

APPROVED

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

*Town Commission Meeting Room
Thursday, July 28, 2016 at 5:00 PM*

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the Hearing to order at 5:00p.m. on Thursday, July 28, 2016. Town Attorney Alan Gabriel, 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 – June 23, 2016

The minutes of 06/23/16 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 the following cases were either in compliance or continued:

COMPLIED

- | | |
|------------------|----------------------------|
| 1. C#: 16050012 | 4346 E Tradewinds Avenue |
| 2. C#: 16050013 | 4400 N Ocean Dr |
| 3. C#: 16050014 | 4601 Bougainvilla Dr |
| 4. C#: 16060007 | 4420 E Tradewinds Ave |
| 5. C#: 16060013 | 4432 Bougainvilla Dr |
| 6. C#: 16060018 | 234 E Commercial Blvd |
| 7. C#: 16060026 | 1810 E Terra Mar Dr |
| 8. C#: 15110013 | 4636 Poinciana Dr Unit #2 |
| 9. C#: 15110014 | 4636 Poinciana Dr Unit #1E |
| 10. C#: 15110015 | 4636 Poinciana Dr Unit 1W |
| 11. C#: 16060027 | 1736 Bel-Air Ave |
| 12. C#: 16070001 | 2011 Waters Edge |
| 32. C#: 16060006 | 222 Neptune Ave |

CONTINUED

21. C#: 16030017 232 Bombay Ave
22. C#: 16030030 272 Sailfish PL
13. C#: 16060004 2048 Sailfish PI
14. C#: 16060030 1431 S Ocean Blvd Unit #34
38. C#: 16060025 4340 Seagrape Dr

HEARING DATE

August 25, 2016
August 25, 2016
August 25, 2016
August 25, 2016
September 22, 2016

Special Magistrate Clerk Jhanelle Campbell said that they will start a little out of order and she called item #18.

OLD BUSINESS**ITEM #V.18*****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 is a single-family rental property which is not homesteaded. Certified mail was sent to the mailing address of record on May 18, 2016 but service was not received and the property and City Hall were posted on June 11, 2016. Certified mail was sent to the home address of Mr. and Mrs. Lurie also on May 18, 2016 and the signed green card was received. This case is a repeat violation for Vacation Rental Certificate and vacation rental less than seven consecutive days. On March 28, 2016, the Town received a complaint for an unlicensed vacation rental. The Town observed the property advertised on VRBO for less than seven consecutive days and without having a Vacation Rental Certificate. Ms. Banyas spoke with Ms. Lurie who told her that if anyone calls or e-mails regarding rental, she directs them to her friend. Ms. Banyas explained the situation to Ms. Lurie and the ad was removed. Compliance was April 13, 2016, however, on May 18, 2016, the officer observed the property again advertised on the vacation rental website for less than seven consecutive days without a Vacation Rental Certificate. Notice was immediately sent to the owner for a repeat violation status. Subsequently, multiple ads were found on different sites which were observed to be removed on June 18, 2016. At the June 23, 2016 Special Magistrate Hearing, this case was continued until today so that the respondent's attorney could be present.

On July 2, 2016, some ads were again back up and Ms. Banyas observed several vehicles parked on the property. She received a call regarding a party at the house over that weekend. On July 7, 2016, Officer Banyas saw several gentlemen who said they were staying at the home and would be gone after the weekend. On July 16, 2016, the original VRBO ad was up again as well as the Airbnb ad. On July 18, 2016, the Town was notified that BSO had responded to a call from the respondent regarding unauthorized inhabitants who were told to leave. On July 26, 2016, Ms. Banyas, using a different name, was preapproved to book the home for three days. On July 27, 2016, an additional VRBO ad was observed. On July 28, 2016, all ads are down except for VRBO and HomeAway. Officer Banyas said that the Town is recommending a maximum repeat violation fine of \$500/day back dated to May 18, 2016 until June 18, 2016. Then the fine would be amended to again start on July 2, 2016 up until and through today until compliance is reached. Compliance would be accomplished with the complete removal of all ads related to this property for vacation rentals or obtaining a Vacation Rental Certificate with all necessary and required inspections and the proper amount of vacation rental days. The Town was also requesting \$250 Administrative Fee payable within thirty days.

Attorney DeFelice said that he represented the Lurie family and asked to cross examine Officer Banyas. He asked which ad was placed by the Lurie family and if the Town had anything from the websites stating that Ms. Lurie placed the ad(s). Town Attorney Alan Gabriel asked to speak as prosecutor on behalf of the Town of Lauderdale-By-The-Sea. He stated that it is immaterial who placed the ads. The property is responsible for anything that may occur on the property. These ads apply to the property. It is prima facie evidence that it is being rented by someone and it is up to the owner to ensure that the property is compliant. Attorney DeFelice asked if there was a notice attached to his client's house in June 2016 and Ms. Banyas explained all details. He wanted to know if the September 2014 Final Order was attached when the house was posted and if the house was inspected on May 18, 2016. Ms. Banyas explained what transpired. Ms. Banyas answered that the yearly or long-term rental certificate for Ms. Lurie is active. Attorney DeFelice wanted to mention that the Town did not ascertain if Ms. Lurie placed the ads in question. Ms. Banyas answered Ms. Lurie's attorney regarding the September 22, 2014 final order. Attorney DeFelice said based upon what happened, he does not believe his clients received proper notice and is asking that the case be dismissed. The Special Magistrate denied his request for dismissal.

Town Attorney Alan Gabriel asked to re-direct and questioned Officer Banyas about the advertisements. He asked for copies of any advertisements so that the Special Magistrate could see what those advertisements were. She had multiple advertisements but thought the most relevant might be the ones from today which show Ms. Lurie's name and photo. The advertisements were shown to Attorney DeFelice. Attorney DeFelice is objecting to the advertisements because there is no foundation as to who placed them on the website(s). Mr. Gabriel said there is no question that these ads apply to the property and no question that these ads apply to the property owner and that the property owner's name and picture are on some of the ads. He said that the property owner is responsible for any action that may apply to the property. The Special Magistrate accepted the copies of the web advertisements into evidence as Town's Composite Exhibit. Ms. Banyas explained the photo is of Ms. Lurie and the phone number on one of the original advertisements is for Ms. Lurie's phone. This is the phone number Ms. Banyas used to speak with Ms. Lurie. These phone conversations coincide with the dates ads were taken off the websites. Ms. Banyas has former minutes to submit into evidence regarding that phone number. The Special Magistrate accepted more evidence from Ms. Banyas with the unspecified objection from Attorney DeFelice. Special Magistrate inquired if any members of the public were in attendance to speak about this agenda item.

Attorney DeFelice questioned his client, Teri Lurie. She answered that there were no rentals in 2013 and 2014. She said she had a one-year rental in 2015 starting in July to end on June 30, 2016. She paid for a long-term rental license. Ms. Lurie said the tenant left in February 2016 for not paying rent. From that time period until now, Ms. Lurie has lived at 222 Imperial Lane. She is still fixing up her other home. From March 2016 until now, there are no renters at that house. Ms. Lurie further testified that she was out of the country for the September 22, 2014 Final Order. The license she has for this house is still valid. She explained why she paid \$100 previously for an ad that was taken down that was not her ad. Ms. Lurie explained that her name and phone number are on ads for vacation property which belongs to her friend who is not able to handle renting right now herself. She does not know who put up the TripAdvisor ads. Florida Luxury Rentals with Coldwell Banker Lauderdale-By-The-Sea are the businesses that rented her house previously for the full-time rental. As there were other cases to be heard, this case was mutually agreed upon to be put in abeyance until around 6:30p.m. to finish the rest of the cases for the respondents in attendance and then this case would be recalled.

At approximately 6:42p.m., Ms. Campbell recalled this agenda item. The Special Magistrate spoke about the recent article in the newspaper regarding abuse with vacation rentals. He explained that most municipalities are hobbled by their inability to regulate things like this because it was taken away by the State Legislature by preemption. This Town enacted laws several years ago to regulate vacation rentals. In this Town, you cannot rent for less than seven consecutive days, you need a Vacation Rental Certificate, Business Tax Receipt, inspections, etc. The Special Magistrate said to the owner that Officer Banyas testified that she e-mailed her and could have rented her Lauderdale-By-The-Sea home for three days. Ms. Lurie said that the rental was not for her home but rather her friend's home in Fort Lauderdale. The Special Magistrate asked about the ads that go up and come down when Ms. Lurie is contacted by the Town. Ms. Lurie does not know how that occurs. He spoke about neighbors being tired of loud parties and renters' bad behavior. The people who own property for vacation rentals have an obligation to live by the code and rent to responsible tenants.

Town Attorney Alan Gabriel said that Ms. Lurie is a habitual offender. He spoke about Ms. Lurie stating she does not know how the ads were placed on the websites as she was not involved with them. He said that when she talks about the Fort Lauderdale property not being hers, it is her property. There was clear evidence presented that this is ongoing. He asked if he could read the minutes from 2014 into the record. He asked for the maximum fine of \$500/day. There are 57 days out of compliance starting from May 18, 2016 through June 18, 2016 (30 days), the ad came back July 2, 2016 through today, July 28, 2016 (27 days), and this habitual violator continues this pattern. Attorney DeFelice said it is not logical to place ads if she is living in the house in Lauderdale-By-The-Sea. Ms. Lurie's testimony is that the picture in the ad is not her house but the Special Magistrate said that the address reflected in ads is 222 Imperial Lane. Attorney Gabriel said that her counsel has indicated that she lives at the 222 Imperial Lane address but Ms. Lurie also owns a homesteaded house and that is where she lives. Mr. Gabriel said that this is one of those cases that merits the full responsibility of the property owner and the Special Magistrate. He asks that the Special Magistrate find for the Town for the 57 days out of compliance at the maximum fine amount and bring this property into compliance.

Attorney DeFelice wanted to know how you could bring this into compliance if someone else is placing the ads. Attorney DeFelice reminded his client that she is under oath and asked her questions. She answered that she put in an ad for waterfront property but it was not for Lauderdale-By-The-Sea. Officer Banyas said that Ms. Lurie should have started complaining in 2014 to stop any ads she did not place. The Special Magistrate asked Officer Banyas who answered her e-mail sent under the pseudo name "Bambi" that she could rent for three days. She testified that it was someone named Teri. Ms. Lurie said that rental was for Fort Lauderdale and not Lauderdale-By-The-Sea. Ms. Lurie wanted to know about pretending to be "Bambi" when it was really Officer Bethany Banyas. Ms. Lurie explained that she paid \$1,400 for a platinum level ad, so she used that ad to rent her friend's house. Officer Banyas understands that she uses the ad for her friend but the ad she communicated about was for Imperial Lane in Lauderdale-By-The-Sea. Attorney DeFelice wanted to know if the Town holds its residents responsible for what happens on the internet. Attorney Gabriel pointed out that if garbage is dumped on someone's property, it is the homeowner who has to clean up. You are responsible for your property. The Special Magistrate ordered continuance to the August 2016 hearing.

The Special Magistrate wants all parties to meet and come back to the August hearing with a stipulated order. If not, he wants clear evidence in front of him that he could peruse at the hearing. If the evidence proves that Ms. Lurie did this knowingly, then he would impose a \$500/day fine. Town Attorney Gabriel said he is unsure about a stipulated order because they

have met before to no avail. The Special Magistrate said then he would make a ruling based upon the evidence given to him. The Special Magistrate explained that this is a repeat violation. Town Attorney Gabriel asked for the evidence submitted tonight by Ms. Banyas so that she could make copies for Attorney DeFelice. Officer Banyas explained that each website has their own set of procedures to take ads off their website. Ms. Lurie needs to call all of the vacation rental websites and find out how she could take the non-compliant ad(s) off for her property in Lauderdale-By-The-Sea and come into compliance. Discussion ensued about a special hearing because Attorney DeFelice is going to Tallahassee around the time of the August hearing. For the record, in reference to Attorney DeFelice's complaint about no notice, Officer Banyas submitted two affidavits of posting.

CONSTRUCTION EXTENSION

ITEM #V.24

***TAKEN OUT OF SEQUENCE**

Case #: 2016-CE-01 Construction Time Extension

Property Owner: R Group LLC

Address/Folio: 4132 N Ocean Dr (Sea Lord Hotel and Beach Club)

Code Section(s):

Development Services Director Linda Connors explained that the property owner has applied for and received approval to construct a hotel. They had difficulty getting the tenant to move out of the apartment complex that is to be torn down. We are here tonight because the Town has a requirement to finish construction within eighteen months for new construction. They received their permit but could not start construction because the tenant would not vacate. The Town's ordinance requires that they go before the Special Magistrate to ask for an extension. The Code allows for a one-year extension which the applicant has requested. Staff agrees with the request. The Special Magistrate said that they asked for 18 months. Ms. Connors said that the Special Magistrate cannot grant 18 months in this case. The Special Magistrate ordered that he would grant the request for a one year extension.

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

NEW BUSINESS

ITEM #V.39

***TAKEN OUT OF SEQUENCE**

Case #: 16060028 – Building Code Violations

Property Owner: Northrup, Kathleen E

Address/Folio: 4322 E Tradewinds Ave (Unit 4326)

Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that notice was sent via certified mail and service was obtained. The violation is work without permit for interior renovations for unit 4326. On June 24, 2016, Ms. Foster observed work being done in the unit. She saw exposed wires in the ceiling, exposed outlets, ceiling grids/framing, and new doors and possibly some new cabinets and countertops. The property owner said that she signed a permit and assumed it would have been approved before work was done. On July 19, 2016, Ms. Foster received a call from the fire marshal that people were in the unit working. There was a building permit submitted on July 7, 2016 but it was denied. The fire marshal issued a stop work order and posted it on the property. While she was at the property, Ms. Foster saw that the work for the doors and ceilings was completed. In the bathroom, the sink and toilet were removed. The property owner was not advised that there was a stop work order. As of yesterday, corrections to the permit were not done. On June 24th and July 18th, Ms. Foster took pictures that

accurately depict the condition of the property and requested that they be entered into evidence. She was requesting \$150 Administrative Fee.

The general contractor, Thomas Steier, testified that he was hired by the tenant. He said that the pictures show no new doors and that the grid was existing. The only work done was painting, flooring and replacement of ceiling tiles. He was not told originally that anything over \$5,000 needs an engineer's set of drawings but he would probably have them by tomorrow. This project needed an asbestos survey and they were getting it. David Scott said that he is the owner's son/representative. The Special Magistrate accepted the photos into evidence as the Town's Composite Exhibit. The Special Magistrate ordered that permits are to be obtained and all work and inspections completed by August 25, 2016 or \$200/day fine and \$150 Administrative Fee to be paid by August 25, 2016. (Ms. Foster asked that this case be recalled after she presented case #16060012, in order to change the August 25, 2016 date to August 27, 2016 agreed to by the Special Magistrate.) The Final Order shall now read: The Special Magistrate ordered that permits are to be obtained and all work and inspections completed in thirty days by August 27, 2016 or \$200/day fine and the \$150 Administrative Fee is to be paid by August 27, 2016.

ITEM #V.29

***TAKEN OUT OF SEQUENCE**

Case #: 16060022 – Vacation Rental

Property Owner: Naylor, Sandra E

Address/Folio: 220 Pine Ave

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 spoke about case #16040040 for 220 Pine Avenue – owner Sandra Naylor. Ms. Banyas testified that this is a single-family rental property. Notice was sent via certified mail on June 27, 2016 and service was obtained. The violation is vacation rental for less than seven consecutive days – Section 30-327(c). This property was continued from the past hearing due to request of the owner. The property came into compliance on July 19, 2016 and the Town was requesting a finding of fact placing the property on notice if this violation happens again as a repeat violation, fines may be immediately assessed. The Town was not requesting an Administrative Fee for this hearing.

Attorney Barrie Krumholz said that she does not represent the owner. She said that the property is in foreclosure and she represents the plaintiff in the foreclosure action. She was told by the owner's attorney that the owner was living on the property. The Special Magistrate ordered a finding of fact that should this violation happen again, fines may be immediately assessed.

Officer Banyas testified that there is a second case which is #16060022 for the same owner and property address. The Town obtained service by posting the property for violation of Section 30-327(d) for no Vacation Rental Certificate and inspections. Ms. Banyas spoke with the owner who brought the property into compliance on July 19, 2016. The Town was requesting a finding of fact placing the property on notice that should this violation happen again as a repeat violation, fines may be immediately assessed. The Town was not requesting an Administrative Fee for this hearing. The Special Magistrate ordered a finding of fact that should this violation happen again, fines may be immediately assessed.

ITEM #V.36

***TAKEN OUT OF SEQUENCE**

Case #: 16060021 – Building Code Violations

Property Owner: Brown, Ryan W and Brown, Tiffany L
Address/Folio: 4900 N Ocean Blvd #305
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Bethany Banyas said that notice was sent via certified mail on June 16, 2016 and service was obtained. The violation is work without permits. The corrective action would be to obtain and closeout permit for work that was done. On June 16, 2016 she was called out with the Building Official to the property. The condo association manager advised them that work was done and the unit is now vacant without the work completed. Officer Banyas and the Building Official inspected the property. They took photos and posted the property with a stop work order which she was requesting to be placed in evidence. The notice was mailed and e-mailed to the owner. She received a phone call from the owner and explained the situation. On June 28, 2016, the Building Official allowed a one-time access to a contractor for the purpose of evaluating. She was contacted by Robert Johns who is the general contractor for the Browns. He is also here today. As of today, permits have not been submitted but Mr. Johns did meet with the Building Official. The Town requests a Final Order with a ten-day comply-by date due to the fact that extensive work was done without a permit and fines should start. She was also requesting \$150 Administrative Fee for today's hearing. She showed the correction notice and the photos to Mr. Johns and then submitted them to the Special Magistrate.

Robert Johns testified that he was contacted by the owner's wife. She explained the situation with the renovation. She said they went back to Ohio because they realized it will take longer than they thought. They did get drawings to get the process going and Mr. Johns is under contract. He did get a designer architect who would give him a full set of plans soon. On behalf of the homeowner and himself, Mr. Johns asked the Special Magistrate for a reasonable amount of time. The Special Magistrate ordered compliance in thirty days, August 27, 2016, and \$150 Administrative Fee due in thirty days by August 27, 2016. This case will be set for recall at the August 2016 hearing for a status hearing and if there is no significant progress, the Special Magistrate warned about fine assessment.

CERTIFICATION OF LIEN

ITEM #V.42

***TAKEN OUT OF SEQUENCE**

Case #: 16010004 – Zoning Violations
Property Owner: Richard Barrie Jr Inc.
Address/Folio: 226 Basin Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-317(e)(1)(2)(3)

Officer Banyas asked for case #16010005 to also be called.

ITEM #V.43

Case #: 16010005 – Zoning Violations
Property Owner: Silver Shores Yacht Basin Inc
Address/Folio: 230 Basin Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-317(e)(1)(2)(3)

The Special Magistrate swore in the female respondent. Code Compliance Inspector Bethany Banyas testified that these are two parcels from the marina both of which are cited for the same Section 30-317(e)(1)(2)(3) for unpaved parking area. They did come into compliance on June

1, 2016 but the comply-by date was April 27, 2016. Their \$150/day fine was for 36 days. The Town is asking for certification of lien. Both respondents are here. Officer Banyas answered the Special Magistrate that they were diligent but it just took longer than expected. Sophia Ali said she is here to ask for a reduction of the fine for Silver Shores Yacht Basin and Richard Barrie. She said the consulting engineer, Joseph Roles, was here to explain about the two parcels being one lot. He explained it is one building with one owner and two areas for parking. Ms. Banyas answered the Special Magistrate that each property owes \$5,400 (total \$10,800) and \$150 Administrative Fee (total \$300). The Special Magistrate ordered the \$300 Administrative Fee to be paid by August 27, 2016. He mitigated the \$10,800 fine to \$500 (\$250 each property) and ordered it paid by August 27, 2016 for a total due of \$800 to be paid by August 27, 2016.

ITEM #V.48

***TAKEN OUT OF SEQUENCE**

Case #: 16060012 – Landscape Violations

Property Owner: Leal, Alvaro

Address/Folio: 2031 Coco Palm Pl

Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-477(a)

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

Code Compliance Inspector Sharon Foster testified that fines started running on July 24, 2016 at \$150/day for one violation. The property is not in compliance and has been out of compliance for 5 days. The fine is \$750 plus \$150 Administrative Fee for a total of \$900. Since the last hearing, Ms. Foster has had contact with the property owner who said his previous tenants have destroyed his irrigation system. The property has been vacant for some months but is now rented. He requested an extension for a couple of months so he could redo the whole lawn. His real estate agent, Marlene Kaplan, is here today on his behalf. Officer Foster answered the Special Magistrate that she was okay with a sixty-day extension and so is Ms. Kaplan. The Special Magistrate ordered a revised Final Order extending an additional sixty days, by September 26, 2016, to come into compliance or a fine of \$100/day plus the \$150 Administrative Fee is to be paid by September 26, 2016.

NEW BUSINESS

ITEM #V.33

***TAKEN OUT OF SEQUENCE**

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 is a multi-family property. Notice was sent via certified mail on June 8, 2016 to the property of record. The violation is 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. The Town was not notified at that time of emergency a/c work and there were no permits. On June 17, 2016, Ms. Banyas received a call from the owner. She advised that it was an emergency situation and they are going to obtain a contractor for the permits. As of today, Ms. Banyas said, the Town has not received an application for permits. The Town is requesting a Final Order with a short compliance date for at least the application and approval of the permit. She was also requesting \$150 Administrative Fee for today's hearing. She showed pictures she took which depict the work that was done to the respondent's

representative. The Special Magistrate accepted the pictures into evidence without objection as the Town's Composite Exhibit.

Camille Spence, Operations Manager of K M Buschbaum, testified that they have a signed contract with a contractor who will fix the chiller units on the roof. There is a two to three week lead time for the parts coming in. Then their contractor will fix the holes for the temporary work done. The Special Magistrate ordered thirty days, by August 27, 2016, to file for a building permit with the Town and begin work. There will be a status hearing scheduled for the August Hearing to see the progress made. The Special Magistrate further ordered the \$150 Administrative Fee payable in thirty days by August 27, 2016.

CERTIFICATION OF LIEN

ITEM #V.49

***TAKEN OUT OF SEQUENCE**

Case #: 15120035 – Sign Violations

Property Owner: 4301 Ocean Dr Inc.

Address/Folio: 4301 N Ocean Dr

Code Section(s): Chapter 12 – Licenses Section 12-2(a) Required

Chapter 30 – Unified Land Development Regulations Section 30-509(a)

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

Code Compliance Inspector Bethany Banyas testified that this is for signs without a permit. The previous Final Order was issued on May 26, 2016 and they were given an extension at the June 23, 2016 hearing with a new comply-by date of July 23, 2016. There are photos to show they have complied as of today but she has not confirmed. The \$100/day fine ran for six days totaling \$600. Officer Banyas answered the Special Magistrate that the tenant did his best to comply and it would not be unreasonable to reduce the fine or extend the compliance date. The Special Magistrate ordered the compliance date to be changed to today, July 28, 2016, thereby waiving the fines. There would now be a zero balance. Burl Sostchin identified himself as the landlord of the property and asked to speak. He said he never met the tenant. He asked about the Business Tax Receipt and Code Compliance Inspector Bethany Banyas testified that it was obtained today.

ITEM #V.50

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 notice was sent via certified mail and service was not obtained. The property was posted and the affidavit of posting is in the file. The violation is work without permit for interior remodeling of the kitchen and concrete poured in the balcony area. Today is a status hearing. The owner was before the Special Magistrate a few months ago. This is the property with two different violations and fine amounts for count 1 and count 2. The Building Department informed Ms. Foster on June 9, 2016 that a letter from the engineer was received and it was deemed that no additional shoring was needed. Count 1 is in compliance. The \$150 Administrative Fee was paid on June 20, 2016. On July 5, 2016, the permit was issued and framing and drywall inspections were completed on July 14, 2016. As of today, there are no other inspections scheduled. Officer Foster said that the revised Final Order had not been sent out to the owner yet due to administrative reasons. The owners are trying to make progress. They are going to remove the concrete flooring because the HOA board requested it and they will pull a separate permit. The Town is asking to have the case

continued to the August 2016 hearing. Ms. Foster said she received an e-mail from the owner outlining what they are going to do and their timeframe. She would like to present the e-mail and the inspection letter from the engineer regarding shoring. The Special Magistrate accepted them as the Town's Composite Exhibit.

Steve Kyman introduced himself and said that he represents the board and would wait until Ms. Foster finishes talking. Officer Foster said she was not asking for additional Administrative Fee. The Special Magistrate ordered this case to be continued to the August 2016 hearing. Mr. Kyman said he is here because he wants to question the accuracy of the engineer's report regarding the shoring. He said that he and the other board members did order the concrete removed but that was not complied yet. He was asking the Special Magistrate to postpone the final disposition regarding the balcony until it is ascertained that it is safe with the concrete removed and especially if the owner does not remove the concrete. Mr. Kyman would like to meet with the Town engineer, Jay Flynn, who is the contracted engineer for the Town. Mr. Kyman will work with Development Services to do so. The Special Magistrate ordered the fines to continue to run but the Special Magistrate said they could be mitigated if there is good progress.

The Special Magistrate called a two-minute break in the meeting at approximately 6:41p.m. with the video still recording. The meeting was re-convened and started up again for the first case called for this hearing - Item 18, case #16050007 (starting on page two of these minutes).

Special Set "A"

Re:	Town Requesting to Rescind Order for Item 23 on agenda Code Case #15120021 to rescind
Site Address:	240 Imperial Lane
Property Description:	494318040360
Legal Description:	LAUDERDALE SURF & YACHT ESTATES 22-46 B LOT 34 BLK 1

Code Compliance Officer Bethany Banyas was requesting, on the Town's behalf, that code case #15120021 be rescinded. The Special Magistrate said that he read the file and he ordered that the order is rescinded for case #15120021.

OLD BUSINESS

ITEM #V.15

Case #:	16050004 – Vacation Rental
Property Owner:	4216 Cgrape Associates LLC
Address/Folio:	4216 Seagrape Dr
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 testified that this is a single-family, non-homesteaded rental property. Certified mail was sent to the mailing address of record on June 27, 2016 and service was obtained. The two violations, no Business Tax Receipt (BTR) and no Vacation Rental Certificate, came into compliance on July 2, 2016. The Town was requesting a finding of fact to place the property on notice that should the violation(s) occur in the future, fines may be assessed for repeat violation(s). No Administrative Fee was requested for this hearing. The Special Magistrate ordered a finding of fact that should this violation(s) recur, it would be a repeat violation and fines may be assessed.

ITEM #V.16

Case #: 16040040 – Vacation Rental
Property Owner: Naylor, Sandra E
Address/Folio: 220 Pine Lane
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(c)
Chapter 30 – Unified Land Development Regulations Section 30-327(I)(1)

See **ITEM #V.29** on page 6 of these minutes.

ITEM #V.17

Case #: 16020013 – Building Code Violations
Property Owner: Imerti, Sonia
Address/Folio: 1800 S Ocean Blvd
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that notice was sent via certified mail and service was not obtained. The property was posted and the affidavit of posting is in the file. On February 16, 2016, she received an e-mail from the Building Department that a permit was submitted for kitchen cabinets and counter tops that was denied. Corrections were never submitted. After an inspection was done by the Building Department, it was confirmed that the work was done in unit #1307. Ms. Foster was contacted by Alan, the contractor, saying he only resurfaced the original cabinets. She told him to contact the Building Department to rectify the violation. He needs to submit a letter to the Building Official for review. The letter is to state what was done. Then there would be a determination if the permit could be closed. As of yesterday, the letter was not submitted. As of today, it is still work without a permit. Officer Foster was requesting \$150 Administrative Fee and a Final Order giving the respondent thirty days to come into compliance with the permit or the letter. The Special Magistrate ordered thirty days to comply, by August 27, 2016, or \$100/day fine and the \$150 Administrative Fee is to be paid within thirty days, by August 27, 2016.

ITEM #V.19

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

Code Compliance Inspector Bethany Banyas testified that a green card was not received for the certified mail sent June 27, 2016. The property was posted on July 16, 2016. The violation is repairs on a dock without a building permit. She read a brief history of this property into the record. She said it was over a year that the violation has been in existence. Permit #15-4318 was approved today and picked up by Mr. Vitalli. The Town was asking for a Final Order with ten days or less to comply as this case has been open over a year and the same person has been in charge and owned the property or a fine of \$150/day. She was also requesting \$150 Administrative Fee for today's hearing. The Special Magistrate ordered compliance within ten days, by August 7, 2016, or a fine of \$150/day. He further ordered \$150 Administrative Fee payable within thirty days by August 27, 2016. The Special Magistrate said that staff should be available to do the inspections during the ten day timeframe, so the owner could become compliant on time.

ITEM #V.20

Case #: 16010008 – Building Code Violations

Property Owner: Gulf Eastern Property Mang Inc % Boutin, R D MG
Address/Folio: 4244 El Mar Drive
Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Inspector Bethany Banyas testified that this is the Windjammer Hotel. Due to extenuating circumstances, the Town is willing to accept their request for an extension to today in order to erase the fines. She was recommending that the \$300 Administrative Fees are to be paid within two weeks from today. For the record, the facts of this case required investigation by the Town as to what had to be done. The Town was taking that time into consideration. The Special Magistrate ordered an extension of time for compliance through today and the \$300 Administrative Fees are to be paid within two weeks from today.

NEW BUSINESS

ITEM #V.25

Case #: 16060003 – Vacation Rental

Property Owner: Regout-Favart, Christina Sophia & Favart, Guy

Address/Folio: 284 Imperial Lane

Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(L)(1)

Code Compliance Inspector Bethany Banyas testified that certified mail was sent to the address of record on June 3, 2016. The green card was received, signed and dated. The listing agent is By The Sea Vacation Villas. The violation is occupancy of more than ten people for vacation rental. They were advertising for more than ten people. The property came into compliance on June 10, 2016. The Town was requesting a finding of fact placing them on notice should this violation happen again as a repeat violation, fines may be immediately assessed. The Town was not requesting an Administrative Fee for this hearing. The Special Magistrate ordered a finding of fact that should this violation happen again, fines may be immediately assessed.

ITEM #V.26

Case #: 16060005 – Vacation Rental

Property Owner: Darwin2 LLC

Address/Folio: 4436 Bougainvilla Dr

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

Code Compliance Inspector Bethany Banyas testified that certified mail was sent to the owner of record on June 3, 2016. A green card was received from both the owner and the listing agent. The violation is renting for less than seven consecutive day minimum for vacation rental. The property came into compliance after notice was obtained. The Town was requesting a finding of fact placing them on notice should this violation happen again as a repeat violation, fines may be immediately assessed. The Town was not requesting an Administrative Fee for this hearing. The Special Magistrate ordered a finding of fact that should this violation happen again, fines may be immediately assessed.

ITEM #V.27

Case #: 16060008 – Vacation Rental

Property Owner: Daniels, Jonathan & Barbara

Address/Folio: 227 N Tradewinds Ave

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

Code Compliance Inspector Bethany Banyas testified that certified mail was sent to the owner of record on June 4, 2016. A green card was received from both the owner and the listing agent

(Financial Stepping Stones). The violation is renting for less than the seven consecutive day minimum for vacation rental. The property came into compliance after notice was obtained. The Town was requesting a finding of fact placing them on notice should this violation happen again as a repeat violation, fines may be immediately assessed. The Town was not requesting an Administrative Fee for this hearing. The Special Magistrate was answered by Officer Banyas that this is already a recurring violation but it did not have a finding of fact before. The Special Magistrate ordered a finding of fact that should this violation happen again, fines may be immediately assessed.

ITEM #V.28

Case #: 16060009 – Vacation Rental
Property Owner: Daniels, Barbara Daniels, Jonathan
Address/Folio: 259 Hibiscus Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(c)

Code Compliance Inspector Bethany Banyas testified that certified mail was sent to the owner of record on June 4, 2016. A green card was received from both the owner and the listing agent (Financial Stepping Stones). The violation is renting for less than the seven consecutive day minimum for vacation rental. The property came into compliance already. The Town was requesting a finding of fact placing them on notice should this violation happen again as a repeat violation, fines may be immediately assessed. The Town was not requesting an Administrative Fee for this hearing. The Special Magistrate ordered a finding of fact that should this violation happen again, fines may be immediately assessed.

ITEM #V.30

Case #: 16060029 – Nuisance/overgrowth weeds & grass
Property Owner: Bromley, Matthew
Address/Folio: 4545 Poinciana St
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Code Compliance Inspector Bethany Banyas testified that certified mail was sent on June 25, 2016 to the owner of record in Canada and the listing agent. The property was posted ten days prior to the hearing. On July 17, 2016, Officer Banyas had a conversation with the property manager and advised him of the recurring violation. She testified that a courtesy notice was also sent for this violation twice. The Town was requesting a finding of fact placing them on notice that should this violation happen again as a repeat violation, fines may be immediately assessed or the Town could abate the violation and charge the property owner. The Town was not requesting an Administrative Fee for this hearing. The Special Magistrate ordered a finding of fact that should this violation happen again, fines may be immediately assessed or the Town could abate the violation and charge the property owner.

ITEM #V.31

Case #: 16060001 – Vacation Rental
Property Owner: Hanna, Danny
Address/Folio: 220 Codrington Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(d)

Code Compliance Inspector Bethany Banyas testified that this case is in compliance. Certified mail was sent to the owner of record to the address of record on June 2, 2016. A green card was received and the property was also posted. The violation is a vacation rental without a Vacation Rental Certificate. She contacted the owner and explained the violation. The owner

decided not to use the property as a vacation rental but rather as a yearly or long-term rental and he has a Business Tax Receipt (BTR). The Town changed the listing and the property came into compliance on July 27, 2016. The Town was requesting a finding of fact placing the property on notice should a vacation rental violation happen again in the future as a repeat violation, fines may be immediately assessed. The Town was not requesting an Administrative Fee for this hearing. The Special Magistrate ordered a finding of fact that should the vacation rental violation happen again, fines may be immediately assessed.

ITEM #V.34

Case #: 16060016 – Business Tax
Property Owner: Nikezic, Emina & Nikezic, Merema
Address/Folio: 1900 S Ocean Blvd #8P
Code Section(s): Chapter 12 – Licenses Section 12-2(a) Required

Code Compliance Inspector Sharon Foster testified that notice was sent via certified mail and service was obtained. On June 3, 2016, Ms. Foster received an e-mail from the License Department informing her that the property did not pay its renewal fee for their home office Business Tax Receipt (BTR). They still have not paid. She requested that a copy of the e-mail be submitted into evidence. The Special Magistrate accepted it as the Town's Exhibit. The Town was requesting \$150 Administrative Fee and thirty days to comply. The Special Magistrate ordered thirty days to comply, by August 27, 2016, or \$100/day fine and the \$150 Administrative Fee to be paid within thirty days, by August 27, 2016.

ITEM #V.35

Case #: 16060020 – Business Tax
Property Owner: Seagrape Commons LLC
Address/Folio: 222 E Commercial Blvd
Code Section(s): Chapter 12 – Licenses Section 12-2(a) Required

Code Compliance Inspector Bethany Banyas testified that certified mail was sent to the owner of record on June 11, 2016 and service was not obtained. The property was posted on July 16, 2016. The violation is that the renewal of the Business Tax Receipt (BTR) was not paid for the tenant, Pronto. On March 25, 2016, the Town sent a Courtesy Notice to both Pronto (the tenant) and to the owner of the property. Ms. Banyas said that no payment and no contact were made. On June 11, 2016, Notice of Violation was sent to both the tenant and the owner and no contact was made with the tenant. She did communicate with the owner of the property by e-mail and advised him of the outstanding fee. The total due today is \$285.31. The Town was requesting a Final Order with a ten-day compliance date to pay the fee or \$100/day fine. They were also requesting \$150 Administrative Fee to be paid by August 27, 2016. The Special Magistrate ordered ten days to pay \$285.31 or a fine of \$100/day and the \$150 Administrative Fee to be paid by August 27, 2016.

ITEM #V.37

Case #: 16060024 – No Garbage/Trash Service
Property Owner: Hill, Michael D
Address/Folio: 1948 Ocean Mist Dr
Code Section(s): Chapter 10 – Garbage & Refuse Section 10-27(a)(1)

Code Compliance Inspector Sharon Foster testified that notice was sent via certified mail and service was not obtained. The property was posted and the Affidavit of Posting is in the file. On July 17, 2016, Ms. Foster received an e-mail from Waste Pro stating that the last payment

received was on May 1, 2016 from the last homeowner/tenant. The new owner has not yet established service. There has been no contact with the new owner. She requested that a copy of the e-mail be entered into evidence. She asked for \$150 Administrative Fee for today's hearing. The Special Magistrate entered the e-mail into evidence as the Town's Exhibit. She was requesting thirty days to set up an account or \$50/day fine. The Special Magistrate ordered thirty days to come into compliance by August 27, 2016 or \$50/day fine and \$150 Administrative Fee to be paid by August 27, 2016.

ITEM #V.40

Case #: 16060031 – Building Code Violations
Property Owner: Vantage Holdings Corp
Address/Folio: 267 Bombay Ave
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that notice was sent via certified mail and service was not obtained. The property was posted and an Affidavit of Posting is in the file. On February 29, 2016, it was observed at the property that new pavers were being installed in the driveway without a permit. There was an existing permit on the property at that time but the pavers were not part of the permit. The property owner came into the office for another issue and Ms. Foster advised him about the violation regarding the pavers. He stated that he only picked up some of the pavers and had them reset. The owner was advised by the Building Department that a permit was required and the forms were given to him. As of today, there has been no other communication with the owner and the permit application was not submitted. She took pictures on February 29, March 1, and July 27, 2016 and Ms. Foster was asking that the pictures be submitted into evidence. She was asking for \$150 Administrative Fee and a Final Order for compliance in thirty days or \$100/day fine. The Special Magistrate ordered thirty days for compliance or \$100/day fine and \$150 Administrative Fee with both compliance to occur and the fee to be paid within thirty days, by August 27, 2016.

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 notice was sent via certified mail and service was not obtained. The property was posted and an Affidavit of Posting is in the file. The violation is stagnant, dirty water in the pool and the pool was not being maintained. The property is registered as a vacant property. On July 20, 2016, BSO was called out and the Building Department was called out to the property for another issue. The property had a work without permit case pending and the Town was called because apparently someone was there doing work. While there, someone from the bank came by to secure the pool and property. They also stated that the property was in pre-foreclosure. However, they did not proceed with securing the pool. The property owner was contacted and stated she was not aware that they would be there. Ms. Foster took pictures of the pool. There was some pool improvement because a neighbor was throwing tablets into the pool to help with the mosquitos. Officer Foster was requesting that the pictures she took of the property are submitted into evidence. She was requesting \$150 Administrative Fee. She was also asking for a Final Order with a short compliance period. She answered the Special Magistrate that there is a fence. The Special Magistrate ordered fifteen days, by August 12, 2016, to come into compliance or a fine of \$200/day and \$150 Administrative Fee due in fifteen days, by August 12, 2016.

CERTIFICATION OF LIEN

ITEM #V.44

Case #: 16040003 – Sign Violations
Property Owner: Seagrape Commons LLC
Address/Folio: 222 E Commercial Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-509(a)

Special Magistrate Clerk Jhanelle Campbell said that she was told before the hearing that fees were paid. This item will be skipped.

ITEM #V.45

Case #: 16030013 – Building Code Violations
Property Owner: Karakaya Inc.
Address/Folio: 4601 El Mar Dr
Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Inspector Sharon Foster testified that fines started running on the property on May 6, 2016 at \$100/day for one violation. The property is not in compliance. The property is out of compliance for 84 days. There is a \$250 Administrative Fee due from both the April hearing (\$150) and the July hearing (\$100) plus \$8,400 fine totaling \$8,650 to be certified. Ms. Foster was not requesting Administrative Fee for today's hearing. For the record, the permit in question for replacing existing asphalt with concrete was renewed on July 12, 2016 but there have not been any inspections scheduled to date. The Special Magistrate ordered certification of lien in the amount of \$8,650.

ITEM #V.47

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

Code Compliance Inspector Sharon Foster said she spoke with the general contractor today for Mr. and Mrs. Motto's unit #1210. He said he would try to be here for the hearing but Officer Foster said he is not here now. She said she advised him that the hearing was for certification. Officer Foster said that the permit was renewed but there were additional documents needed to show that everything is being brought up to today's code. The architect sent Officer Foster an e-mail on July 6, 2016 stating that he was going to be on vacation and would not be able to get the documents for a month. She was advised that he is back in town gathering the documents. She was not asking for Administrative Fee for today's hearing. The Special Magistrate ordered this agenda item continued to the August 25, 2016 hearing with the fines still running.

ITEM #V.46

***TAKEN OUT OF SEQUENCE**

Case #: 16040001 – Vacation Rental
Property Owner: Gallucio, Dominic E
Address/Folio: 4545 Bougainvillea 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 property was intended to be in front of the Special Magistrate for certification of lien but due to enormous efforts of the owner

trying to get his Vacation Rental Certificate, the Town has no objection to his request for extension. Officer Banyas requested that this is his final extension. It would be his second extension and she feels thirty days would be enough time to secure the certificate. The property owner has paid all previous Administrative Fees and Ms. Banyas was requesting \$100 Administrative Fee for today's hearing. The Special Magistrate ordered \$100 Administrative Fee and continuance of this item to the August 25, 2016 hearing.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on July 28, 2016 at approximately 7:55p.m.

APPROVED BY:

Special Magistrate Tom Ansbro

ATTEST:

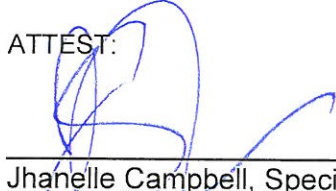
Jhanelle Campbell, Special Magistrate Clerk
Town of Lauderdale-By-The-Sea, Florida

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VI. ADJOURNMENT

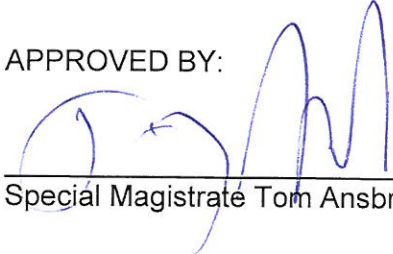
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ATTEST:



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

APPROVED BY:



Special Magistrate Tom Ansbro