

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, July 25, 2019 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:00 PM on Thursday, July 25, 2019. Development Services Director Linda Connors, Building Official Randall Clutter, and Code Inspector Bethany Banyas were present as well as Special Magistrate Clerk Kaliah Lewis 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 wished to speak now.

V. CODE CASES

Special Magistrate Clerk Kaliah Lewis first called the code cases for which people might be in attendance and have signed in.

NEW BUSINESS

ITEM #V.19

***TAKEN OUT OF SEQUENCE**

Case #: 19040014 – Building Code Violations

Property Owner: Bentsen, Kirsten Bentsen, Samuel A

Address/Folio: 3211 S Terra Mar Dr

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

Inspector Bethany Banyas testified that the violation is work without permit. The property owners were notified of the violation via certified mail. She spoke with Mr. Bentsen by phone and they applied for a work permit to cover all of the interior renovations that were done. It was denied but they would resubmit. The Town was recommending a Final Order requiring that they obtain a permit by August 21, 2019 or \$100/day fine returning to the August 22, 2019 Hearing for a Status Hearing. If the permits were issued by the August Hearing, the Town would like to give time to comply but if not, then they would like the fines certified. Administrative Fee for today's hearing is \$50 due immediately payable prior to the August 22, 2019 Hearing. One of the homeowners' contractors, Jim Beeson, was in attendance and understood what transpired. The Special Magistrate ordered by August 21, 2019 to obtain a permit for all the interior work

done or a fine of \$100/day plus \$50 Administrative Fee due immediately but payable prior to the August 22, 2019 Hearing and to bring this agenda item back for a Status Hearing on August 22, 2019.

ITEM #V.14

***TAKEN OUT OF SEQUENCE**

Case #: 19060011 – Recreational Vehicles & Boats Violations
Property Owner: Cummings, George
Address/Folio: 1850 S Ocean Blvd #707
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-319

For the record, neither the property owner nor anyone to represent him was present at the hearing. Inspector Bethany Banyas testified that this case is in compliance as of today. The Town was requesting a Finding of Fact establishing that the violation did exist but came into compliance prior to today's hearing and if this should reoccur on the property in the future, it would be brought in front of the Special Magistrate with a request for a repeat violation fine. The owner of record was notified of the violation at the address of record via certified mail but the green card was not returned. The property was posted on July 13, 2019. The violation is storage of a boat in a required parking space in Crane Crest Condominium parking lot. Ms. Banyas has photos showing where the boat was parked and the status of the property today. She also has a letter from the respondent which was requested to be submitted to the Special Magistrate. He said there was also an email and Ms. Banyas said that it contained the letter which the Town would review tomorrow. A meeting would be arranged to again try to clarify the situation. A continuance was requested until December but Ms. Banyas answered that they have to ensure that this violation does not reoccur on this property and was requesting a Finding of Fact tonight that the violation existed but is now in compliance. If it should reoccur in the future, it could be deemed a repeat violation. This may safeguard against reoccurrence and she was not in favor of a continuance to December. The Special Magistrate accepted the evidence as Composite Exhibit for the Town (photos) and for the Respondent (letter and email).

Ms. Banyas said that there were a number of complaints and people were in attendance tonight. The Special Magistrate spoke about Ms. Cummings' letter and Ms. Banyas explained about the Code and why it was possible that the respondent might have made a parking mistake. She was hoping that in the last emails sent to the respondents, it was clarified and she explained the exact violation and how the Town had to determine if the boat was parked in the Crane Crest parking lot in a dedicated required parking space. She further stated that Crane Crest does not have enough parking spaces to park or store a boat or any type of recreational vehicle. The Special Magistrate said that he would read into the record the letter from Ms. Cummings and swore in Development Services Director Linda Connors. In addition to reading Ms. Cummings' letter, the Special Magistrate read her email into the record. He told Ms. Lewis to send Ms. Cummings tonight's minutes as well as letting her know of the availability of an audio/video of tonight's Special Magistrate Hearing.

Jackie Price requested to speak and testified that Ms. Cummings is not a registered owner (not on the deed to the property). She said that today, there was a van parked on the grass because there are not a lot of parking spaces. Ms. Price testified that the two bedroom unit gets one parking space and further stated that a boat has to have a custom fitting cover not what the Cummings' boat has a loosely fitting cover filled with water and dead mosquitos and the boat is visible from the street. There are multiple code issues and not to listen tonight to personal accusations about the owners. Ms. Price very much appreciates Linda Connors and the whole Lauderdale-By-The-Sea team. Phil Lomenzo spoke next. He said that there is no place in their

documents that allows a boat in a parking spot. He also spoke about what was in their Rule Book (not official document) and that they were in the process of changing it. He testified that Mr. Cummings knew about this problem for some time. He spoke about Mr. Cummings' lack of work permits when he was renovating his unit. The Special Magistrate explained that the Town could not get involved with personal documents or rules. The Special Magistrate ordered a Finding of Fact that the violation existed (boat was parked in a required parking spot in Crane Crest parking lot) and is now in compliance (boat not parked in a required parking spot in Crane Crest parking lot) but if the violation reoccurs in the future on this property, it could be deemed a repeat violation.

Ms. Banyas testified that the boat cover issue is completely irrelevant in this case as a boat is simply not allowed to park in this parking lot because of the number of parking spaces and the number of units. A repeat violation fine could be as high as \$500 each day it is observed and documented by a Code Officer.

ITEM #V.17

***TAKEN OUT OF SEQUENCE**

Case #: 19060005 – Permits Required Violations

Property Owner: Kythira LLC

Address/Folio: 262 Corsair Ave

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

Inspector Bethany Banyas testified that the violation is work without a permit. The owner is present and would like to speak about the violation and what he is doing to correct it. The Building Official and Ms. Banyas recommend a Final Order with compliance by obtaining and closing the required permits by November 13, 2019 or a fine of \$100/day and to return to the November 14, 2019 Hearing for certification of fine, if needed. The \$50 Administrative Fee is due immediately but payable prior to November 14, 2019. Building Official Randall Clutter said that he did see plans and there is a permit for the windows and doors. They did stop working when they found out there was a violation on the property. Steven Saltouridis testified that he understands the Order and is comfortable with it. He owns the property. The Special Magistrate ordered permits obtained and closed by November 13, 2019 or a fine of \$100/day plus \$50 Administrative Fee due immediately but payable before November 14, 2019 plus this agenda item is to be placed on the November 14, 2019 Hearing Agenda for certification of fine, if needed.

CERTIFICATION OF LIEN

ITEM #V.24

***TAKEN OUT OF SEQUENCE**

Case #: 18120007 – Permits Required Violations

Property Owner: Marchetti, Steven Mercante, Robert

Address/Folio: 4422 Seagrape Dr

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

Inspector Bethany Banyas testified that this is a duplex property. At the May Hearing, the Special Magistrate ordered that compliance was to be met by obtaining the after-the-fact permit for conversion of the garage and closing the permit by June 26, 2019 or a fine of \$100/day. As of today or yesterday, the permit was submitted for review, however, the compliance date was not met. Fines have been running. The Town was recommending in this case, keeping the fines running and postponing certification of the fine until October 2019. By then, the after-the-fact permit should be closed and there could be a possible mitigation of the fine. For today, she requested that the Special Magistrate request payment of a previous \$150 Hearing Fee plus the \$25 Hearing Fee for today's Hearing due immediately but payable before October 2019. The

Special Magistrate ordered payment of a previous \$150 Hearing Fee plus \$25 Hearing Fee for today's Hearing for a total of \$175 Hearing Fees (due immediately but payable before October 2019) and to keep the fines running and postpone certification until October 2019.

The Town wanted to put on record that Ms. Banyas noticed today that the property is being advertised or up on Realtor.com as three units but it is a duplex and cannot be rented as three units. The property cannot be rented until the permits are signed off and the advertisement must come down. Building Official Randall Clutter said that he visited the site and learned today that the contractor that he was working with was fired and a new contractor completed the application. Dominick Casale, one of the partners, explained why, because of an address, he did not know about the \$100/day fine and the outstanding Administrative Fee. He also spoke about not needing an asbestos report and the problem with where they were going to move the tree.

NEW BUSINESS

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 19060006 – Sign Violations
Property Owner: Vicnsos Realty Group, LLC
Address/Folio: 253 E Commercial Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-505(s)
Chapter 30 – Unified Land Development Regulations
Section 30-509(a)

Inspector Bethany Banyas testified that she just spoke with the gentleman regarding the signage. He told her that he has been working on getting the sign permit. This is a case of window signs without permits. She has photos of the signs. The Town was recommending giving them until November 13, 2019 to obtain and close the sign permit or \$50/day fine and \$50 Administrative Fee for today's hearing due immediately but payable by November 13, 2019. Then this would come back to the November 14, 2019 Hearing. She showed her photos to the respondent and gave copies to the Special Magistrate who entered them into evidence as Town Composite Exhibit. For the record, service was obtained by posting on July 13, 2019. Luis DuMiller testified that he is the owner of the business. He answered the Special Magistrate that he understands what the order is and he knows what he has to do. The Special Magistrate ordered compliance by November 13, 2019 by obtaining and closing the sign permit or \$50/day fine plus \$50 Administrative Fee for today's hearing due immediately but payable by November 13, 2019.

OLD BUSINESS

ITEM #V.10

***TAKEN OUT OF SEQUENCE**

Case #: 18100015 – Building Code Violations
Property Owner: NPLH Holdings LLC
Address/Folio: 1984 Windward Dr
Code Section(s): Florida Building Code Section 105.1 Required.

For the record, there was no one in attendance to represent the property owner. Inspector Bethany Banyas testified that she felt it was wise to certify the lien today but cannot do so because the order was just to obtain a permit. The Town was requesting a revised Final Order to comply by August 21, 2019 by closing out the permit for the garage conversion that was done without a permit. If not in compliance by August 21, 2019, she recommends a fine of \$100/day (instead of the original \$50/day) plus \$50 Administrative Fee for today's hearing due

immediately but payable by August 21, 2019. There is an existing \$50 Administrative Fee that is due also. They are to come back to the August 22, 2019 Hearing for Certification of Fines. She also has an advertisement to submit depicting that this is a vacation rental property.

Building Official Randall Clutter testified it is mysterious that they would not appear because the work has already been done and all they have to do is call in for an inspection. Discussion ensued about the advertisement reflecting a short stay for less than seven days. The Special Magistrate ordered a revised Final Order to comply by August 21, 2019 by closing out the permit for the garage conversion or a fine of \$100/day (instead of the original \$50/day fine) plus \$50 Administrative Fee for today's hearing due immediately but payable before August 22, 2019 and an existing \$50 Administrative Fee for a total of \$100 Administrative Fees. This agenda item should be scheduled for the August 22, 2019 Hearing.

ITEM #V.12

Case #: 19040004 – Permits Required Violations
Property Owner: Gilchrist, Rael M Gilchrist, Lourdes L
Address/Folio: 1931 Waters Edge
Code Section(s): Florida Building Code Section 105.1 Required.

For the record, there was no one in attendance to represent the property owners. Inspector Bethany Banyas testified that she is surprised that they are not in attendance. This is a work without permit case and the final order was to obtain a permit by July 22, 2019 or a fine of \$100/day. Ms. Banyas was recommending a revised Final Order by requiring compliance by October 2, 2019 by obtaining and closing the permit for interior renovations done without a permit or \$100/day fine plus \$50 Administrative Fee for today's hearing due immediately but payable by October 2, 2019. The previous \$100 Administrative Fee was not paid and is due. Building Official Randall Clutter said that the house is on a nice street but the house looks like a construction site with puddles in the front yard as well as construction tiles, etc. If they were in attendance today, Ms. Banyas would have told them to clean up the property but she will touch base with them and explain. The Special Magistrate ordered a revised Final Order for compliance by October 2, 2019 by obtaining and closing the permit for interior renovations done without a permit or \$100/day fine plus \$50 Administrative Fee for today's hearing and a previous \$100 Administrative Fee was not paid for a total of \$150 Administrative Fee due immediately or payable by October 2, 2019..

CERTIFICATION OF LIEN

ITEM #V.22

Case #: 19040016 – Nuisance/Abandoned Homes
Property Owner: Howard, Benjamin R
Address/Folio: 218 Pine Ave
Code Section(s): Chapter 11 – Junked, Wrecked, Stolen or Abandoned Property
Section 11-23(e)

For the record, there was no one in attendance to represent the property owner. Inspector Bethany Banyas testified that 218 Pine Avenue was sold and the Broward County Property Appraiser showed it retroactively sold as of February 2019. The Town will be withdrawing the case from the hearing today. She will issue an Affidavit of Dismissal, if the Special Magistrate orders it and no additional order would have to be sent. The Special Magistrate ordered the issuance of an Affidavit of Dismissal.

Special Magistrate Clerk Kaliah Lewis read into the record cases listed on the agenda as either complied or continued.

COMPLIED				Page #
1	C#:	19040011	2037 Tropic Isle	1
2	C#:	19050010	1600 S Ocean Blvd 901	3
3	C#:	19060013	1800 E Terra Mar Dr	4
4	C#:	19050009	2024 Sailfish Pl	2
5	C#:	19040017	218 Pine Ave	20
6	C#:	19060012	Waters Edge (Vacant Lot)	6
13	C#:	19060003	1585 Blue Water Ter N	26
15	C#:	19060004	227 Shore Ct 1-2	28
20	C#:	19040005	1911 Blue Water Ter S	13
21	C#:	18120015	2041 Coral Reef Dr	23
CONTINUED				To
7	C#:	18110007	1470 S Ocean Blvd #702	10/03/19
8	C#:	19020021	251 Algiers Ave	10/03/19
9	C#:	18100012	4561 Bougainville Dr	10/03/19
16	C#:	18070009	230 Lake Ct	10/03/19
23	C#:	18120002	230 Lake Ct	10/03/19

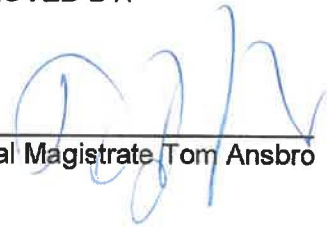
VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on July 25, 2019 at approximately 5:56PM.

APPROVED BY:

ATTEST:


 Kaliah Lewis, Special Magistrate Clerk
 Town of Lauderdale-By-The-Sea, Florida


 Special Magistrate Tom Ansbro