the situation and extend the comply-by date so fines would not start on October 27, 2022. Also, there was a \$50 hearing cost for today's hearing. They were told to call or email Inspector Banyas at least 7 days before the October 27th hearing, if they need to meet or talk with her.

The Special Magistrate ordered a Final Order for compliance by October 26, 2022 or a fine of \$100/day/violation to start accruing October 27, 2022 plus return to the October 27, 2022 hearing for a status hearing and reevaluation and \$50 hearing cost for today's hearing due immediately but payable by October 26, 2022.

Development Services Director Campbell congratulated Inspector Wienburg on his new baby girl and wished him well on his new job with another City. The Special Magistrate and others also sent their best wishes.

SPECIAL SET – LATE ADDITION

#57

***TAKEN OUT OF SEQUENCE**

Case #: 22-1351
Property Owner: Empress Estates LLC
Address/Folio: 1900 S Ocean #16L

Fire Marshal Stephen Paine testified that on August 15, 2022, he and the Building Official received a complaint about the water leaking in a high rise condo known as Ocean Place for unit 16L on the penthouse floor. The complaint came from the building staff. They went there and met with the occupants. They found that the bathroom was in disrepair. He has photos to submit into evidence. He gave copies to the respondents and to the Special Magistrate. Dawn Hardage, co-owner of 16L, testified that some of the pictures were not from their unit. She said she had to get a permit for the bathroom area and a set of plans. They should not use the bathroom until an inspection was made to show it was up to code. She did not understand why the water was turned off in the unit. The damage done to the unit below them and the one below that was from a one-time incident of the bathtub overflowing. There were no leaks present before that time. Building Official Simo Mansor said that she meant the electricity but the female respondent said that the water has been turned off since the fifteenth of August in the bathtub area. Both the Building Official and the Fire Marshal were not aware of the turned off water in the bathtub area. John Hardage, co-owner of 16L, testified that he believed that someone from the building turned that water off. The Building Official said that the Town did not do that but that it should have been turned off because the occupants were using a bathtub that was not permitted. Ms. Hardage said that she did apply for a permit and would show that proof to the Building Official.

The Building Official said that the way the bathroom was fixed was illegal and it was not permitted. There was no fire protection at all and it was not up to code. The unit was a danger to the whole building. The Town pulled the power to that unit and he believed that the building turned off the water. There was mold and leaks to three apartments below them. That unit could not be occupied until a permit was pulled. Ms. Hardage said that the permit was applied for but the Special Magistrate explained that a pulled permit meant a permit that was obtained. She showed her permit proof to the Building Official who explained that her paperwork was being processed and has not been submitted to the Town. At about one hour and fifty minutes into the hearing, this case was also tabled to be brought back after hearing other cases on the agenda where people were in attendance and waiting to be heard.

*** (see page 13) This case was recalled at about two hours and five minutes into the hearing and called into the record again by Special Magistrate Clerk Megan Small. Fire Marshal Paine started by explaining each of his pictures taken on different days. The pictures showed, amongst other things, the violations in unit 16L and the damage caused by the water leak in other units and the hallway. The Special Magistrate asked if the respondents had any objection to any picture(s). The female respondent said that any damage to other units was not caused by plumbing but rather from the bathtub overflowing. The wall was torn down because she and her husband wanted to remodel. She had no objections to the pictures of her unit but she would take the Fire Marshal at his word that the pictures of the other units were accurate. The pictures were accepted into evidence by the Special Magistrate without objection as the Town's Composite Exhibit.

Fire Marshal Paine said they came back on August 22, 2022 and nothing was done. They posted it as unsafe. On August 23, 2022, the fire department responded to a complaint from the 15th floor about a water leak. He informed the respondents what they had to do. He told the Special Magistrate that the Town recommended thirty days which was later changed to 27 days to come into compliance or \$250/day fine plus a September 22, 2022 status hearing and if they come in and ask for more time, they would talk about it then. Building Official Mansor told the Special Magistrate that there was a problem with the plumbing because the bathtub had an overflow drain and it should never have overflowed. Mrs. Hardage testified that she went to Hillman Plumbing today. She signed for the permit application and they have a contractor they were going to work with and gave them an architectural firm that would do the drawings. The process has started. The Special Magistrate said that the Fire Marshal spoke about the steps that had to be taken, so please follow them. Building Official Mansor testified that John Hardage asked if his contractor could start the work early before the permit was obtained and he gave him permission to do so. One week after giving permission to start early, nothing was done. However, people in the building were complaining about water coming in. As of today, he has not seen a permit and he did not have trust.

The Special Magistrate wanted to know if the people could be in the unit or was it unsafe. The Building Official answered that if by tomorrow he did not hear about a contractor coming in, he would get the people out of the unit. The owners replied that they were already out. Mr. Hardage said someone changed the lock. The Special Magistrate said that was probably for their safety and for the safety of the others. The Building Official said he has Mr. Hardage's cell phone number but he could not get him to answer his call. The Building Official gave them his card with his cell phone number. He told the Special Magistrate that he was told there was mold on the 15th floor below them which has spread sideways. The Special Magistrate said that there would have to be mold remediation and the Building Official said that was a reason why the problem of the water leaking had to be fixed. In the meantime, the people were not in the unit, there was no water on, no electricity on, the Fire Marshal told them what needed to be done and the order would say all that. The order would be mailed to the address given tonight in Miami and also to the 1900 S Ocean #16L address. The female respondent gave her cell phone number.

The Special Magistrate ordered no occupants in unit 16L until it was deemed safe and within code, both the water and electricity would remain off until it was deemed safe, and to follow the steps given by the Fire Marshal for compliance within twenty-seven days, by September 21, 2022, or a fine of \$250/day would begin to accrue on September 22, 2022 and return to the September 22, 2022 hearing for a status hearing and if more time was requested, it would be talked about then.

****The first tabled case, item #24, would be revisited now at two hours and twenty-two minutes into the hearing. (see page 9)

CERTIFICATION OF LIEN

ITEM #V.41

***TAKEN OUT OF SEQUENCE**

Case #: 22060022 – Permits Required Violations
Property Owner: Vicnsos Realty Group LLC
Address/Folio: 263 Commercial Blvd
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that this was a work without permit case that was before the Special Magistrate last month. A permit was issued today for the demolition of the two unpermitted rooms and a permit to cap off the unpermitted shower. The Building Official was amenable to the request to extend the Final Order comply-by date which Mr. Colnaghi requested. They would give them to September 21, 2022 to complete the demolition plus \$25 hearing cost for today's hearing and return to the September 22, 2022 hearing, if necessary. Jonathan Colnaghi, owner and manager of the Vicnsos Realty Group, answered the Special Magistrate that he was fine with today's decision. The Special Magistrate ordered a revised Final Order with a new comply-by date of September 21, 2022 to complete the demolition plus \$25 hearing cost due immediately but payable by September 21, 2022 and return to the September 22, 2022 hearing, if necessary.

ITEM #V.40

***TAKEN OUT OF SEQUENCE**

Case #: 22040002 – Property Maintenance
Property Owner: Palm Lake I Associates Inc
Address/Folio: 4213 El Mar Dr 1-6
Code Section(s): Chapter 6 – Building and Building Regulations – Section 6-36 (a)
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, item #40 above was called into the record and the below presentation was given. However, it was not presented for item #40, it was presented for item #55. Item #40 has a new owner and would be continued to the September 22, 2022 hearing. Tanya Brown, property manager and speaking for the former owner, said that they were still going to comply with the violations for 4213. The following was presented for item #55 listed on the agenda and called into the record by Senior Code Inspector Banyas.

FIRE CASES

#55

***TAKEN OUT OF SEQUENCE**

Case #: 22-1345
Property Owner: K M & Buschbaum Inc.
Address/Folio: 4225 El Mar Drive

Senior Code Inspector Banyas testified that this was originally a fire case. She said the case number was 22-1345 at 4225 El Mar Drive and K M & Buschbaum was the owner. This was for multiple violations

and the lien was certified. The violation could not be corrected as the fire-rated doors could not be installed. Until those fire-rated doors could be installed, Special Magistrate Ansbro ordered, after the lien was certified, a fire watch was to begin. The fire watch cost was to be billed to the owner. If the owner did not pay timely, the cost would be certified as a lien. The fire watch bill was sent to the owner by certified mail and she had a copy of that. The bill was not timely paid by the owner. The Town was requesting certification of lien and since it was a hard cost, it would be recorded tomorrow. Inspector Banyas answered the Special Magistrate that the bill was for \$19,320. The Special Magistrate ordered certification of the lien for the cost of the fire watch and to record it. Inspector Banyas submitted for evidence the certified mail slip, and other things like notice of today's hearing, copy of the invoice and a copy of the Order regarding the fire watch and its payment which were all mailed on August 10, 2022. The Special Magistrate accepted her evidence into the file as Town Composite Exhibit. Inspector Banyas answered Special Magistrate Clerk Megan Small that hearing cost was already assessed for certification of lien. Tanya Brown, property manager on behalf of the owner, said that she already received copies of the evidence in the inspector's email. She wanted to know if the owner could get the fire watch cost waived or reduced. The Special Magistrate said that the owner could not get it waived or reduced because it was a cost that the Town already paid. Inspector Banyas said that the cost represented the hourly pay given to the fire fighters on duty. Their pay could not be taken back or reduced.

*For the record, at about one hour and fifty-nine minutes into the hearing, Special Magistrate Tom Ansbro called a break which allowed Inspector Banyas to meet with a respondent. The recorder was left on. The hearing reconvened six minutes later at about two hours and five minutes into the hearing and recalled agenda item #57, case #22-1351*** (see page 11).*

OLD BUSINESS

ITEM #V.11

***TAKEN OUT OF SEQUENCE**

Case #: 21090010 – Zoning Violations

Property Owner: SKY007 LLC

Address/Folio: 230 Lake Court

Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-113(f)(4)

For the record, there was no one in attendance to represent the property owner. Senior Code Inspector Banyas testified that this case was complied. They applied for an extension retroactively to August 11, 2022 and after careful consideration, all Town staff agreed. This would wipe out the balance due and all hearing costs were paid. The Special Magistrate ordered a revised Final Order for a new comply-by date of August 11, 2022 consenting to no balance due and no hearing cost for today's hearing.

NEW BUSINESS

ITEM #V.23

***TAKEN OUT OF SEQUENCE**

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)

Senior Code Inspector Banyas testified that Spiro Marchelos was unable to attend. There was no property owner representation tonight. Inspector Banyas said that they discussed in length an update with the contractor who was very forthright with Town staff. She read into the record the contractor's written response to her in his monthly updates. She would recommend a continuance to the next hearing. The Special Magistrate ordered a continuance of this case to the next hearing.

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

Case #: 22040017 – BTR Inspection/Commercial
Property Owner: ACS 218 LLC
Address/Folio: 222 E Commercial Blvd
Code Section(s): Chapter 12 – Licenses Sec 12-2(a)
Florida Building Code FBC BCA Section 105.1. Work Without
Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Inspector Banyas testified that she was doing this agenda item for Inspector Wienbarg. She testified that Building Official Mansor signed off on this. He approved it and discussed it with them. The Notice of Hearing/Notice of Violation was issued to the owner by certified mail and the property was posted because the signed green card was not received by the Town. The records were most recently inspected today and the permit was not issued for the violation of the water heater replacement and urinal removal. They also have not received the BTR. They were still in violation of Section 12-2(a) and FBC 105.1. This was a dance studio. The Town recommended a Final Order for compliance by September 21, 2022 or a fine of \$100/violation/day for work without permit and \$10/day for the BTR violation plus \$50 hearing cost for today's hearing. The Special Magistrate ordered a Final Order for compliance by September 21, 2022 or a fine of \$100/day for the work without permit violations and \$10/day for the Commercial BTR violation plus \$50 hearing cost for tonight's hearing due immediately or payable by September 21, 2022 and come back to the September 22, 2022 hearing, if necessary.

ITEM #V.39

Case #: 22060001 – BTR Housing Inspection
Property Owner: Royal Imperial Group LLC
Address/Folio: 259 Miramar Ave
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without
Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Inspector Banyas testified that this was a violation of work without permits observed on June 1, 2022 by Inspector Wienbarg. The Notice of Violation/Notice of Hearing was issued and service was received by signed green card. The public records were inspected on August 24, 2022 and permits were not issued for an interior renovation. The Town recommended a Final Order requiring compliance by September 21, 2022 or a fine of \$100/day to accrue thereafter plus \$50 hearing cost for tonight's hearing and to return to the September 22, 2022 hearing. The Special Magistrate ordered a Final Order requiring compliance by September 21, 2022 or a fine of \$100/day to accrue thereafter plus \$50 hearing cost due immediately or payable by September 21, 2022 and return to the September 22, 2022 hearing.

The following agenda item was listed on the agenda and read into the record by Special Magistrate Clerk Megan Small as withdrawn.

Item #	Case #	Property Address
56	22070015	226 Corsair Ave

The Special Magistrate ordered a dismissal of agenda item #56.

The following agenda items were listed on the agenda and read into the record by Special Magistrate Clerk Megan Small as complied and needing no action.

Item #	Case #	Property Address
1	22070007	1984 Sailfish Pl ***** (see page 4)
8	22060002	1984 Windward Dr ** (see page 2 and 6)
9	22060012	4412 E Tradewinds Ave 1-2
10	22040008	4536 Poinciana St ** (see page 2 and 6)
18	22030017	4454 Seagrape Dr 1-2
20	22070002	4433 N Ocean Dr
21	22070003	4433 N Ocean Dr
28	22070013	2 E Commercial Blvd
44	21120007	217 E Commercial Blvd

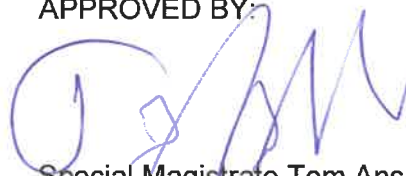
The following agenda item was listed on the agenda and not read into the record but it was complied and needed no action.

Item #	Case #	Property Address
25	22070012	4655 Bougainvillea Dr

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on August 25, 2022 at approximately 8:25PM.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:



Special Magistrate Clerk Megan Small
Town of Lauderdale-By-The-Sea, Florida