

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, July 28, 2022 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:15PM on Thursday, July 28, 2022 with Senior Code Inspector Bethany Banyas, Code Inspector Greg Wienbarg, 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 lawyers.

III. OPENING STATEMENT

Please note for the record that this is an in-person hearing with one Zoom participant today. The Special Magistrate explained how the meeting would be conducted.

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 August 25, 2022 Code Compliance Hearing. People who were in attendance for these cases were advised they could leave.

CONTINUED TO AUGUST 25, 2022			
Item #	Case #	Property Address	Property Owner
1	21110002	1439 S Ocean Blvd	Whittier Towers Apartments Association, Inc.
2**	22040017	222 E Commercial Blvd	ACS 218 LLC (see page 2)
3	21090010	230 Lake Ct	SKY007 LLC
5	22040002	4213 El Mar Dr 1-6	Palm Lakes I Associates Inc.
6	22040008	4536 Poinciana St	4536 Home Land Tr Otto, Gary Trustee
7	22040018	4617 El Mar Dr	Dee Jay Enterprises Inc. Greenberg, Marissa C
8	22010001	4620 N Ocean Dr	SHMF Escape LLC
9	22010008	4630 Seagrape Dr	Poli-Firman, Lisa M
31	21120003	2000 S Ocean Blvd	Royal Coast Condo Assn, Inc.
32	22010004	2011 Coral Reef Dr	Esteves, John P
33	22050002	229 E Commercial Blvd	Sabatini Investments LLC

CONTINUED TO AUGUST 25, 2022			
Item #	Case #	Property Address	Property Owner
36	22030021	269 Lombardy Ave	Labiris, Nancy Renee & Peter
49	22060014	4400 N Ocean Dr	Sealoud Management LLC

****Code Inspector Wienbarg testified that agenda item #2, case #22040017, above would not be continued to August 25, 2022 but rather would receive a Final Order tonight (see page 15).**

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
10	21100022	1620 S Ocean Blvd	Ocean Colony Condominium Association
11****	22020007	1984 Sailfish Pl	Rhino Real Estate LLC (see page 3)
13*****	22010002	238 Corsair Ave	Kelley, Sean Kelley, Renee (see page 3)
14	22060003	239 E Commercial Blvd	Swanton Street 184 LLC
15	22040004	262 Tropic Dr	Faurer, Martin Faurer, Yarin
16	21100021	4900 N Ocean Blvd	Sea Ranch Club Condo C

Special Magistrate Clerk Megan Small called into the record an item to be continued to the October 27, 2022 Code Compliance Hearing. People who signed in for this case were advised they could leave.

CONTINUED TO OCTOBER 27, 2022			
Item #	Case #	Property Address	Property Owner
30	21100012	1470 S Ocean Blvd	El Dorado Club AKA Delrado

The cases were called in the following order by Special Magistrate Clerk Megan Small starting with the cases with people in attendance, or whether an attorney (Town Attorney or a private attorney) was in attendance, or the property owner or someone to represent the owner was in attendance.

CERTIFICATION OF LIEN

ITEM #V.42

***TAKEN OUT OF SEQUENCE**

Case #: 22050001 – Building Code Violations
Property Owner: Freeman, Angela Palo, Samantha
Address/Folio: 1500 S Ocean Blvd 408
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Code Inspector Wienbarg testified that the Town was recommending extending the compliance date to September 21, 2022 or \$100/day/violation if not timely complied and return to the September 22, 2022 hearing with no Hearing Cost for today. James, a owner representative was in attendance and told the Special Magistrate that he agreed with what the inspector said. The Special Magistrate ordered a revised Final Order with a new comply-by date of September 21, 2022 or \$100/day/violation fine would begin to accrue on September 22, 2022 and this item would return to the September 22, 2022 Hearing with no Hearing Cost for today's hearing.

ITEM #V.41***TAKEN OUT OF SEQUENCE**

Case #: 22020010 – Permits Required Violations
Property Owner: Sawicki, Stanley D
Address/Folio: 1439 S Ocean Blvd 217
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that this was in front of the Special Magistrate for a request for mitigation. She explained that Mr. Sawicki did comply but 34 days late. The fine was \$200/day totaling \$6,800 and all Hearing Costs were paid. She explained that Mr. Sawicki was renting out unit #217 in Whittier Towers and two things were done; an air conditioner and water heater were changed out. The a/c permit was pulled prior to the comply-by date but the water heater permit was not. An attorney from the Law Office of Brian Kowal was here this evening to ensure that Mr. Sawicki would be able to get this taken care of. He said they were in partial compliance with the a/c unit done in time. He explained about the tenant problem and also that they have owned this property since 2003 with no other problems with the Town. Ms. Banyas answered the Special Magistrate that they were given about sixty days to comply. The respondent said that they were looking to mitigate the whole \$6,800 in light of the circumstances. Ms. Banyas answered that the original Notice of Violation was issued on February 15, 2022 and that the Town did not know the full circumstances regarding the tenant eviction. The Special Magistrate said that he would reduce the \$6,800 fine to \$1,000 but if it was not paid within thirty days, the fine would revert back to the original amount of \$6,800. After discussion, the thirty days to pay was changed to sixty days to pay. The Special Magistrate ordered the \$6,800 fine reduced to \$1,000 to be paid within sixty days from today and if not timely paid, it would revert back to the original fine amount of \$6,800.

*****The following case was called now but it was previously announced at the beginning of the hearing that it would be continued to September 22, 2022.*

CASES TO BE CONTINUED – 9/22/22**ITEM #V.11*****TAKEN OUT OF SEQUENCE**

Case #: 22020007 – BTR Housing Inspection
Property Owner: Rhino Real Estate LLC
Address/Folio: 1984 Sailfish Pl
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Code Inspector Wienburg testified that the respondent, Ryan Dunn, was present via Zoom. He explained to the respondent that this case was called earlier as it was continued to the September 22, 2022 Hearing. He clarified that the case has a Final Order from the last time it was heard on May 26, 2022 for compliance by submitting and obtaining approved permits by July 27, 2022 or a fine of \$150/day plus \$50 Hearing Cost due immediately but payable within 30 days. Mr. Wienburg stated that this case would be continued to the September 22, 2022 Hearing with a new comply-by date of September 21, 2022 to obtain approved permits or a fine of \$150/day. This gives an extra 60 days to get the permits in order. The Special Magistrate ordered a revised Final Order with a new comply-by date of September 21, 2022 to obtain the approved permits or a fine of \$150/day and return to the September 22, 2022 Hearing, if needed.

******Code Inspector Wienburg testified that item #13, case #22010002 was also called earlier to be continued to September 22, 2022 but that case as well has an issued Final Order.*

ITEM #V.13***TAKEN OUT OF SEQUENCE**

Case #: 22010002 – Vacation Rental Inspection
Property Owner: Kelley, Sean Kelley, Renee
Address/Folio: 238 Corsair Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-327.(d)
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Code Inspector Wienburg said that the Town was recommending an extension of the Final Order comply-by date to September 21, 2022 so that fines did not currently accrue and return to the September 22, 2022 hearing. There would be a new inspection date of September 21, 2022. If not timely complied, there would be \$150/day/violation fine and no Hearing Cost for today. The Special Magistrate asked if the respondent was aware of this situation and the inspector explained. The Special Magistrate said that as long as they know, he would do an order to that effect. The Special Magistrate ordered revising the Final Order by extending the comply-by date to September 21, 2022 or \$150/day/violation fine if not timely complied with no Hearing Cost for today and to return to the September 22, 2022 Code Compliance Hearing.

OLD BUSINESS**ITEM #V.27*****TAKEN OUT OF SEQUENCE**

Case #: 21080010 – Property Maintenance
Property Owner: Corporate Center By The Sea Inc. % Waterhouse R E Inv.
Address/Folio: 224 E Commercial Blvd
Code Section(s): Chapter 6 – Building and Building Regulations – Section 6-37 (a)(1)

Senior Code Inspector Banyas testified that this property was before the Special Magistrate originally in September 2021. This was a multi-story commercial building over a garage and she gave a brief overview regarding but not limited to an order that by October 7, 2021 a full and valid permit application was to be submitted to make the structure safe. The application was accepted and completed but comments were not answered and it was deemed an invalid application and \$1,500 in fines accrued. At the October 2021 Hearing, it was further ordered that permit repairs were to be completed by April 11, 2022. A permit was issued on March 2, 2022 and at the April Hearing, their comply-by date was extended to June 22, 2022 and on June 23, 2022, the case was not complied. A continuance was granted and the permit was closed on June 24, 2022. That was two days past the comply-by date and \$500 accrued. There were \$2,000 total in fines and \$25 in Hearing Cost from the October 2021 Hearing.

Inspector Banyas said that their respondent, Suzanne Waterhouse, would like to request a mitigation. Ms. Waterhouse introduced herself as the property manager of the building for over 25 years. The shoring and concrete column issues were being handled before it went to the Town. It got out of hand and they were asked to do more work than they anticipated. It took time and could not get it done in the time allotted by the Town. The actual work was completed in May. She requested the \$2,000 in fines be mitigated in total. The Special Magistrate said that the Town gave them much consideration. The Building Official recommended that the entire \$2,000 be paid. Ms. Banyas pointed out that the Town spent over \$2,000 for an official engineer's inspection in order to prove the case before the Special Magistrate about the safety of the building and Ms. Banyas also recommended that the \$2,000 in fines be paid as well. In light of the information presented, the Special Magistrate would not have the Town and the taxpayers

subsidize their disagreement with the Town's engineer. The Special Magistrate remembered this case and how the Town worked very carefully with everyone involved. He would not relax the \$2,025 owed in fines and Hearing Cost. The property manager said she needed to speak with the building owner. Inspector Banyas explained that if there was disagreement with the Special Magistrate's order, the Town would request a certification of the lien and it would be recorded. An appeal could be made to the Town Commission and she explained how to proceed and what could happen. Ms. Banyas recommended that Ms. Waterhouse follow up with Inspector Banyas or Development Services Director Jhanelle Campbell within about one week to advise of the owner's decision to pay or to appeal. She explained that the final decision in an appeal would be up to the Town Commission, after the lien was recorded. If so, this would come back to the next Code Compliance Hearing for certification of lien.

Ms. Banyas answered the Special Magistrate that the Town, if asked, could provide documentation of the engineer's bill of \$2,400. Normally, the Town would not need an engineer's report but there was conflict as to whether or not the building was safe. Building Official Simo Mansor testified as to why the engineer's charge was incurred. The Special Magistrate felt that the money owed was like a reimbursement of the costs incurred by the Town due to this case. The Special Magistrate ordered that the respondent contact either Inspector Banyas or Director Campbell within 8 days from today as to how they were going to proceed (appeal or pay) and staff to schedule a status hearing for August 25, 2022 which would be used if needed. If they pay the \$2,025 then it was due within sixty days from today and if they appeal, then this case would come back to the August 25, 2022 Hearing for certification of lien and recording plus \$200 Hearing Cost.

SPECIAL SET

#55 SP

***TAKEN OUT OF SEQUENCE**

Case #: 22-1350
Property Owner: Stonehorse Real Est Holding
Address/Folio: 4553 Bougainvilla Dr.

Fire Marshal Stephen Paine testified that they did an inspection on June 24, 2022 for a Business Tax Receipt (BTR) at 4553 Bougainvilla Dr. He gave pictures to both the property manager and the Special Magistrate. During the inspection, an issue on the second floor was observed. They had to get the occupants off the second floor and shored up the stairs so that it would not wobble. They also chained it off so it could not be used. He explained what would have to be done to get it repaired.

Eric Childress had no objection to the pictures and said he was the property manager for the new owner. They did exactly what the Fire Marshal said to do. He got everyone off the second floor and chained it off. An architect was hired but the finalized drawings were not done yet. They have a general contractor and workers lined up. They just did not have the plans yet to submit to the Town for the work. The Special Magistrate accepted the pictures into the record on behalf of the Town as Composite Exhibit without objection. The Special Magistrate asked the Fire Marshal about length of time for getting this done and sixty days was agreed upon. The Special Magistrate reminded the property manager to be vigilant and not to allow anyone to get up to the second floor and requested orange tape to be put around the area for extra protection so children could not get upstairs. The Special Magistrate ordered compliance by submitting plans (signed and sealed) and obtain a permit within sixty days from today or a fine of \$250/day plus \$100 Hearing Cost due immediately or payable within thirty days.

OLD BUSINESS

ITEM #V.29

***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 this was another update on the pier. Due to conflict of times/schedules, there was no visitation of the pier this month but information was distributed by email and phone. Terry from the construction company advised that they were moving along with stockpiling of lumber as well as brackets for support of the railings when they were replaced. The special mix of concrete was also moving along and still in progress. There should be an even better update at the next hearing. She assured the Special Magistrate that no one has access to the pier where they were not allowed to be. Spiro Marchelos said that this was taking longer than expected. For example, they got a delivery of 41 boards when in fact they ordered 100. There was a time constraint regarding supplies. There would be another update next month. The Special Magistrate ordered a continuance to the August 25, 2022 Hearing.

ITEM #V.28

***TAKEN OUT OF SEQUENCE**

Case #: 21070013 – Building Code Violations
Property Owner: Marenas 2010 LLC
Address/Folio: 4221 Bougainvillea Dr
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

Senior Code Inspector Banyas said that this case was complied and was here tonight to request mitigation of fine. The property is a small hotel on Bougainvillea Drive. It was due for a 40-year inspection and previously they were ordered to comply by January 26, 2022. The repairs were done prior to that date but unfortunately, there was a change in hands as the engineer who did the report was not the engineer who did the repairs. They did not realize that there were other minor repairs to be done after the permit was pulled in January. They did make those newly discovered repairs and it took some time and compliance was June 28, 2022. That was 153 days at a fine of \$150/day for a total of \$22,950. Ms. Banyas would recommend hearing from the respondent after hearing his request for mitigation before she made any recommendations.

Daniel Villenmizar said that he managed the property for Marenas 2010 LLC. He spoke about the additional items that needed to be done. As soon as they realized what also needed to be done, they applied for permits and contacted the engineer about the new work that was discovered. Then it was delivery of materials, construction/installation of the work, and the closing of the permits. The original work was done during the allotted timeframe but the new work was the problem. He answered the Special Magistrate that this was a ten-unit hotel building. Inspector Banyas said that the Town did expend an amount of resources on this. She believed that there should be a reduction in the fine but the entire amount should not be waived. The Special Magistrate said that he would go to 10% of the fine bringing the new fine amount to \$2,295 due within thirty days and if it was not paid timely, the fine amount would revert back to the original fine amount of \$22,950 and there was no hearing cost for today's hearing. The Special Magistrate ordered a reduction of the \$22,950 fine to \$2,295 which was due within thirty days and if it was not paid timely, the fine amount would revert back to the original fine amount of \$22,950 with no hearing cost for today's hearing.

CERTIFICATION OF LIEN

ITEM #V.44

***TAKEN OUT OF SEQUENCE**

Case #: 22050008 – Permits Required Violations
Property Owner: 4051 N Ocean LLC
Address/Folio: 4051 N Ocean Dr

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Inspector Banyas testified that this was heard at the last hearing and the Special Magistrate ordered compliance by obtaining an approved permit and installing emergency temporary shoring by July 7, 2022 or a fine of \$200 per day would begin to accrue on July 8, 2022, a hearing cost of \$50 was assessed and due immediately or payable by July 27, 2022 and it was paid, and that the property would return to the July 28, 2022 Code Compliance Hearing for a further order toward compliance. She reported that they found no corrections submitted by July 7, 2022 and she explained why the Town could not issue the permit. They were still non-compliant as of today and the Town recommended certifying the lien and a hearing cost of \$200. If the Special Magistrate needed further clarification, the Building Official was here to speak. The engineer, Wolfgang Schwerdt (RAS Engineering), was present on behalf of the property owner. He said that the contractor was dealing with the building's shoring. He believed they shored it but was not able to do the paperwork for the shoring. He would inform them to get that done and he understood about having to place a lien on the property. The Special Magistrate ordered certification of the lien and the \$200 Hearing Cost but to defer recording it for now and, if needed, return to the August 25, 2022 Hearing.

ITEM #V.45

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 this was the same property and same owner from the previous case but the violation for this case was that the Special Magistrate ordered compliance at the last hearing by July 27, 2022 by submitting a Building Safety Inspection Report or a fine of \$200 per day would begin to accrue on July 28, 2022 and return to the July 28, 2022 Special Magistrate Hearing for a further order toward compliance plus \$50 Hearing Cost due immediately but payable by July 27 2022. The \$50 Hearing Cost was paid. After reviewing the report, Staff determined that it contained a mix of information from various buildings in that three building block and was not acceptable as a report for the subject property. The violation was not complied. A report was resubmitted and showed the same problems in the body of the report. Ms. Banyas spoke yesterday to the property's representative, Sarah, and she also thought the engineer's contractor was on the line as well, explaining the issues. The Town recommended to certify the lien plus \$200 Hearing Cost.

The Special Magistrate asked if there were objections and the engineer, Wolfgang Schwerdt (RAS Engineering), said that they submitted the report two weeks ago and were rectifying it. Ms. Banyas explained that she could not identify any changes other than to the cover sheet. It looked like a copy of the report was submitted as the content was the same and she further stated that the Building Official has advised that it was important to certify this lien. The Town intended to move this forward to an unsafe structure case and the Building Official was here to answer any questions. The engineer testified that they were rectifying the comments on the report and the cover page stated all the information for each property which was not a copy. Repairs were needed to be done and it was stated on the report. The client was expecting to obtain a permit to do the repairs and then do the whole, full process. The revised reports would be submitted by tomorrow and the engineer did not see the violation here. They would continue to do the process and make the necessary repairs as usual.

The Special Magistrate asked what was the possibility of their timely submitting something tomorrow with the Town having a lien authorized? Ms. Banyas explained about an appeal if fully completed, permissible,

appropriate, acceptable, and accurate reports were submitted. Within twenty days of a certification of lien order, she spoke about how they may appeal and what the owner would have to do that. The Special Magistrate clarified that the Town was requesting a certification of lien but defer recording it and Ms. Banyas said that was what the Town preferred. They would have to submit the acceptable reports timely and appeal the order timely for both cases. The respondent testified that he knew what he had to do and would tell the owner what he would have to do. The Special Magistrate ordered certification of the lien and the \$200 Hearing Cost but to defer recording it for now and, if needed, return to the August 25, 2022 Hearing.

ITEM #V.46

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 two previous cases but a different property (adjacent property on North Ocean Drive). The violation had similar facts. This case was heard at the last hearing. The Special Magistrate ordered compliance by July 27, 2022 by submitting a Building Safety Inspection Report or a fine of \$200 per day would begin to accrue on July 28, 2022 and return to the July 28, 2022 Special Magistrate Hearing for a further order toward compliance plus \$50 Hearing Cost due immediately but payable by July 27 2022. The engineer, Wolfgang Schwerdt (RAS Engineering), said it was the same deal like the previous case but they submitted the revised report for 4109 N Ocean Dr just an hour ago. Ms. Banyas said that reviewing the procedures for this type of situation where the Town would certify the lien and then take it back was placing an undue onus on the administrative staff to schedule this without having some kind of action on the part of the respondent to submit a request for that additional hearing. She explained again what needed to take place and the correct procedures to be followed by all including the property owner or a notarized document allowing for an authorized person to represent the property owner. The Building Official did not have anything more to add regarding this case. The Special Magistrate ordered certification of the lien and the \$200 Hearing Cost but to defer recording it for now and, if needed, return to the August 25, 2022 Hearing.

CERTIFICATION OF LIEN

ITEM #V.40

***TAKEN OUT OF SEQUENCE**

Case #: 22060020 – Noise Violation
Property Owner: Anglin Fam Tr % Raymond Anglin
Address/Folio: 14 E Commercial Blvd
Code Section(s): Chapter 3 – Alcoholic Beverages Section 3-6(b)

Senior Code Inspector Banyas testified that this was in regard to Mulligan's Restaurant at 14 E Commercial Blvd. She had evidence to submit (copy of report from BSO and a previously issued Final Order that established a previous violation). She showed it to the respondent, who had no objection. The Special Magistrate accepted the evidence into the record without objection as the Town's Composite Exhibit. Ms. Banyas said that this was a one-time repeat violation on June 27, 2022. The Notice of Violation was sent out the next day. They received it and that was why there was a representative here today. The Town was requesting a one-day \$500 repeat violation fine to be paid within thirty days plus \$50 Hearing Cost for today's hearing. The Special Magistrate inquired if this amount was the maximum and Inspector Banyas said that in the case of an irreparable violation, \$2,000 could be imposed per Florida Statutes. Bonishe Carballo, respondent, answered the Special Magistrate that she worked for the new owner who bought about one year ago. She spoke about what the previous owner told them regarding music, etc. She explained that the general manager did not have the situation under control

that day. The owner was going to enforce different policies including ending live music, if the Town's Ordinance could not be followed correctly. They were prepared to pay any fine imposed tonight. The Special Magistrate said he would impose \$1,000 fine but if this came back again, he would impose a fine as high as he could until Mulligan's got the message. Please ensure that all the staff understand what has to be done. The Special Magistrate ordered \$1,000 fine to be paid within thirty days from today and no Hearing Cost.

NEW BUSINESS

ITEM #V.34

***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

The respondents, Jonathan Colnaghi (owner and manager of the property) and Luis Du Miller (tenant) introduced themselves. Senior Code Inspector Banyas showed her photos to the respondents who had no objection to them. The Special Magistrate entered them into evidence as the Town's Composite Exhibit without objection. Ms. Banyas said that service for notice was achieved by a signed green card in the file. Staff observed, during an inspection, that the first floor of the building had been "subdivided" into multiple bedrooms which were not approved. There were no permits on file and per the Building Official, a permit needed to be obtained. It could be a demolition permit to have everything removed or a permit to make it legal. She answered the Special Magistrate that residential use was not permitted on the first floor of that building. However, the creation of rooms without having a specified usage attached could be allowed by the appropriate permit. The rooms could not be used as bedrooms or any other residential usage. The Town recommended a Final Order that the violation for the work without permit exists and it should be complied by obtaining a valid permit to either demolish or legalize the units within the next fourteen days or a fine of \$250/day would accrue thereafter plus \$50 Hearing Cost for today's hearing due immediately or payable within 30 days.

The owner, Mr. Colnaghi, asked what exactly had to be done to make everything legal. Ms. Banyas explained that a permit could be obtained within 14 days to either demolish or retain the units but not as bedrooms or any other residential use. She felt it would be easier to just demolish but that was up to them. Building Official Simo Mansor said that the easiest way to do anything would be to get a demo permit and take the walls down. The place needed to be returned to the exact way it was before, when it was legally permitted. Mr. Mansor further stated that the electrical meter was pulled this morning. He spoke about another area where there was a business and a tenant in an efficiency. The Building Official said that he and Fire Marshal Stephen Paine would go back there tomorrow. If the tenant was still there, the meter would be pulled from that area and power would stop and the owner and tenant would have to deal with the consequences. He was told that the tenant was out but had to come back to get his stuff. Inspector Banyas asked them to look at the next to the last photo in the evidence packet she submitted. It showed the original layout. She said that the bathroom was on the original plan but the kitchen was not. She did see a permit for commercial alterations in 1997 for electrical, mechanical and plumbing.

The owner, Mr. Colnaghi, testified that he turned a classroom into the efficiency. That was his mistake as he did not know he could not do that. It has a bathroom, shower, and closet in it. He wanted to know what needed to be done to turn it back into a classroom since residential usage was not allowed on the first floor. Building Official Mansor said that the efficiency had to return back to the way it was (without the shower and closet). The owner then testified that he rented the space to the tenant as commercial. He had no idea what was being done. Discussion ensued and the Building Official explained what needed to be done in order to bring the building back to the way it was. The Special Magistrate was

reminded by the Building Official that he and the Fire Marshal would be in the building tomorrow and they could go over in person with the owner and the tenant what needed to be done to bring the first floor back to the way it was legally permitted. The Building Official reminded the owner and his tenant that what was there when they came in did not mean that it was there by being legally permitted. The owner asked if the tenant was responsible because he did things and the Special Magistrate answered that the building was the responsibility of the owner. How the situation got fixed was not up to the Town. The Town was looking to the owner to ensure that it got fixed.

Building Official Mansor spoke about what was needed like a general contractor, plumber and electrician. He gave the respondents his business card, if they had any questions. Inspector Banyas said that all discussions tonight were important but this was a case tonight just regarding the subdivision of the west side of the first floor into multiple rooms.

The Special Magistrate ordered fourteen days from today, by August 11, 2022, to obtain a permit for either demolition or obtain a permit to legalize the walls or a fine of \$250/day against the property would accrue thereafter plus \$50 Hearing Cost due immediately or payable within thirty days and return to the August 25, 2022 Hearing for status with either compliance reached or certification of lien.

****Clerk Megan Small noticed someone in the audience for agenda item #39 and she informed him that the case was complied and told him the town was sorry that he was not informed sooner (see page 15).*

ITEM #V.39

Case #: 22060007 – Nuisance
Property Owner: D J & G By The Sea LLC
Address/Folio: 253 E Commercial Blvd
Code Section(s): Chapter 14.5 – Peddlers & Solicitors – Section 14.5-41

Senior Code Inspector Banyas told the gentleman from the audience that the case was complied. The Town has monitored the property and there were no other violations. Staff did not think it was an appropriate use of resources to hear this case for a Finding of Fact.

ITEM #V.35

Case #: 22060021 – Zoning Violations
Property Owner: Vicnsos Realty Group LLC
Address/Folio: 263 Commercial Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-271.(i)(3)c.2.ii. B-1 District

Senior Code Inspector Banyas said that they went over the facts in the companion case #22060022, item #34. This was a request for a Finding of Fact regarding a mixed-use property and that residential use was prohibited on the ground floor. A Notice of Violation went out for the violation on the west side of the ground floor for multiple bedrooms. A re-inspection was completed today and as of today, this area was not being utilized in a residential manner on the first floor. However, they would like to monitor it and they will. The Finding of Fact could ensure that the property would not re-violate. Should this violation come back within the next five years under the same property owner, it may be deemed a repeat violation subject to higher fines of up to \$500/day. There were no fines or costs associated with this agenda item, they were just recommending a Finding of Fact. The Special Magistrate ordered a Finding of Fact that the violation existed but it was in compliance now and if this violation should reoccur with documentation in the future, it would be serious and it would come with higher fines of up to \$500/day. Ms. Banyas reminded that the power was pulled by the Building Official and the Fire

Marshal today and the owner would need a permit to reinstall that meter. The property owner, Mr. Colnaghi, asked about his responsibility regarding the permit for the meter and he was answered by both Inspector Banyas and Building Official Mansor. He was also informed that if the power was pulled for the efficiency tomorrow, the same thing would apply regarding a permit for that meter's reinstallation. Mr. Colnaghi said that the tenant in the efficiency was out tonight but he told her she had a week to get her stuff out. The Building Official said that he would give the property owner four days from today for the lady to take her stuff out of the efficiency. Ms. Banyas explained why this case may also be brought back to the August 25, 2022 Hearing.

The next two cases were called together but heard separately.

CERTIFICATION OF LIEN

ITEM #V.47

***TAKEN OUT OF SEQUENCE**

Case #: 22070021 – Nuisance

Property Owner: 4326 Ocean Dr LLC

Address/Folio: 4326 N Ocean Dr 1-4

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

Senior Code Inspector Banyas testified that she thought the respondent would attend via Zoom but there was no respondent in attendance tonight. She gave the Special Magistrate photos for evidence. She explained that this was a repeat violation again for the bees. It was repeated multiple times for a repeat violation under Section 6-41(a)(7). She informed the Special Magistrate that in the photos he would see the bees and a copy of the previous Final Order to establish that this was a repeat violation. She testified that the Town was looking into further abatement of the property. In the past, they were held up because they would need a judge's order because gates were locked, the owner would not consent to allow the Town to abate and the preliminary review done by the gentleman who was certified to take care of bees, John, advised the Town a few years ago that they would have to go into the structure and cut out areas around the bees which has gotten more expansive and then board up whatever section of the house was demolished. After this order is secured, Inspector Banyas would be meeting with the Town Attorney to discuss the plan of action and what remedies were legally available. The Town was requesting a certification of repeat violation lien and Final Order reflecting that the fine would continue to run until there was compliance with the bee situation and verification by the Town plus \$100 Hearing Cost (which was changed to \$200). To date, it has been sixteen days (since July 13th) at \$500/day and it would continue to accrue thereafter until compliance was reached and verified by the Town. The Town would be recording the lien probably within the next two weeks. Notice was provided by posting on the property and Town Hall. She also emailed the owner a copy and he confirmed receipt. They have been communicating for a few days. He said he has someone going out next week to fix the bees.

The Special Magistrate ordered a (1) certification of the repeat violation lien for sixteen days at \$500/day plus \$200 Hearing Cost and the Town to record probably within the next two weeks and (2) Final Order for compliance of the bee situation verified by the Town or \$500/day repeat violation fine would continue to run/accrue.

ITEM #V.48

Case #: 22070022 – Nuisance

Property Owner: 4326 Ocean Dr LLC

Address/Folio: 4326 N Ocean Dr 1-4

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Senior Code Inspector Banyas testified that this was a repeat violation and as stated earlier, the owner was not in attendance tonight. The property was posted and the owner was emailed a copy of the posting and he confirmed receipt. As of today, the trash and litter were in compliance but it was out of compliance for fifteen days at \$500/day fine for the repeat violation. The landscaping still persists in being overgrown but some work was done and they were supposed to come back and compliance should be next week. The Town recommended a certification of lien for the trash and litter and final order stating that the landscape fine would continue to accrue until compliance was verified by the Town plus \$100 Hearing Cost which was quickly corrected to \$200 Hearing Cost for this case and for the previous one. She said that a neighbor was here, if the Special Magistrate had any questions. Special Magistrate Clerk asked the neighbor if he had any questions, and there were none about the case or the order.

The Special Magistrate ordered a (1) certification of the repeat violation lien for trash and litter for fifteen days at \$500/day plus \$200 Hearing Cost and (2) Final Order for compliance of the landscaping violation would continue to accrue at \$500/day until verified compliant by the Town.

NEW BUSINESS

ITEM #V.37

***TAKEN OUT OF SEQUENCE**

Case #: 21060005 – Building Code Violations
Property Owner: D'Angelo, Michael S Harris, Jonathan & Ameueiras, Mar
Address/Folio: 3210 Oleander Way
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

Senior Code Inspector Banyas testified that she wanted to present evidence. For the record, no one was in attendance to represent the property owner. This was a new case that has actually been open for over a year. In the interest of time, she briefly discussed the reasons like the original notice contained fencing, an addition on the east side, and a driveway. However, the fencing and addition were complied. The expansion and the pathway added to the new driveway was what was before the Special Magistrate tonight. Service was obtained by green card in the file. On May 25, 2021, a Stop Work Order was posted by the Building Official. A permit application was submitted on September 11, 2021. The respondent did not reply to comments until January 2022. There were some zoning issues regarding the survey submitted. It did not adequately represent all of the information required and it was one month since the last contact with the owner. The Town recommended a Final Order for an approved permit to be obtained for the driveway by August 24, 2022 or a fine of \$100/day to accrue thereafter plus \$50 Hearing Cost. The Special Magistrate ordered compliance by August 24, 2022 by obtaining an approved permit for the driveway or a fine of \$100/day to accrue thereafter plus \$50 Hearing Cost for tonight's hearing due immediately or payable by August 24, 2022.

Senior Code Inspector Banyas asked, after item #17 was called, if they could address items 17 through 26 together. After a correction was noted, items 18 through 26 were heard together and then item 17 was heard by itself afterward.

OLD BUSINESS

ITEM #V.18

Case #: 21100025 – Building Code Violations
Property Owner: Senouci, Carl
Address/Folio: 4652 Poinciana St 1
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.19

Case #: 21100026 – Building Code Violations
Property Owner: Senouci, Carl
Address/Folio: 4652 Poinciana St 2
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.20 *(this item was incorrectly listed twice on the agenda as 20 and 21. It should just be ITEM #V.20)*

Case #: 21100027 – Building Code Violations
Property Owner: Wachter, Wilhelm & Edith
Address/Folio: 4652 Poinciana St 3
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.22

Case #: 21100028 – Building Code Violations
Property Owner: Roberto, John A Est
Address/Folio: 4652 Poinciana St 4
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.23

Case #: 21100029 – Building Code Violations
Property Owner: Roberto, John A
Address/Folio: 4652 Poinciana St 5
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.24

Case #: 21100030 – Building Code Violations
Property Owner: Favale, Joseph Favale, Vincent Mario
Address/Folio: 4652 Poinciana St 6
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.25

Case #: 21100031 – Building Code Violations
Property Owner: Brooks, Willie J Wilson-Brooks, Susan K
Address/Folio: 4652 Poinciana St 7
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.26

Case #: 21100032 – Building Code Violations
Property Owner: Senouci, Brahim
Address/Folio: 4652 Poinciana St 8
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

For the record, all of the properties were in one condominium and no one was in attendance for the property. Each one individually was cited for the 40 year inspection which was past due. They were nearly done and a receiver has been appointed to the property who has been moving things along. They were past the compliance date but the Town had no objection to the request they submitted for an extension to August 24, 2022 with the next hearing being August 25, 2022. As a reminder, there were eight units in the entire building known as Favale Condominium. As Senior Code Inspector Banyas reported, the Town had no objection to their request for an extension to August 24, 2022 and not requiring Hearing Cost for today's hearing. The Special Magistrate ordered a revision of the Final Order by

extending the compliance date to August 24, 2022 plus no Hearing Cost for today's hearing and return to the August 25, 2022 Hearing, if necessary.

ITEM #V.17

***TAKEN OUT OF SEQUENCE**

Case #: 21100018 – Building Code Violations
Property Owner: O'Sean Villa LLC
Address/Folio: 4641 N Ocean Dr, 1-8
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

There was no one in attendance to represent the property owner. Senior Code Inspector Banyas testified that Jerry McGuire came in and asked for an extension to August 24, 2022. Both Inspector Banyas and Building Official Mansor had no objection to the request for an extension to August 24, 2022 with no Hearing Cost for today's hearing. The Special Magistrate ordered a revision to the Final Order by extending the comply-by date to August 24, 2022 and no Hearing Cost for today's hearing.

CERTIFICATION OF LIEN

ITEM #V.43

***TAKEN OUT OF SEQUENCE**

Case #: 22030023 – Nuisance
Property Owner: Shanahan, George C Est
Address/Folio: 2036 Coco Plum Pl
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(f)
Chapter 6 – Building and Building Regulations Section 6-38(b)
Chapter 6 – Building and Building Regulations Section 6-38(c)
Chapter 6 – Building and Building Regulations Section 6-41a)(18)
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)

Senior Code Inspector Banyas testified that she had photos to submit as evidence which were accepted into the record by the Special Magistrate as Town's Composite Exhibit. There was no respondent in attendance. Service was already established. The owner was an estate for a gentleman who has passed away. There is a female occupant who was probably the girlfriend of the deceased. The Town recommended certification of the lien as all five violations still remain non-compliant plus \$100 Hearing Cost. When the Special Magistrate asked about abatement, Ms. Banyas replied that the Town consulted with the Town's Attorney's Office. Attorney Alan Gabriel advised that there was no ability on the Town's part to abate even for screening for safety along the curtilage without an order from a judge. They would be seeking an order from the appropriate court to go in and abate. Ms. Banyas answered Ms. Small's inquiry stating that they previously asked for \$200 Hearing Cost, so tonight it was \$100 Hearing Cost. The Special Magistrate ordered certification of lien for the five violations plus \$100 Hearing Cost.

SPECIAL SET

ITEM #V.50

***TAKEN OUT OF SEQUENCE**

Case #: 22070024
Property Owner: The Caribe, Inc. of Broward County
Address/Folio: 4050 N Ocean Dr

Senior Code Inspector Banyas said that this was here tonight so the Special Magistrate could see what was going on at this large condominium. The Town was recommending a continuance to the next hearing for a status hearing. On July 11, 2022, the owner of one of the units in The Caribe contacted the Building Official to let him know that there was a crack in her apartment horizontally. Staff determined that the 50 year inspection was past due and the Town submitted a Notice of Violation. The property submitted an engineer's contract and advised the Town that the only unit where there was a crack was

that unit. They said they inspected all the units. The Special Magistrate ordered a status hearing for this agenda item on August 25, 2022 at the Code Compliance Hearing.

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
4	21100015	4146 Seagrape Dr
12	22010028	2050 Waters Edge
38	22050010	4641 Bougainvillea Dr
39***	22060007	253 E Commercial Blvd
51	Fire case #22-1346	4510 El Mar Dr
52	Fire case #22-1347	4444 El Mar Dr
53	Fire case #22-1348	4511 El Mar Dr
54	Fire case #22-1349	4445 El Mar Dr

***Agenda item #39 was listed on the agenda as complied (no action needed) but as there was someone in attendance regarding this agenda item, the inspector explained what transpired (see page 10).

CASES TO BE CONTINUED - AUGUST 25, 2022

ITEM #V.2**

***TAKEN OUT OF SEQUENCE**

Case #: 22040017 – BTR Inspection/Commercial

Property Owner: ACS 218 LLL

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

Senior Code Inspector Banyas testified that Code Inspector Wienbarg said at the beginning of this hearing that agenda item #2, case #22040017, (see pages 1 and 2) would not be continued to August 25, 2022 but rather would receive a Final Order tonight. She said that statement was retracted and the case would be continued to August 25, 2022 as originally stated.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on July 28, 2022 at approximately 7:10PM.

APPROVED BY:

ATTEST:


Special Magistrate Tom Ansbro


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