

APPROVED

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

*Town Commission Meeting Room
Thursday, July 27, 2017 at 5:00 PM*

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:00PM on Thursday, July 27, 2017. Building Official Jack Morrell, Development Services Director Linda Connors, Fire Marshal Stephen Paine, Code Compliance Inspector Bethany Banyas, and Code Compliance Inspector June Peart were present as well as Special Magistrate Clerk Jhanelle Campbell to record the minutes.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

The Special Magistrate explained the procedures for the Hearing for code compliance.

IV. PUBLIC COMMENTS

The Special Magistrate spoke about 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 called code cases that were either in compliance or continued.

COMPLIED				
1.	C#:	17050029	1900 S Ocean Blvd #7A	
2.	C#:	17060016	4328 N Ocean Drive #1-3	
3.	C#:	17060008	1501 S Ocean Blvd #224	
4.	C#:	17050018	4324 N Ocean Drive #1-6	
5.	C#:	17060001	223 Avalon Avenue	
6.	C#:	17050016	4050 N Ocean Drive #1408	
7.	C#:	17050017	4308 Seagrape Drive #1-4	
8.	C#:	17050028	4900 N Ocean Blvd #1710	
9.	C#:	17020008	1501 S Ocean Blvd #229	Status Hearing
29.	C#:	17050015	4553 N Ocean Drive	
28.	C#:	17060018	4553 N Ocean Drive	
CONTINUED				HEARING DATE
38.	C#:	17050019	4300 El Mar Drive	Continue to 8/24/2017
10.	C#:	17060002	2073 Ocean Mist Drive	Continue to 8/24/2017

11.	C#:	17060004	1821 W Terra Mar Drive	Continue to 8/24/2017
12.	C#:	17050001	3241 Spanish River Drive	Continue to 8/24/2017
13.	C#:	17050034	4521 Poinciana Street	Continue to 9/28/2017
14.	C#:	17060009	1800 S Ocean Blvd #902	Continue to 9/28/2017
35.	C#:	17030015	226 Basin Drive	Continue to 8/24/2017

Special Magistrate Clerk Jhanelle Campbell called the first case, Special Set G, for which the Building Official will testify.

SPECIAL SET

Case #: #17040006/SPECIAL SET G
Property Owner: Affordable Lux Properties LLC
Address/Folio: 4328 N Ocean Drive
Reason: Non-compliance section 116.1.2

Inspector Banyas testified that this is a status hearing for a case that was certified last month. The fines are currently running at \$200/day for non-compliance of section 116.1.2 for a building deemed unsafe. The \$100 Administrative Fee from the last hearing has not been paid. There was no Certificate of Occupancy issued for this property. She said that the Town was requesting that the fine continue to run until compliance is achieved and would like to record the lien with the county. Building Official Jack Morrell testified that the main unit in the front, owner's unit, was being leased out prior to receiving a Certificate of Occupancy. They still had to comply with drainage, etc. They have come in and a permit was approved but he was advised that they want to make some changes to what was already designed and approved.

Attorney Adam Peterson said that his client had some properties on a vacation rental website when she was flagged and told not to allow occupancy. When the dates were booked by potential tenants, she changed the reservation for the people to Dolphin Inn. However, after speaking with Ms. Banyas, the renters were allowed to keep their belongings at her place but to reside at Dolphin Inn. The attorney has the receipt from the Dolphin Inn. He said they did not attend the hearing when the Town wanted to certify the violation. He would like to get an extension tonight so that it is not certified. His client is working on closing out the permit. The reason it is being revised is because it is too costly to fix it the way the permit was submitted originally. Ms. Banyas said that occupancy is not the reason why they are here today.

Ms. Banyas clarified that at the last hearing, the fine was already certified. She further stated that she spoke with Mr. Peterson the day of the previous hearing and explained that there might be a certification of lien at the June hearing. She also spoke to him about possible mitigation. She said that the Town is looking to record the lien, however, it has been certified. Mr. Peterson said that Ms. Banyas is correct. The attorney explained that he did not have the receipt from Dolphin Inn at that time and was brought up to speed by his client after his conversation with Ms. Banyas. He was requesting not to record the lien and to give his client more time to close out the permit.

Building Official Jack Morrell said that it took quite a long time to get plans originally and going through a revision to the plans should not be allowed to take as long. The attorney advised that the engineer said that the revision could be made by next week. Mr. Morrell could go along with ten days to get the plans submitted and approved and another ten days after that to get the work done. The Special Magistrate suggested thirty days as the fine is running anyway. He would retain jurisdiction to mitigate, if it warrants it (if things are done timely). The Special

Magistrate asked the attorney to advise his client that if significant progress has not been made by the next meeting, the lien would be recorded. The Special Magistrate ordered revised plans submitted and approved within ten days, August 6th, and to come back to the next hearing, August 24, 2017, for a status hearing. He explained to the owner and her attorney that significant progress has to be accomplished or he would order the lien recorded and if the owner wants to seek mitigation at that time, it would be with the Town Commission. Mr. Morrell clarified that the revision they spoke about is just a drawing change and would not need new calculations. Ms. Banyas said that the Town was requesting \$50 Administrative Fee for today's hearing and the Special Magistrate ordered the \$50 Administrative Fee payable within thirty days, by August 26, 2017.

SPECIAL SET

Case #: #17030018/*SPECIAL SET C*
Property Owner: Silver Shores Yacht Basin LLC
Address/Folio: 226 Basin Drive
Reason: Non-compliance section 6-48(a)(8) and section 6-48(a)(9)

Officer Banyas testified that this is a certification of fine hearing. The property was previously before the Special Magistrate on June 22, 2017. The two violations are in regard to the wall and dock along the walkway being damaged and the railings along the walkway in disrepair and unsafe. The railings were abated with temporary fencing as requested. However, a permit was not obtained for the structural damage in disrepair by July 26, 2017 as the Special Magistrate ordered. She answered that none of the work was done but that a permit was applied for today. Mr. Morrell testified that he was advised that the permit was applied for this afternoon. He did not have a chance to look at it. He answered the Special Magistrate that this area is not open to the public and the tenants were warned about this area.

Attorney Michelle Klymko said that there were a myriad of problems. They finally secured a general contractor who came in today to apply for the permit. She said that they were asking for thirty additional days which was okay with Mr. Morrell and Ms. Banyas (as long as things progressed). They were amenable to a revised final order with a new compliance date of August 22, 2017 and the Special Magistrate was in agreement and ordered a revised final order with a new compliance date of August 22, 2017.

Ms. Klymko said they appear on the agenda also for item #35, but she believes that is an error. Ms. Banyas said she received an e-mail from one of the owners who told her he would clarify the issue tomorrow and make whatever payments are necessary by tomorrow. If need be, they could bring it back to next month's hearing for clarification of the order. Ms. Campbell called item #35, case #17030015, 226 Basin Drive, for continuance to the next hearing so Administrative Fees could be sorted out.

Item #34 was called but Mr. Morrell is here on item #39 and that was heard next.

CERTIFICATION OF LIEN

ITEM #V.39

***TAKEN OUT OF SEQUENCE**

Case #: 17040008 – Building Code Violations
Property Owner: Buchanan, Wayne D Mazur, Andrea M
Address/Folio: 1911 Waters Edge
Code Section(s): 5th Edition (2014) FBC/BCA Section 116 116.2.1.2.2 Criteria
Florida Building Code 5th Edition (2014) FBC/BCA Section 116
116.2.1.1.1 Criteria.

Florida Building Code 5th Edition (2014) FBC/BCA Section 116
116.2.1.2.3 Criteria.

Florida Building Code Section 105 Section 105.1 Required

Florida Building Code Section 105 Section 105.11.2.1

Inspector Banyas testified that this case is before the Special Magistrate for a certification of fine. At the last hearing, we extended the compliance date to July 26, 2017 and issued a revised final order. This was for expired permits and work without permits and compliance was not fully reached for Section 105.11.2.1. The fine was \$200/day beginning today and the Administrative Fee was not received. Mr. Morrell testified that this was a raised deck that has been demolished and window and door replacement. What is left is the work without permits and expired permits on the decking and the dock extending over to the property line which needs to be cut back to satisfy the code. He said that the permit was approved and issued today. They should be able to get this done within the next thirty days.

Attorney Galatis said that he looked through County records and had a meeting with the Town Planner, Zoning and Mr. Morrell and got plans together to come within the setbacks. Those plans were drawn and accepted today. He does not know if the deck and the dock can be completed in thirty days because there is a lot of work. The contractors have been hired and work would start immediately. Mr. Morrell was amenable with sixty days and Ms. Banyas asked for \$100 Administrative Fee for today's hearing. The Special Magistrate ordered a revised compliance date with sixty days to comply, by September 25, 2017, plus \$100 Administrative Fee for today's hearing due by September 25, 2017 and a status hearing at the September 28, 2017 hearing. Ms. Banyas would review if the \$100 Administrative Fee was paid for the June 22, 2017 hearing. Ms. Banyas explained how this could eventually be handled with the County once the work in Town is finished and finalized.

ITEM #V.34

***TAKEN OUT OF SEQUENCE**

Case #: 17040002 – Citizen Complaints

Property Owner: Buchanan, Wayne D Mazur, Andrea M

Address/Folio: 1911 Waters Edge

Code Section(s): Broward County Code of Ordinance Chapter 39 Zoning Section

39-275(12) General provisions

Chapter 30 – Unified Land Development Regulations

Section 30-313(q)(2)

Chapter 30 – Unified Land Development Regulations

Section 30-477(a)

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

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

Chapter 6 – Building and Building Regulations Section 6-38(b)

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

Inspector Banyas testified that this is a property maintenance case and encroachment issues. It is the companion to the case above. The dock and associated structures, as previously discussed, are still not in compliance for the expired permits and new work that has to be done. The previous final order asked for compliance on July 26, 2017 or a \$200/day fine. The Town is amenable to one more extension for both cases. The Special Magistrate ordered a revised compliance date granting sixty days to comply, by September 25, 2017, plus \$100 Administrative Fee for today's hearing due by September 25, 2017 and a status hearing at the September 28, 2017 hearing. Ms. Banyas would review if the \$100 Administrative Fee was paid for the June 22, 2017 hearing and inform Mr. Galatis.

Special Magistrate Clerk Jhanelle Campbell called the FDG cases next starting with address 4108 El Mar Drive.

OLD BUSINESS

ITEM #V.15

***TAKEN OUT OF SEQUENCE**

Case #: 16120011 – Building Code Violations
Property Owner: FDG South LLC
Address/Folio: 4108 El Mar Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 110.15 – Building Safety Inspection Program.

ITEM #V.18

Case #: 16120054 – Building Code Violations
Property Owner: FDG South LLC
Address/Folio: 4108 El Mar Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation.

ITEM #V.19

Case #: 16110010 – Property Maintenance
Property Owner: FDG South LLC
Address/Folio: 4108 El Mar Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-36(c)
Chapter 6 – Building and Building Regulations Section 6-36(e)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-37(a)(2)
Chapter 6 – Building and Building Regulations Section 6-40(a)

Attorney Nectaria Chakas, representing the owner, said that Staff would have a PowerPoint presentation and she has a proposed schedule on a flash drive. To refresh memories, on all seven cases the Special Magistrate asked that she meet with Staff and come up with a schedule. For the most part, certain benchmarks were agreed upon for timeframes. She said there is additional language that she would like the Special Magistrate to see.

Development Services Director Linda Connors gave a PowerPoint presentation and explained what transpired during the meeting. She spoke about all amenable timeframes and then where there were disagreements. Attorney Chakas spoke about a bit of unknown with the structural repairs and major renovations that would take place at the 4116 building, and spoke globally for all of the three properties. She said that if the Town does not agree with their interpretation of the numbers, there would be a very large problem with the 50% rule. This would undoubtedly cause delays particularly if issues are run into on the 4108 and 4110 buildings which are east of the coastal construction control line and, therefore, are subject to review by the Florida Department of Environmental Protection. She spoke about language which allows them some flexibility and protects them. Building Official Jack Morrell explained the 50% rule (the value of the improvements exceeds 50% of the value of the building prior to the improvements).

The Special Magistrate wants FDG to know that the onus is on them. Mr. Morrell has to do his calculations. Ms. Connors said she has language requesting that the property owner agrees not to utilize or apply for any of the State extensions for State of Emergencies that really do not affect the property (e.g., Zika Virus, etc.). However, a State of Emergency that affects the property (e.g., a hurricane), they can utilize. Due to past history, Ms. Connors knows that they are not hesitant to submit these types of requests. Ms. Chakas has a problem with this because it does not apply to the Special Magistrate's Final Order or a Code Enforcement action. The Special Magistrate cannot tell Ms. Connors if he could legally order them to waive State of Emergency. The Town must check with their law firm to see what is and what is not grantable. His order is if they can waive it, they are to be waived, and if they cannot waive it, he cannot compel it. Ms. Connors commented that the law firm helped draft this language. Ms. Connors requested that if any of the other timelines are not met, the Special Magistrate would immediately certify. Ms. Chakas said it was implied but the Special Magistrate would put it in the order so it is expressed. He said this large project keeps coming back and is not fair to the residents of the Town. He has to ensure this project moves forward.

The Special Magistrate said this is basically a stipulation to the extent that he could clarify other than the built-in extensions the government grants by executive order. Ms. Connors said that the timelines for 4116 are a bit different and she read them into the record. Ms. Campbell said that at the end of the hearing for FDG, she would call all the FDG cases and this would apply to all of them.

Attorney Nectaria Chakas wanted to understand if the Town was asked to go to its law firm clarifying whether the extensions authorized by the State of Emergencies are waivable by Ms. Chakas' client. The Special Magistrate said that an emergency inhibiting work related to weather emergencies can be invoked but the others, if they can be waived, then they are to be waived. Ms. Connors said maybe use language that they can invoke as many as they want but it doesn't change timeframes or fines ordered by the Special Magistrate. The Special Magistrate reminded that the 40-year inspection was turning into a 50-year inspection. Ms. Chakas said that of the 28 violations spread across the properties, they came into compliance on 15 of them. The Special Magistrate said that the Town does appreciate that.

Ms. Campbell clarified that the timelines go across all cases as agreed upon today plus awaiting the decision by the Town's law firm regarding State of Emergencies. The Special Magistrate said that a copy of today's order will be attached to the order and incorporated by reference. Ms. Banyas said that the Town was requesting \$100 Administrative Fee for each of these cases for this hearing and amenable to payment in thirty or sixty days. Ms. Campbell called all FDG cases into the record. The Special Magistrate ordered \$700 Administrative Fee (\$100/case) for today's hearing due in sixty days by September 25, 2017 and that today's order will be spread across all of the cases with the stipulation incorporated by reference and will allow for the 4116 property dates adjustment.

ITEM #V.16

Case #: 16120002 – Property Maintenance

Property Owner: FDG South LLC

Address/Folio: 4116 N Ocean Drive

Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-317(g)
Chapter 30 – Unified Land Development Regulations
Section 30-317(d)
Chapter 30 – Unified Land Development Regulations

Section 30-477(a)
Chapter 30 – Unified Land Development Regulations
Section 30-512(b)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-36(c)
Chapter 6 – Building and Building Regulations Section 6-36(e)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-37(a)(2)
Chapter 6 – Building and Building Regulations Section 6-40(a)

ITEM #V.17

Case #: 16120056 – Building Code Violations
Property Owner: FDG South LLC
Address/Folio: 4116 N Ocean Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation.

ITEM #V.20

Case #: 16120001 – Property Maintenance
Property Owner: FDG South LLC
Address/Folio: 4110 El Mar Drive
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-36(c)
Chapter 6 – Building and Building Regulations Section 6-36(e)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-37(a)(2)
Chapter 6 – Building and Building Regulations Section 6-40(a)

ITEM #V.21

Case #: 16120055 – Building Code Violations
Property Owner: FDG South LLC
Address/Folio: 4110 El Mar Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation.

CERTIFICATION OF LIEN

ITEM #V.36

***TAKEN OUT OF SEQUENCE**

Case #: 16080006 – Building Code Violations
Property Owner: Thibaut, Jack H W & Annika
Address/Folio: 3260 Oleander Way
Code Section(s): Florida Building Code Section 105.1 Required

Inspector Banyas said that the violation was work without permit for a tiki hut, bar and spa in the front setback. This case was started again in July and came back before the Special Magistrate for several Final Orders and the last one called for compliance by July 3, 2017. They had a choice to submit for a variance but they did not. Building Official Jack Morrell testified that the bar and railing were removed and closed on June 17, 2017. The permit for the deck, spa and fence was issued on July 17, 2017 but with no inspections as of today. Joakin Glambo said that he represents Mr. and Mrs. Thibaut. He said that the contractor said work would be done within

the next 14 days. Mr. Morrell said that 14 days are okay but he is not amenable to any extensions. Ms. Banyas testified that they met the first part of the two part Final Order. The status is a fine of \$200/day which has been running since July 4th (for 24 days). The Special Magistrate will allow the accrual (for 24 days) to remain but suspends fines for 15 days to finish the work by August 11, 2017 or the fine resumes on August 12, 2017. Compliance is closure of the demolition permit with all the items on it. The Town requests \$100 Administrative Fee for today's hearing due August 23, 2017. The Special Magistrate ordered the fine (so far accrued 24 days) in suspension effective tomorrow and compliance by closing out the entire demolition permit within 15 days, by August 11, 2017, or the fine would resume on August 12, 2017 and \$100 Administrative Fee due by August 23, 2017. This case will return to the August 24, 2017 hearing. The representative said that the Thibaut's were waiting for the variance information and questioned why the fines continued after they got a new permit and Mr. Morrell explained.

SPECIAL SET

Case #: #17050024/SPECIAL SET D
Property Owner: 1825 Bel Aire Avenue
Address/Folio: 1825 Bel Aire Ave
Reason: Final Order not complied.

SPECIAL SET

Case #: #17050020/SPECIAL SET E
Property Owner: 1825 Bel Aire Avenue
Address/Folio: 1825 Bel Aire Ave
Reason: Final Order not complied-vacation rental continues.

Officer Banyas testified for Special Set D to (Ms. Banyas said 17070024), a final order was issued on June 22, 2017 requiring all work to be completed on the rear patio deck under the Chickee Hut and comply with work for the hut by July 26, 2017 or a fine of \$100/day. The two permits are in failed status. The inspections were on July 25, 2017 with a change of plans needed for the Chickee Hut. The decking needs to wait until the hut installation is approved. The Town is requesting certification of fines for non-compliance on this case that began to accrue today at \$100/day. The representative said that the work has been done today with an inspection called for tomorrow. Mr. Morrell testified that this was turned down before because the approved plan was not being followed. They did not do all the bracing or use the specified wood.

Ms. Banyas said that the vacation rental property violation is tied to this case. She said that case #17050020 (Special Set E), is for business tax receipt (BTR) and the vacation rental certificate being on hold and unable to be issued due to the building code violations per the Ordinance. They have been renting this property out without BTR and the vacation rental certificate. There is a Final Order on the property which required ceasing all vacation rentals at this property as well as removing advertisements on line. She has a printout for proof of current vacation rental advertisements on line. She has no assurance that vacation rentals will cease.

The Special Magistrate said he would certify the lien but not to record it until the next meeting. The Special Magistrate ordered the lien certified for Special Set D for fines today (one violation at \$100/day) and fines to continue running until compliance is reached but today's lien will not be recorded until after the next hearing.

The Special Magistrate ordered certification of the lien for Special Set E for fines today (two violations at \$100/day/violation) and fines to continue running until compliance (issuance of BTR

and vacation rental certificate) is reached but today's lien will not be recorded until after the next hearing. Both cases would be on the agenda for the August 24, 2017 hearing. He further ordered \$100 Administrative Fee for Special Set D and \$100 Administrative Fee for Special Set E payable by August 23, 2017. The Special Magistrate asked Ms. Banyas to speak with the representative so he could fully understand what transpired at today's hearing. Ms. Banyas gave her printout to the Special Magistrate and said that she saw pizza boxes and beer/wine boxes at the home and the owners are out of the country. She said this denotes rental activity. Ms. Charlene Welsh-Pearson, a resident, testified that she saw six to eight cars last weekend at that residence.

Special Magistrate Clerk Jhanelle Campbell said the Building Official's cases are finished and she would call the one fire case.

FIRE CASES

***TAKEN OUT OF SEQUENCE**

Case #: 17-1232

Respondent : K.M. & Buschbaum, Inc. – Jesse Dalen, Registered Agent
Address/Folio: Buena Vista Hotel, 4225 El Mar Drive
Legal Description: Lauderdale By The Sea 6-2 B Lots 18 & 19 BLK 16
Tax Folio #: 4943 1801 01 1600
Violation(s): N.F.P.A.1.10.4.1(multiple violations), N.F.P.A.13.8.17.2.4.7.1.,
N.F.P.A.1.13.1.3., N.F.P.A.1.11.1.10. (multiple violations),
N.F.P.A.1.14.12.1.2.(multiple violations), N.F.P.A.13.6.2.7.2.
(multiple violations), N.F.P.A.1.1.7.61, N.F.P.A.1.14.14.2.2.,
N.F.P.A.25.5.2.1.1.1.

Fire Marshal Stephen Paine testified that this case was heard last month for the Buena Vista Hotel. It had multiple violations. There are three violations left and Camille Pottinger, Operations Manager for K.M. & Buschbaum, is here to ask for more time to deal with permit issues and the fire alarm contractor. He said she is asking for sixty days and he is fine with that timeframe to be completely done. The Special Magistrate ordered sixty days, by September 25, 2017, to be completely in compliance or fines start to run at \$250/day/violation. This would come back to the September 28, 2017 hearing. There would be no Administrative Fee for tonight's hearing. Ms. Campbell verified that the previous Administrative Fee was paid.

COMPLIED/STATUS HEARING

ITEM #V.9

***TAKEN OUT OF SEQUENCE**

Case #: 17020008 – Building Code Violations
Property Owner: Brian P. Carlton
Address/Folio: 1501 S Ocean Blvd #229
Code Section(s): Florida Building Code 5th Edition (2014) FBC/BCA Section 105.1

Inspector Peart testified that the Town is requesting a revised Final Order with an extended compliance date of July 26, 2017. The owner has worked diligently and the case is in compliance. The Administrative Fee that was due was paid and no Administrative Fee was requested for tonight's hearing. There should be no fees or fines due at this time. The Special Magistrate ordered a revised Final Order with a revised compliance date of July 26, 2017.

NEW BUSINESS

ITEM #V.22

Case #: 17050036 – Permits Required Violations
Property Owner: Russo, Pietro

Address/Folio: 1965 S Ocean Blvd #203
Code Section(s): Florida Building Code 5th Edition (2014) FBC/BCA Section 105.1

No one was present to represent the owner. Inspector Banyas testified that the hearing notice was sent on May 26, 2017 to the owner of record at the mailing address of record. Service was obtained by green card from the owner. She said that on May 24, 2017 she met with the owner's son who granted her entry into the unit. She took photos of air conditioning work done in the A/C closet. He admitted to work done without a permit and said he would hire a contractor. The contractor came in to apply for a permit which was issued on July 13, 2017 but there have been no inspections. The case is not in compliance until all work is complete. She was asking for compliance in 21 days, by August 18, 2017, or a fine of \$100/day. She was also asking for \$150 Administrative Fee due by August 18, 2017. She gave the Special Magistrate a photo she took on May 24, 2017 of the work in the A/C closet and a permit screen printout. The Special Magistrate ordered compliance by August 18, 2017 or a fine of \$100/day plus \$150 Administrative Fee due by August 18, 2017.

ITEM #V.23

Case #: 17060003 – Landscape Violations
Property Owner: Quirk, Kevin E & Corly L
Address/Folio: 2072 Ocean Mist Drive
Code Section(s): Chapter 30 – Uniform Land Development Regulations Section 30-477 (a)

No one was present to represent the owner. Inspector Banyas testified that hearing notice was sent on June 5, 2017 to the owners at the mailing address of record. She has a signed green card from the owner in the file but no contact has been made. The violation is landscape maintenance as the grass is deteriorated. She suggests 46 days to comply by September 11, 2017 or \$100/day fine and \$150 Administrative Fee for today's hearing due September 11, 2017. The Special Magistrate ordered compliance by September 11, 2017 or a fine of \$100/day plus \$150 Administrative Fee for today's hearing due by September 11, 2017. She answered the Special Magistrate that people occupy this property.

ITEM #V.24

Case #: 17060012 – Landscape Violations
Property Owner: Leal, Alvaro
Address/Folio: 2031 Coco Palm Pl
Code Section(s): Chapter 30 – Uniform Land Development Regulations Section 30-477 (a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

No one was present to represent the owner. Inspector Banyas testified that for the record, this should have been cited for repeat violation. There was a final order on this property last year for grass in deterioration. On June 15, 2017, hearing notice was sent to the owner of record at the mailing address of record in California. Service was obtained by a green card signed by the owner. The Town was requesting 46 days to comply by September 11, 2017. She recommends \$100/day fine to accrue plus \$150 Administrative Fee due the same date. For the record, she spoke with both the property manager, Marina, and the owner. They obtained a new contractor to fix the sprinkler system timer and to begin treatment to either replace or restore the grass. The Special Magistrate ordered compliance by September 11, 2017 or a fine of \$100/day plus \$150 Administrative Fee for today's hearing due by September 11, 2017.

ITEM #V.25

Case #: 17050027 – Nuisance/Abandoned Homes

Property Owner: Breitberg, Dyane

Address/Folio: 1931 Waters Edge

Code Section(s): Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(a)
Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(c)
Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(e)
Chapter 30 – Uniform Land Development Regulations Section 30-477 (b)
Chapter 30 – Uniform Land Development Regulations Section 30-480 (a)
Chapter 6 – Building and Building Regulations Section 6-36(a)

No one was present to represent the owner. Inspector Banyas testified that this is for multiple landscape violations on an abandoned property in foreclosure. On May 18, 2017 a hearing notice was sent to Dyane Breitberg at the mailing address of record. There is a green card in the file from both the owner and U.S. Bank. Ms. Banyas explained every violation for the record. When the Special Magistrate asked Ms. Banyas about the pool, she said it was covered at this time. The Town was requesting a Final Order with 32 days to comply by August 28, 2017 or \$150/day/violation until compliance is reached for all violations plus \$150 Administrative Fee due by August 28, 2017. If not complied, it would be brought back to the September hearing to certify the fines. The Special Magistrate ordered 32 days, by August 28, 2017, to comply or \$150/day/violation until compliance is reached and \$150 Administrative Fee due by August 28, 2017. If not complied, it would be brought back to the September hearing to certify the fines. Inspector Banyas testified that she has multiple photos to submit for this agenda item. She answered the Special Magistrate that this property is in foreclosure. Safeguard Properties contacted her today via e-mail. They may be able to cure a few of the violations. There are already many fines running on this property. This is one of the top fifteen properties with liens in this Town. The Special Magistrate accepted her photos into evidence as the Town's Composite Exhibit.

ITEM #V.26

Case #: 17030007 – Permits Required Violations

Property Owner: Letaurneau, Catherine Letaurneau, Donald

Address/Folio: 237 Garden Court

Code Section(s): Florida Building Code 5th Edition (2014) FBC/BCA Section 105.1

No one was present to represent the owners. Inspector Banyas testified that this agenda item was previously continued. Service was obtained by the original notice. She has a green card from the owner signed and dated March 16, 2017. She did speak with them at their home around the time of the original notice. She has spoken at length with the contractor who received the notice of violation/notice of hearing. The Town was requesting a Final Order with compliance for work without permits for interior renovations (kitchen and bath) done prior to application for permit. The permit was issued on March 20, 2017, after the notice was served. There are about two inspections left. She would like to submit into evidence her e-mails with the contractor, Keith Davis. She recommends 21 days, by August 17, 2017, to comply or a fine of \$100/day to accrue until compliance is reached plus \$150 Administrative Fee for today's

hearing. The Special Magistrate ordered 21 days, by August 17, 2017, to comply or \$100/day until compliance is reached and \$150 Administrative Fee due by August 17, 2017.

ITEM #V.27

Case #: 17050026 – Nuisance/Overgrowth weeds & grass
Property Owner: Johnson, Danielle
Address/Folio: 1724 Bel Air Ave
Code Section(s): Chapter 30 – Uniform Land Development Regulations Section 30-477 (a)
Chapter 6 – Building and Building Regulations Section 6-36(b)
Chapter 6 – Building and Building Regulations Section 6-36(e)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-40(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(13)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)

No one was present to represent the property owner. Inspector Banyas testified that on May 18, 2017 certified mail was sent to the owner at her mailing address of record. Service was obtained by posting as the Town did not receive a signed green card. The Town was requesting a Final Order for the seven violations to include a provision that the Town is authorized to periodically abate the trash and litter (Section 6-40(a)). For the record, the Town is already abating the overgrowth violation and requesting a similar order for the trash and litter. Ms. Banyas explained all of the seven violations. She clarified that for the order to abate the trash, litter and landscape debris that violation is to come into compliance within seven days from today which will be August 3, 2017. Further, whether the Town abates it or someone else cures Section 6-40(a) prior to August 3, 2017, if it occurs again in the future, the Town would be allowed to retain the ability to abate it on a continuous basis as long as Danielle Johnson is the property owner. The Town would like the authorization to abate to begin on August 4, 2017. For the other six violations (not including Section 6-40(a)), she would request 21 days, by August 17, 2017, to comply. The Town requests a fine of \$150/day/violation to accrue for any of the six violations not cured. She was also requesting \$150 Administrative Fee for today's hearing due by August 17, 2017.

Ms. Banyas gave photos to the Special Magistrate to be entered into evidence. She clarified that she was requesting abatement authorization to begin after the seven days have expired to cure the violation regardless if someone else cures that violation of trash or litter or not. The Town should retain that authorization as long as Danielle Johnson is the owner of the property. We will continue to abate the violation and certify the costs as well as any Administrative Fees for the service to the property and to subsequently record it as a lien. If the violation(s) re-occur, we will come back with a new case for repeat violations. In case the Town cannot abate the violation for trash and litter immediately, we would request a fine of \$100/day to accrue until we can abate it.

The Special Magistrate ordered a Final Order for all seven violations. For violation of Section 6-40(a), compliance within seven days, by August 3, 2017, or he authorizes the Town to abate the trash and litter. Whether the Town abates it or someone else cures Section 6-40(a) prior to August 3, 2017, if it occurs again in the future, the Town would be allowed to retain the ability to abate it on a continuous basis and assess the costs to the property. In case the Town cannot abate the violation immediately, a fine of \$100/day would accrue until they can abate it. He ordered for the other six violations, compliance within 21 days, by August 17, 2017 or a fine of

\$150/day/violation to accrue for whichever violations are not in compliance. He further ordered \$150 Administrative Fee for today's hearing payable by August 17, 2017.

ITEM #V.30

Case #: 17050022 – Building Code Violations
Property Owner: Wilmington Trust NA Trustee c/o McCalla Raymer LLC
Address/Folio: 4557 Poinciana Street
Code Section(s): Florida Building Code 5th Edition (2014) FBC/BCA Section 105.1

ITEM #V.31

Case #: 17060011 – Property Maintenance
Property Owner: Wilmington Trust NA Trustee c/o McCalla Raymer LLC
Address/Folio: 4557 Poinciana Street
Code Section(s): Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-24(c)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)
Chapter 6 – Building and Building Regulations Section 6-41(c)

Inspector Peart requested to dismiss both cases because there is a new owner. The Special Magistrate ordered dismissal of both cases.

ITEM #V.32

Case #: 17060005 – Permits Required Violations
Property Owner: Reed, Charles Reed, Randy
Address/Folio: 259 Tropic Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC/BCA Section 105.1

No one was present to represent the owners. Inspector Banyas testified that the site was mailed a notice of hearing on June 2, 2017 to the owners of record at the mailing address of record. Service was obtained by posting as the green card was not returned. She posted on July 15, 2017. The Town requests a Final Order for work without permits for pool renovations. The permit was issued on July 26, 2017. The Town was requesting a Final Order giving 46 days for compliance by September 11, 2017 or \$100/day fine to accrue until compliance is reached. Ms. Banyas spoke with the owner and the Town was amenable with 46 days. She was also requesting \$150 Administrative Fee due by September 11, 2017. The Special Magistrate ordered a Final Order for compliance within forty-six days by September 11, 2017 or \$100/day fine plus \$150 Administrative Fee due by September 11, 2017.

CERTIFICATION OF LIEN

ITEM #V.33

Case #: 17050025 – Nuisance/overgrowth weeds & grass
Property Owner: Johnson, Danielle
Address/Folio: 1724 Bel Air Avenue
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

No one was present to represent the property owner. Inspector Banyas testified that Hearing Notice of Repeat Violation was sent on May 24, 2017 to the owner of record at her mailing address of record. Service was obtained by posting on May 25, 2017. The Town was

requesting certification of repeat violator fine and asking for a repeat violator fine of \$500/day for eight days. The original violation was #16090017 and the Final Order was issued on December 8, 2016. The violation began May 24, 2017 ending May 31, 2017 (8 days). She has photos for three days. We abated on June 1, 2017 and brought the violation into compliance. The Town was asking 8 days at \$500 per day equaling \$4,000 plus \$150 Administrative Fee for today's hearing to be certified for \$4,150.00. The Special Magistrate ordered certification of \$4,150.00.

ITEM #V.37

Case #: 17060022 – Vacation Rental
Property Owner: Howard, Benjamin R
Address/Folio: 218 Pine Avenue
Code Section(s): Chapter 30 – Uniform Land Development Regulations Section 30-327(c)

No one was present to represent the owner. Inspector Peart testified that on June 27, 2017, Notice of Violation/Notice of Hearing was sent to the owner at the mailing address of record. The Finding of Fact Case #1606002 was before the Special Magistrate on June 23, 2016 regarding this property. This is a single-family residence. The Final Order found that the respondent violated Section 30-217(c) for a vacation rental for less than seven days. On June 27, 2017 this repeat violation was observed by an advertisement published on a website for a three-night stay. This is the 3rd repeat violation. The Town was requesting \$150 Administrative Fee plus \$500 for a one-day violation. She submitted into evidence a copy of the advertisement and an e-mail correspondence from the owner and a copy of the Final Order. The Special Magistrate entered this into evidence as the Town's Composite Exhibit. He ordered certification of \$500 fine plus \$150 Administrative Fee for today's hearing totaling \$650.00 certification.

ITEM #V.40

Case #: 17050021– Permits Required Violations
Property Owner: Sea Grape Drive Properties, Inc.
Address/Folio: 4337 Seagrape Drive
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits.

No one was present to represent the owner. Inspector Banyas testified that this is here tonight for certification of lien for repeat violation. This was before the Special Magistrate last hearing for certification of fine. The Special Magistrate did certify a fine of \$100/day. It accrued for twenty days for a fine of \$2,000 plus \$150 Administrative Fee that was never paid. She said the Special Magistrate also ruled that an increase in fine could be requested due to it being a repeat violation and there was no progress. There is no permit application in the system and Ms. Banyas has had no contact from the owner other than an e-mail reiterating that he wants to apply for an owner/builder permit. She explained again why he couldn't. She was requesting an upgrade of the fine to \$500/day beginning tomorrow, July 28, 2017. She was also requesting \$50 Administrative Fee for today's hearing to be recorded in thirty days. The Special Magistrate ordered \$2,150 certified and that the daily fine would be increased to \$500/day beginning July 28, 2017 plus \$50 Administrative Fee for today's hearing.

ITEM #V.41

Case #: 17050005 – Building Code Violations
Property Owner: Seagrape Commons 2 LLC
Address/Folio: 218 E Commercial Blvd
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 –

Permits.

No one was present to represent the owner. Inspector Peart testified that a Final Order was issued on this case at the last hearing regarding emergency plumbing work done without a permit. As of today, July 27th, the permit application is in process and the Administrative Fee has been paid. The Town was requesting a revised Final Order with an extension until August 23, 2017 plus \$50 Administrative Fee due by August 23, 2017. The Building Department does not object to the extended time. The Special Magistrate ordered a revised Final Order with a new comply-by date of August 23, 2017 plus \$50 Administrative Fee for today's hearing due by August 23, 2017.

Inspector Peart said that the next two cases have the same order as above. Ms. Campbell read both cases into the record.

ITEM #V.42

Case #: 17050009 – Building Code Violations
Property Owner: Seagrape Commons LLC
Address/Folio: 222 E Commercial Blvd
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation.

The Special Magistrate ordered a revised Final Order with a new comply-by date of August 23, 2017 plus \$50 Administrative Fee due by August 23, 2017.

ITEM #V.43

Case #: 17050010 – Building Code Violations
Property Owner: Seagrape Commons LLC
Address/Folio: 222 E Commercial Blvd
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.3.2.1 – Permits. Time Limitation.

The Special Magistrate ordered a revised Final Order with a new comply-by date of August 23, 2017 plus \$50 Administrative Fee due by August 23, 2017.

SPECIAL SET

Case #: #17050008/SPECIAL SET A
Property Owner: Vitale, Joseph & Anna
Address/Folio: 5000 N Ocean Blvd #402
Reason: Town Requesting to Correct Record (Final Order) Issued at the June 22, 2017 hearing.

Officer Peart testified that the Town was requesting that this case be withdrawn. The owners were cited in error for an expired permit for an air conditioning change out. This unit, #402, did not have an a/c change out. There should be no Administrative Fee or Fines due at this time. Officer Banyas testified that the Final Order has to be revoked. The Special Magistrate ordered withdrawal of this case and revocation of the Final Order.

SPECIAL SET

Case #: #17070009/SPECIAL SET B
Property Owner: Michael Maller
Address/Folio: 2011 Coral Reef Drive

17, 2017. This was also sent to the owner by certified mail at his mailing address of record. The Town is requesting a Final Order and authorization to abate two violations: Section 6-41(a)(1) trash and litter and Section 6-41(a)(18) overgrown grass. These two violations, which repeatedly recur on this abandoned property, present an immediate health and safety hazard. The Town was asking for authorization to abate the two violations if they are not complied within seven days and also to abate them on a continuous basis in the future regardless if they are complied by another party within the specified period time or not. She has photos to submit for evidence. The Special Magistrate accepted them into evidence as the Town's Composite Exhibit. The Town was requesting \$150 Administrative Fee for today's hearing payable by August 21, 2017 and recommends the fine of \$200/day/violation to accrue if compliance is not reached by August 3, 2017. The Town would like authorization to abate on August 4, 2017 but if the Town cannot abate immediately, the fine would begin at \$200/day/violation. The abatement costs would be assessed to the property.

The Special Magistrate asked about the pool and Ms. Banyas said that would be presented at the August 24, 2017 hearing. If the Town can, the Special Magistrate would like the pool abated because from the pictures, screens are missing and he would like to ensure that it is not accessible to children. As a stipulation of this order, she would consult with the Town Attorney's office and determine if it is a lawful act to abate with any other notice and what was sent already. If they could abate the pool, the Town would proceed at the earliest available date. The Special Magistrate ordered compliance on both violations within seven days by August 3, 2017 or he authorizes the Town to abate both violations on August 4, 2017 and on a continuous basis and assess the costs to the property. If the Town cannot abate on August 4, 2017, then the fine would start until they could abate. He further ordered \$150 Administrative Fee payable by August 21, 2017 and the stipulation regarding abatement so children could not gain access to the unscreened pool.

SPECIAL SET

Case #:	#17040004/ <u>SPECIAL SET F</u>
Property Owner:	4326 Ocean Drive LLC
Address/Folio:	4326 N Ocean Drive #1-4
Reason:	Certification of Lien.

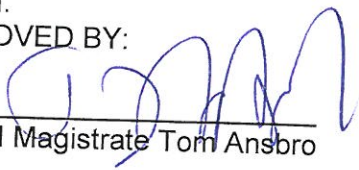
No one was present to represent the owner. Inspector Banyas said that the bees are gone. They were not removed in the time required and she would continue watching to ensure they do not come back. Fines ran for seven days of non-compliance (complied on July 14, 2017) at a fine of \$250/day for a fine of \$1,750.00 as well as the \$300 Administrative Fees that remain unpaid plus \$100 Administrative Fee for today's hearing equaling \$2,150.00 to be certified. The Special Magistrate ordered \$2,150.00 to be certified.

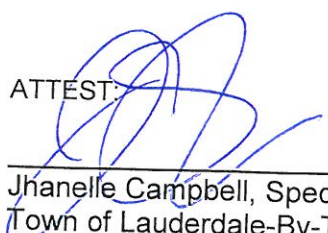
VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on July 27, 2017 at approximately 7:08 p.m.

APPROVED BY:

ATTEST:


Special Magistrate Tom Ansbro


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