

APPROVED

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

*Town Commission Meeting Room
Thursday, August 25, 2016 at 5:00 PM*

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the Hearing to order at 5:10p.m. on Thursday, August 25, 2016. Development Services Director Linda Connors, Code Compliance Inspector Bethany Banyas and Code Compliance Inspector Sharon Foster were present at the Hearing. Also present was Special Magistrate Clerk Jhanelle Campbell to record the minutes. Special Magistrate Tom Ansbro explained the procedures for the Hearing.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

A. MINUTES OF PREVIOUS CODE HEARING – July 25, 2016

The minutes of 07/25/16 were not discussed.

IV. PUBLIC COMMENTS

The Special Magistrate briefly explained State law and asked for public comments at this time or when a case was called. No one from the public spoke now.

V. CODE CASES

Special Magistrate Clerk Jhanelle Campbell noted that before she calls the cases that were either in compliance or continued, she was calling case #22.

COMPLIED

ITEM #V.22

***TAKEN OUT OF SEQUENCE**

Case #: 16050007 – Vacation Rental

Property Owner: Lurie, Anthony & Teri

Address/Folio: 222 Imperial Lane

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

Code Compliance Inspector Bethany Banyas testified that this case was continued from the previous hearing. She briefly summarized the history of this case regarding advertising this property as vacation rental without a Vacation Rental Certificate and rental for less than seven consecutive days. The property owner was served with notice and informed about the repeat violator status. The property came into compliance on August 5, 2016. All advertisements were removed and renting has ceased. The Town is requesting a finding of fact stating the property

was a repeat violator from May 18, 2016 through June 18, 2016 and again from July 2, 2016 through August 5, 2016. The Town was requesting a total fine of \$8,000 including administrative costs. The Special Magistrate inquired about the Town and the property owners' settlement meeting. Ms. Banyas said that the \$8,000 figure is the amount in agreement. She has all of the evidence gathered in order to prove the case. The Special Magistrate accepted the evidence as the Town's Composite Exhibit. The Special Magistrate entered the order for the repeat violations for a total fine of \$8,000 including administrative costs. The case is now in compliance as of August 5, 2016.

CONSTRUCTION EXTENSION

ITEM #V.32

***TAKEN OUT OF SEQUENCE**

Case #: 2016-CE-02 Construction Time Extension Application

Property Owner: Minto Communities Florida

Address/Folio: 4510 & 4511 El Mar Dr

Development Services Director Linda Connors explained that we are here tonight because the Town has a requirement that new construction projects are to be finished within eighteen months. Town Ordinance 2015-20 addresses this and gives the Special Magistrate the authority to review extension requests and grant an extension of up to twelve months to complete new construction. She explained about the two Minto buildings. Staff recommends approval of the extensions for the two buildings. Ms. Connors said that there are representatives from Minto Communities here to answer any questions. Since no more than one extension can be granted, Ms. Connors answered the Special Magistrate that they have not asked for an extension prior to this application. The Special Magistrate said he would enter the order today granting the property owner's construction extension requests for the two buildings.

Special Magistrate Clerk Jhanelle Campbell said that she was now calling cases that were either in compliance or continued.

COMPLIED

1. C#:	16070005	100 E Commercial Blvd	
2. C#:	16070002	4312 Seagrape Drive	
3. C#:	16070003	4644 El Mar Drive	
4. C#:	16070009	4604 Bougainvillea Drive	
5. C#:	16070010	222 E Commercial Blvd	
6. C#:	16070015	4337 Seagrape Drive	
7. C#:	16070018	217 E Commercial Blvd	
8. C#:	16070021	4437 Poinciana Street	
9. C#:	16070020	4433 Poinciana Street	
10. C#:	16070022	297 Tropic Drive	
11. C#:	16060020	222 E Commercial Blvd	
12. C#:	16010008	4244 El Mar Drive	
13. C#:	16010004	226 Basin Drive	
14. C#:	16010005	230 Basin Drive	
15. C#:	16070014	1431 S Ocean Blvd	
16. C#:	16070025	2036 Windward Drive	
17. C#:	16070026	2024 Ocean Mist Drive	
18. C#:	16060034	4344 El Mar Drive	Obtain Finding of Fact Order
19. C#:	16070019	4112 El Mar Drive	Obtain Finding of Fact Order
20. C#:	16070024	3271 Seaward Drive	Obtain Finding of Fact Order
21. C#:	16040037	4337 Seagrape Drive	Complied-Rescind Adm Fee

COMPLIED (continuation of list)

22. C#: 16050007	222 Imperial Lane	Obtain Finding of Fact Order
23. C#: 15120037	2041 Coral Reef Drive	Request Revised Final Order
24. C#: 16060004	2048 Sailfish Place	Complied (not Continued)

CONTINUED

25. C#: 16070008	2011 Waters Edge	September 22, 2016
26. C#: 16070016	1431 S Ocean Blvd	September 22, 2016
27. C#: 16030017	232 Bombay Ave	October 27, 2016
28. C#: 16030030	2072 Sailfish Place	October 27, 2016
36. C#: 16070023	238 Corsair Ave	October 27, 2016
38. C#: 16070017	1541 S Ocean Blvd	October 27, 2016
39. C#: 16080001	1948 Windward Drive	October 27, 2016
29. C#: 16060021	4900 N Ocean Blvd	September 22, 2016

HEARING DATE

Ms. Campbell said she would now call the cases for which the people signed in.

OLD BUSINESS**ITEM #V.31*****TAKEN OUT OF SEQUENCE**

Case #: 16050003 – Building Code Violations
Property Owner: Michel, Ronda L, Michel, Wayne A
Address/Folio: 1530 S Ocean Blvd (unit 503)
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that work was done without permit for interior remodeling of the kitchen and concrete poured in the balcony area. Today's hearing was for an update and to certify the fine. The Town was recommending continuing the case to the November hearing with fines still running. The permit was issued and the work is in the process of being done. The property owners' Board is requesting that the property owner remove the concrete from the balcony and they applied for that permit but it was not issued yet. She said that the attorney representing the property owners is here this evening. Attorney Debra Fein introduced herself on behalf of the property owners. The Special Magistrate ordered this agenda item continued to the November 17, 2016 hearing with fines still running.

OLD BUSINESS (Added to Agenda)**ITEM #V.**

Case #: 16060014 – Building Code Violations
Property Owner: K M Buschbaum, Inc.
Address/Folio: 4225 El Mar Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Bethany Banyas testified that this case was heard at the last hearing regarding work without permit. Ms. Banyas observed work done on the rear exterior wall of the property on June 8, 2016. Holes were made through the exterior wall and temporary a/c ducts were installed. Later on, the owner informed the Town that this was an emergency situation. Ms. Banyas said that today is a status hearing. As of today, the Building Department has confirmed that no permits have been filed. The contractor wishes to speak and the Town was requesting a Final Order today giving sixty days (to October 24, 2016) to obtain the permits and complete all the work and all required inspections or a fine of \$100/day. The Town was requesting \$150 Administrative Fee for today's hearing payable by October 24, 2016. Ron Sorenson, a/c contractor, said he has all the permit applications but wants to speak with the

chief inspector first. He heard the discussion and plans to start the job quickly and finish on time. The Special Magistrate ordered sixty days, by October 24, 2016, to obtain all permits, complete all work and all required inspections or a fine of \$100/day. He further ordered \$150 Administrative Fee to be paid by October 24, 2016.

Ms. Campbell said she would now call the cases that complied but a finding of fact, etc. was requested.

COMPLIED (Need Finding of Fact, etc.)

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 16060034 – Vacation Rental

Property Owner: Orlana Management LLC

Address/Folio: 4344 El Mar Dr (#1)

Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(a)
Chapter 30 – Unified Land Development Regulations Section 30-327(c)
Chapter 30 – Unified Land Development Regulations Section 30-327(d)
Chapter 30 – Unified Land Development Regulations Section 30-327(f)1

Code Compliance Inspector Bethany Banyas said Orlana Management LLC is a company opened by the owner of the property. The property is a single-family rental townhome. Notice was sent via certified mail to the property owner and service was obtained. The property was also posted on July 16, 2016. Three violations came into compliance: Section 30-327(a) rental with no Business Tax Receipt, Section 30-327(c) rental for less than seven consecutive days and Section 30-327 (d) rental with no Vacation Rental Certificate. All three were complied on July 13, 2016. The Town was requesting a Finding of Fact placing the property on notice that should the violation(s) recur in the future, the property would be deemed a repeat violator and fines may be immediately assessed. For the record, Ms. Banyas testified that both the owner and his registered agent have been notified of this. No Administrative Fee is requested for today's hearing. The Special Magistrate ordered a finding of fact that should the violation(s) recur in the future, the property would be deemed a repeat violator and fines may be immediately assessed.

ITEM #V.19

Case #: 16070019 – Nuisance/overgrowth weeds & grass

Property Owner: Allegiant Equities LLC

Address/Folio: 4112 El Mar Dr

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Code Compliance Inspector Bethany Banyas testified that the property, a vacant lot, was in violation of overgrowth of grass. Notice was sent on 7/23/16 via certified mail to the mailing address of record and service was received. The property became compliant on 8/2/16. The Town requests a finding of fact placing the property on notice that should the violation of overgrowth reoccur in the future, the property would be deemed a repeat violator and fines may be immediately assessed. The Town also requests from the Special Magistrate advanced permission to abate the violation should this occur in the future without further notice to the property owner and to assess all related costs for the abatement to the property owner. The Town was not requesting Administrative Fee for today's hearing. The Special Magistrate inquired if he was authorized to give advanced permission to abate the violation without further notice to the property owner. Ms. Banyas said that the owner would be informed about future violations and what would occur. The Special Magistrate ordered a finding of fact that should the violation reoccur in the future, the property would be deemed a repeat violator and fines may

be immediately assessed and the Town could abate if the violation (overgrowth of grass) reoccurs in the future and assess all related costs for the abatement to the property owner. The Special Magistrate said to check and ensure that the property owner does not have to be noticed before all future abatements are done and the related costs assessed to the property owner.

ITEM #V.20

Case #: 16070024 – Vacation Rental
Property Owner: Negelev, Alexander H/E Levin, Faina
Address/Folio: 3271 Seaward Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(d)

Code Compliance Inspector Bethany Banyas testified that notice was sent to the owners at their mailing address of record on July 26, 2016. Service was not received so the property was posted on August 13, 2016. Ms. Banyas subsequently spoke with the owner who advised her that he came into compliance. Ms. Banyas said that they came into compliance on August 2, 2016 for the violation of the property advertising as a vacation rental (short-term) but only a yearly Business Tax Receipt was granted (long-term). The Town was requesting a Finding of Fact placing the property on notice that should the violation reoccur in the future, the property would be deemed a repeat violator and fines may be immediately assessed. No Administrative Fee is requested for today's hearing. The Special Magistrate ordered a finding of fact that should the violation reoccur in the future, the property would be deemed a repeat violator and fines may be immediately assessed.

ITEM #V.21

Case #: 16040037 – Building Code Violations
Property Owner: Sea Grape Drive Property
Address/Folio: 4337 Seagrape Drive
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Bethany Banyas testified that this case was presented at the previous hearing for work without a permit. The case came into compliance as required within the compliance date. She was here today to request the \$150 Administrative Fee, which was assessed at the last hearing, to be rescinded and she explained why. The Special Magistrate ordered the withdrawal of the \$150 Administrative Fee assessed at the July 25, 2016 hearing.

ITEM #V.23

Case #: 15120037 – Property Maintenance
Property Owner: Bianco, Anthony C & Hazel M
Address/Folio: 2041 Coral Reef Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Code Compliance Inspector Sharon Foster testified that we were here today to certify the fines but the property is in full compliance as of August 5, 2016. The violations were for dead and missing grass and discoloration of a painted wall. Since the property owner was out of town, she was in contact with the son who took care of the violations right away. The Town was requesting a revised final order to change the comply-by date to August 6, 2016. Then fines would not run on the property but the Town was still asking for the original \$150 Administrative Fee payable within thirty days by September 24, 2016. The Special Magistrate ordered the

revised final order with a new comply-by date of August 6, 2016 and the previous \$150 Administrative Fee to be paid within thirty days, by September 24, 2016.

OLD BUSINESS

ITEM #V.29

Case #: 16060021 – Building Code Violations
Property Owner: Brown, Ryan W & Tiffany L
Address/Folio: 4900 N Ocean Blvd
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

This item was called but Code Compliance Inspector Bethany Banyas said that it should be continued to September 22, 2016. The Special Magistrate so ordered.

ITEM #V.30

Case #: 16030026 – Property Maintenance
Property Owner: Gladys Salmon Rev Tr Salmon, Gladys Trstee
Address/Folio: 1972 Coco Palm Place
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Code Compliance Inspector Sharon Foster testified that this case was for a violation of a hole in the concrete. The property owner was in Argentina, so Ms. Foster was not in contact with her for a while. The daughter came from Argentina with all the paperwork showing what was done. Per the Building Department, they do not need a permit for the work that was done. Ms. Foster is here today to request a revised final order to change the comply-by date to August 25, 2016. There would be no fines assessed. She said that the previous \$150 Administrative Fee was paid. She was not requesting an additional Administrative Fee. The Special Magistrate ordered a revised final order with an August 25, 2016 comply-by date with no Administrative Fee due.

NEW BUSINESS

ITEM #V.33

Case #: 16060032 – Zoning Violations
Property Owner: Sea Spray Inn Florida LP
Address/Folio: 4301 El Mar Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Bethany Banyas said that this is voided/closed and no action is required.

ITEM #V.34

Case #: 16070004 – Vacation Rental
Property Owner: Rosas Haven LLC
Address/Folio: 256 Imperial Lane
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(a)
Chapter 30 – Unified Land Development Regulations Section 30-327(d)

Code Compliance Inspector Bethany Banyas said that this is voided/closed and no action is required.

ITEM #V.35

Case #: 16070013 – Vacation Rental
Property Owner: Hill, Charles F Jr.

Address/Folio: 4025 Thomas Way
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(a)
Chapter 30 – Unified Land Development Regulations Section 30-327(d)
Chapter 30 – Unified Land Development Regulations Section 30-327(l)(1)

When this case was called, Code Compliance Inspector Bethany Banyas said that this case is in compliance but the Town was asking for a finding of fact. Ms. Banyas said she spoke with the property owner today over the phone who complied by removing the advertisements. She explained that notice was sent to the owner on July 14, 2016 to the mailing address of record and on August 10, 2016, she sent a certified copy to the owner at an alternate address. She received the green card back. The violations were that they advertised for vacation rental without a Business Tax Receipt (BTR), without a vacation rental certificate, and rental for more than ten persons. The owner removed all advertisements and would look into obtaining a BTR for a long-term rental. The owner is aware of the Town seeking a finding of fact for these violations. The Town is requesting a finding of fact that the property was in violation and if the violation(s) reoccurs, the property may be deemed a repeat violator and fines may be assessed immediately. She was not requesting Administrative Fees for today. The Special Magistrate ordered a finding of fact that should the violation(s) reoccur in the future, the property would be deemed a repeat violator and fines may be immediately assessed.

ITEM #V.37

Case #: 16070012 – Citizen Complaints
Property Owner: Stengel, Robert E
Address/Folio: 6 Sunset Lane
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-30
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)

Code Compliance Inspector Sharon Foster testified that this is a single-family residence. Notice was sent via certified mail and service was obtained. She said that the first violation, Section 10-30, is in compliance. Ms. Foster said that she received a phone call from the property owner stating that he was ready for an inspection of his carport as he cleaned it up. She went out to the property yesterday but found that the carport was still in disarray. She left him a voice mail message reminding about today's hearing but she was not able to get in contact with him. She took pictures that accurately depict the condition of the property on June 29, July 4, August 12, 22, 24, 2016 and she would like to submit them into evidence. The Special Magistrate accepted them into evidence as the Town's Composite Exhibit. She was requesting \$150 Administrative Fee and compliance in thirty days. The Special Magistrate ordered compliance within thirty days, by September 24, 2016, or a fine of \$100/day plus \$150 Administrative Fee payable by September 24, 2016.

CERTIFICATION OF LIEN

ITEM #V.40

***TAKEN OUT OF SEQUENCE**

Case #: 16040001 – Vacation Rental
Property Owner: Gallucio, Dominic E
Address/Folio: 4545 Bougainville Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(a)
Chapter 30 – Unified Land Development Regulations Section 30-327(c)
Chapter 30 – Unified Land Development Regulations Section 30-327(d)

Code Compliance Inspector Bethany Banyas testified that this case is in compliance and they paid their Administrative Fee. There is nothing to certify.

ITEM #V.41

Case #: 16060033 – Property Maintenance
Property Owner: Breitbert, Dyane
Address/Folio: 1931 Waters Edge
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-38(b)

Code Compliance Inspector Sharon Foster testified that fines starting running on the property on August 13, 2016 at \$200/day. The property is not in compliance and out of compliance for thirteen days totaling \$2,600 plus the previous \$150 Administrative Fee and today's \$100 Administrative Fee for a total amount to certify of \$2,850. The Special Magistrate recalled that this is a pool case and the pool is not accessible to children. The Special Magistrate ordered \$2,850 certification of lien.

ITEM #V.42

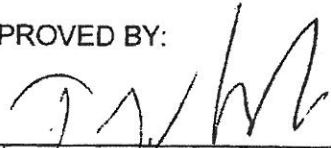
Case #: 16030005 – Building Code Violations
Property Owner: Motto, Raymond A & Barbara J
Address/Folio: 4900 N Ocean Blvd (unit 1210)
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that at the last hearing, the contractor had to get some documents to update the plans for the Permit Department. They were given a continuance to today's hearing. When Ms. Foster spoke with the Building Official today, they discussed that the permit was originally submitted on August 15, 2013. Since then, there were some changes. Because the changes were not addressed within the required timeframe, they needed a new permit. The Building Official is recommending that the fines continue to run but to give additional time to apply for the new permit. The contractor did come in with some documents but the Building Official would like them to have additional time. He was leaving the amount of time up to the Special Magistrate. Discussion ensued and it was decided to continue this agenda item until the October 27, 2016 hearing with no Administrative Fee for today's hearing. The Special Magistrate ordered continuance of this agenda item to the October 27, 2016 Special Magistrate Hearing with the fines still running.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on August 25, 2016 at approximately 5:55p.m.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


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