

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room
Thursday, June 22, 2017 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:00p.m. on Thursday, June 22, 2017. Building Official Jack Morrell, Fire Marshal Stephen Paine, Code Compliance Inspector Bethany Banyas, and Code Compliance Inspector June Peart were present as well as Special Magistrate Clerk Anna B. Ernst 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 Anna B. Ernst called the cases for which people were signed in. The FDG cases were called first.

OLD BUSINESS

ITEM #V.11

***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.12

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.13

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)

ITEM #V.14

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.15

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.

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.

Inspector Banyas testified that the seven Florida Development Group (FDG) cases are for three different addresses (4108 El Mar Drive, 4110 El Mar Drive, and 4116 El Mar Drive). All the cases, except for one, were continued to this hearing to give the Town and the Respondent time to meet to discuss a more minimal time for compliance and the plan for development. One of the cases, agenda item #11-case #16120011, had a revised Final Order with a new compliance date, June 21, 2017, for the 40-year inspection report to be re-submitted in full. Building Official Jack Morrell testified that the report has been submitted and the Town is waiting for the plans from the contractor for the repairs.

Attorney Nectaria Chakas, representing the owner, said that the report was submitted timely. She asked if case #16120011 could be continued, have its fines postponed, or extend the compliance date so that the work could be done. Special Magistrate asked if there was a meeting between the parties. Ms. Banyas answered that they did meet and discussed compliance. Although FDG's plan for compliance was expedited and much improved from the previous plan, the Town still believes there is not enough information to present to the Special Magistrate at this time for a full and accurate order. The Town is amenable to continue all the cases to the July hearing. However, the continuances so far have not changed any compliance dates and Attorney Chakas wants to discuss this with the Special Magistrate.

The Special Magistrate said that his intent is not imposing fines now but would like to see a Stipulated Order presented to him to read over and sign. He reserves the right to do whatever is necessary regarding fines and costs. The Special Magistrate ordered a continuance for all seven cases to the July 27, 2017 Hearing. Ms. Banyas said that they want to clarify the status of the fines. The Town wants to ensure that the Final Order stands and that the fines have just not been certified effectively on the property yet. The Special Magistrate said that his intention would be to have a Supplemental Order that would eclipse the old order and repeal it. The new order would be based on the written Stipulated Order. The Stipulated Order would be agreed upon by the Town and the Respondent regarding a reasonable compliance date for when everything would be done and in compliance. The consequences for non-compliance should be part of the Stipulated Order. Attorney Chakas just wanted to ensure that there are no fines that are accruing now due to all the continuances.

FIRE CASES***TAKEN OUT OF SEQUENCE**

Case #: 17-1231

Respondent : K.M. & Buschbaum, Inc. – Jesse Dalen

Address/Folio: Buena Vista Apartments, 4217 El Mar Drive

Legal Description: Lauderdale By The Sea 6-2 B Lot 20 BLK 16

Tax Folio #: 4943 18 01 1620

Violation(s): N.F.P.A.1.10.4.1, N.F.P.A.1.10.11.6.1, N.F.P.A.1.10.11.6.2,
N.F.P.A.1.14.4.1

Fire Marshal Stephen Paine was sworn in. This case for the apartments was withdrawn because it is in compliance.

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 on May 18, 2017, he received a complaint about issues at both properties (apartments and hotel). They spoke with the manager. On June 3, 2017, a fire occurred at the building on the outside. On June 8, 2017, they met again. The property manager set an appointment for a follow-up inspection which was done on June 12, 2017. Numerous violations were noted and written in the Notice of Violation. Today, June 22, 2017, they did another follow-up inspection and there was progress but some violations still need to be corrected. He has photos time dated for today. He showed them to the Respondent. He explained what caused the fire to the Special Magistrate. Mr. Paine said that there were originally 48 violations and the rest were minor things. He read what is left to do into the record. The Special Magistrate accepted the photos without objection into evidence as the Town's Composite Exhibit. Mr. Paine testified that the Respondent agreed to comply within thirty days or a fine of \$250/day/violation. He is requesting \$150 Administrative Fee for tonight's hearing.

Camille Pottinger, Operations Manager for K.M. & Buschbaum, testified that the rest of the repairs would be in compliance in thirty days. The Special Magistrate ordered compliance by July 24, 2017 or a fine of \$250/day/violation plus \$150 Administrative Fee due by July 24, 2017.

CERTIFICATION OF LIEN

ITEM #V.32

***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 the owners were notified of this hearing and service was established. This is a vacant, single-family property. There were five violations brought in front of the Special Magistrate at the last hearing. Since then, three have been found in compliance. The two remaining were to be brought in front of the Special Magistrate for certification of fines today. The two remaining are Section 105.1 for work without permits and also expired permits. Attorney for the owners, Mr. Galatis, contacted Ms. Banyas today regarding an extension. She said that the Town would be amenable to continue this until the July Hearing with a new compliance date of July 26, 2017 for the two remaining violations. Building Official Jack Morrell answered the Special Magistrate that the pool has been permitted and it is safe and fenced off.

He explained the disposition of the permits. He further explained that Mr. Galatis has obtained some information from Broward County regarding the dock which the Town will research tomorrow when the attorney turns his information in. Mr. Morrell told the Special Magistrate that they are making good progress and should be complete within the next thirty days. Ms. Banyas said that the Town requests \$100 Administrative Fee for today's hearing. The Special Magistrate ordered a revised Final Order with a new compliance date of July 26, 2017 and to continue this agenda item to the July 27, 2017 Hearing plus \$100 Administrative Fee for today's Hearing due by July 26, 2017.

ITEM #V.33

Case #: 17040004 – Nuisance

Property Owner: 4326 Ocean Drive LLC

Address/Folio: 4326 N Ocean Drive #1-4

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

Chapter 6 – Building and Building Regulations Section 6-41(a)(1)

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

Tarn Tantiki, homeowner, was shown photos of his property on Ms. Banyas' laptop. He was sworn in. Inspector Banyas testified that lawful service has been served from the previous hearings via certified mail to the owner, to the attorney, and posting the property because green cards were not received. This is a vacant, multi-family property under foreclosure. The Town previously brought this case in front of the Special Magistrate for a Final Order and to abate three violations which are considered a nuisance and a health safety violation. They requested to abate a nest of bees or other insects in the south fascia, the overgrown landscape on the property and a large amount of trash and discarded items in the side yard. The contractor for the removal of the bees informed the Town that he would need entry onto the property. The Town does not have access. Ms. Banyas said that at the last Hearing, we asked to set a fine due to the fact that we could not correct the violation for the bees causing non-compliance for the other violations because the bees are on the property. Fines have accrued since then at a rate of \$200/day/violation. The violations are irreparable and Ms. Banyas was asking for the maximum fine of \$500/day/violation.

The Respondent said that someone opened the gate and dumped chairs and a barbecue on the side behind the gate. He felt that it won't take long to remove that. The landscape in the front is not excessive and he plans to address the landscaping. He has not seen the bees yet but will try to find out what is going on. He researched previously and found out that the bees are coming from the neighbor's Sabal Palms. He alerted the owner of the property with the Sabal Palms and he did nothing about the bees. The Respondent said there is not one picture of the bees, it is just insect infestation. He also answered the Special Magistrate that he is defending the foreclosure. The Special Magistrate felt that since he just got back into Town and is willing to fix the issues, he would like to give the Respondent until July 26, 2017 to get all violations complied. There are no fines running yet.

Ms. Banyas said that the Town would not be opposed to giving him more time but they have to protect the community and she believes fines would be warranted in this case. It has had a big impact on the community. The Town would be amenable to staying the fines that have already accrued. If the violations are not complied by the next Hearing, she would like the Special Magistrate to certify the fines. She requested \$100 Administrative Fee for tonight's Hearing. She said that they would be postponing any decisions on fines until the July 27, 2017 Hearing. The Special Magistrate ordered that the insects, whatever they are, removed from the property

both inside and outside of the home within 15 days, by July 7, 2017, or a fine of \$250/day and the removal is to be verified by a professional and within 5 days after that, by July 12, 2017, the property must be completely cleaned up of all litter, landscape debris, and trash or a fine of \$250/day plus \$100 Administrative Costs to be paid by July 26, 2017. Ms. Banyas said that the previous Administrative Costs of \$200 (April Hearing) and \$100 (May Hearing) have not been paid. The Special Magistrate combined all three Administrative Costs into one amount and amended that part of his order to be \$300 Administrative Costs to be paid by July 26, 2017. It was clarified for the Respondent that the removal of the insects must be written by a professional confirming the bee or insect removal and if there has to be follow up treatment, it would be paid by the Respondent. The Special Magistrate explained to the Respondent that when he goes out of the country again, he should have someone watching to ensure the insects do not come back. Ms. Banyas told the Respondent that if he makes a complaint against the other property where he feels the bees come from, then she would have someone check it out.

Ms. Ernst now called all the cases involving the Building Official.

NEW BUSINESS

ITEM #V.22

***TAKEN OUT OF SEQUENCE**

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.

Inspector Peart testified that on May 11, 2017, a Notice of Hearing, Notice of Violation was sent to Seagrape Commons LLC. Service was obtained by certified mail and the property was posted June 10, 2017. This is a commercial property. The violations are an expired permit for suite 108 (renovation to the rear wall). There was also another expired permit for a dumpster enclosure. The Town is requesting a Final Order with compliance within 34 days, by July 26, 2017 or \$100/day fine for both permits and \$150 Administrative Costs due by July 26, 2017. Building Official Jack Morrell testified that the permit for the rear wall expired November 2016 and the dumpster enclosure permit expired in July 2016. The Special Magistrate ordered compliance for both expired permits by July 26, 2017 or a fine of \$100/day plus \$150 Administrative Costs payable by July 26, 2017.

ITEM #V.23

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.

Inspector Peart testified that notice was sent via certified mail. The property was posted on June 10, 2017. This is for an expired permit for paving and re-striping. The permit expired November 3, 2016. No inspections have been scheduled. The Town requests a Final Order with compliance by July 26, 2017 or a fine of \$100/day and \$150 Administrative Costs due by July 26, 2017. Mr. Morrell concurs. The Special Magistrate ordered compliance by July 26, 2017 or a fine of \$100/day plus \$150 Administrative Costs due by July 26, 2017.

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

Case #: 17050008 – Building Code Violations
Property Owner: Vitale, Joseph & Anna
Address/Folio: 5000 N Ocean Blvd #402
Code Section(s): Florida Building Code Section 105.11.2.1

Inspector Peart testified that on May 11, 2017, Notice was sent to Joseph and Anna Vitale and service was obtained by certified mail on May 13, 2017. She explained that this is a condominium and they have an expired permit for an a/c change out. The Town requests a Final Order with compliance by July 26, 2017 or a fine of \$100/day and \$150 Administrative Costs due by July 26, 2017. Mr. Morrell concurs. The Special Magistrate ordered compliance by July 26, 2017 or a fine of \$100/day plus \$150 Administrative Costs due by July 26, 2017.

CERTIFICATION OF LIEN**ITEM #V.30*****TAKEN OUT OF SEQUENCE**

Case #: 17040006 – Building Code Violations
Property Owner: Affordable Lux Properties LLC
Address/Folio: 4328 N Ocean Drive Units 1-3
Code Section(s): Chapter 12. Licenses. Section 12-2(e)(1)
Florida Building Code Section 116.1.2
Florida Building Code 5th Edition (2014) FBC/BCA Section 116
116.4 Parking.
Florida Building Code Section 111.1.1 Use and Occupancy

Inspector Banyas testified that this case is before the Special Magistrate for certification of the fine. She said that last month's Final Order requested compliance by June 21, 2017 for two violations. She said that one violation was complied on June 30, 2017 and the second for unsafe structure (Section 116.1.2) is still in violation. The permit was renewed today for that work. Mr. Morrell testified that it was a renewal for the permit that was submitted today but not approved yet and the drawings to complete the site work were submitted today. This violation will not be in compliance until the CO is issued. Once the CO is issued, as Ms. Banyas told the attorney today, the violation will be considered to be in compliance. As of now, fines begin to run today at \$200/day. She was requesting certification of fine and assessment of \$100 Administrative Costs for today's hearing. While speaking with the attorney today, she told him that they do not record a certified fine for thirty days and this could come back to next month's Hearing for a Status Hearing. The Special Magistrate certified the \$200 fine for today plus \$100 Administrative Costs.

NEW BUSINESS**ITEM #V.29*****TAKEN OUT OF SEQUENCE**

Case #: 17050002 – Building Code Violations
Property Owner: Affordable Lux Properties LLC
Address/Folio: 4328 N Ocean Drive Units 1-3
Code Section(s): Florida Building Code Section 111.1.1 Use and Occupancy

Inspector Banyas testified that this is in compliance but it is a recurring violation and not considered a repeat violation since it did not occur after the original Final Order. She asked that the Special Magistrate issue a Finding of Fact on the public order that this violation did exist on May 6, 2017 as guests were unlawfully occupying the property again and the property did not yet have the CO. The owner was previously warned and had the tenants removed. It did occur on May 5 through May 6, 2017. The guests did leave on May 6, 2017. Ms. Banyas was asking

for \$200 Administrative Costs for this case today which would be due by July 26, 2017. The Special Magistrate made a Finding of Fact that this violation did exist on May 5 through May 6, 2017. He further ordered \$200 Administrative Costs for this agenda item today due by July 26, 2017. For the record, the owner and attorney received Notice and the Town has the green cards signed.

Ms. Ernst now called the cases that were listed on the agenda as either complied or continued.

COMPLIED

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|---------|----------|-------------------------------|
| 1. C#: | 17010005 | 1431 S. Ocean Blvd #79 |
| 2. C#: | 17050007 | 233 Imperial Lane |
| 3. C#: | 17050013 | 237 Lombardy Ave |
| 4. C#: | 17050014 | 4117 Bougainvillea Drive #407 |
| 5. C#: | 17050006 | 4540 N Ocean Drive |
| 6. C#: | 17050011 | 1700 S Ocean Blvd #16B |
| 7. C#: | 17050012 | 4900 N Ocean Blvd #1208 |
| 8. C#: | 17050003 | 218 E Commercial Blvd |
| 25. C#: | 17040011 | 267 Oceanic Avenue |
| 34. C#: | 17010002 | 4521 N Ocean Drive #1-6 |
| 35. C#: | 17040010 | 3221 Spanish River Drive |

CONTINUED

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| 9. C#: | 17050001 | 3241 Spanish River Drive |
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HEARING DATE

Continue to 7/27/17

Ms. Ernst now called the remaining cases listed on the agenda.

OLD BUSINESS

ITEM #V.10

***TAKEN OUT OF SEQUENCE**

Case #: 16080006 – Citizen Complaints
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 today is a Status Hearing. The Interim Order has been complied and the Town is waiting for the second portion of the order to be complied and this case would be continued to the July 27, 2017 Hearing. No order is needed for today.

NEW BUSINESS

ITEM #V.19

Case #: 17050020 – Vacation Rental
Property Owner: 1825 Bel Air Avenue
Address/Folio: 1825 Bel Air Avenue
Code Section(s): Chapter 12. Licenses. Section 12-2(e)(1)
Chapter 30 – Unified Land Development Regulations
Section 30-327(d)
Chapter 30 – Unified Land Development Regulations
Section 30-327(l)(1)

Inspector Banyas testified that Mr. Thibaut (the named respondent from the above case) is the registered agent for this property and it is owned by 1825 Bel Air Avenue. Notice was sent via certified mail and green cards were received from the registered agent and the vacation rental

agent. The property was posted on June 10, 2017. This is a single-family rental property. It is an unlawful rental at this time. The property agent applied for vacation rental and Business Tax Receipt (BTR) from the Town in March 2017. She completed an inspection in March but the certificates were placed on hold due to permitting issues. They continued renting even though the certificates were not issued. On May 14, 2017, BSO was called to the property about 1:00AM and displaced a group of teenagers (about one hundred people or so). She has the report to submit into evidence plus the current VRBO advertisement and she gave both to the Special Magistrate. The ad shows they are renting the property. She has e-mailed Mr. and Mrs. Thibaut in Europe to let them know that the Town would be asking for a thirty-day order for this violation. They said they were amenable with everything Ms. Banyas wrote plus they said they would pay the Administrative Costs. The Town is requesting a Final Order giving thirty days to comply with the two violations. The Town was requesting compliance by July 26, 2017 or a fine of \$100/day/violation. The Town would like a Finding of Fact regarding the over occupancy that was observed by BSO. The Town was requesting \$150 Administrative Costs for this Hearing due by July 26, 2017. The case would return to the July 27, 2017 Hearing if not in compliance.

The Special Magistrate accepted Ms. Banyas' evidence as the Town's Composite Exhibit. The Special Magistrate ordered compliance of the two violations by July 26, 2017 or a fine of \$100/day/violation plus \$150 Administrative Costs to be paid by July 26, 2017. He further made a Finding of Fact that should the over occupancy occur again in the future, this may be deemed a repeat violation and fines may be immediately assessed.

ITEM #V.20

Case #: 17050024 – Permits Required Violations

Property Owner: 1825 Bel Air Avenue

Address/Folio: 1825 Bel Air Avenue

Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits.

Ms. Banyas said that lawful service was obtained by posting the property on June 10, 2017 and by certified mail to the owner of the property, registered agent and vacation rental agent. The Town received two green cards. This violation regards the permits that are holding up the vacation rental certificate and the BTR. There is now a permit for the wood deck in the backyard and it should be in compliance by the July 27, 2017 Hearing. She has the permit screen shot to submit into evidence and an e-mail from the Building Department. She was asking for a fine of \$100/day if this is not in compliance by July 26, 2017 plus \$150 Administrative Costs payable by July 26, 2017. The Special Magistrate entered the Town's evidence into the file as the Town's Composite Exhibit. He ordered compliance by July 26, 2017 or a fine of \$100/day plus \$150 Administrative Costs payable by July 26, 2017.

ITEM #V.24

Case #: 16110001 – Landscape Violations

Property Owner: Ulvic Properties Inc

Address/Folio: 267 Capri Avenue

Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-480(a)

Inspector Banyas said that this case originally began in August 2016. This is a unique situation where the owner is getting the permits to do a full renovation and addition to the home. There were nine trees in August 2016 that were removed without permits. Upon notification, the

owner began to get the permits which took a while. They did finally obtain the permits for the extensive work on the home. The Town has an 18 month completion requirement. The Town wants to set a Final Order giving 19 months from the issuance date of the permit which would be approximately November 30, 2018 or \$100/day fine if not in compliance by November 30, 2018 and requests \$150 Administrative Costs due November 30, 2018. For the record, Ms. Banyas testified that lawful service was obtained by the green cards sent to the owner and registered agent. The Special Magistrate ordered compliance by November 30, 2018 or a fine of \$100/day plus \$150 Administrative Costs due by November 30, 2018.

ITEM #V.21

***TAKEN OUT OF SEQUENCE**

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.

Inspector Peart testified that on May 9, 2017, the Notice of Violation, Notice of Hearing was sent to the owner of record. Service was obtained by posting the property on June 10, 2017. Emergency plumbing work was done without a permit to include demolition of pavement for this commercial property and permits were not pulled even after-the-fact. The pavement was not restored. As of today, no permits have been pulled for the plumbing work or to remove and replace the asphalt. She requested to submit into evidence the photos taken, Affidavit of Service, and printed material. Ms. Banyas answered the Special Magistrate that there are several tenants and one is a watercraft rental business, one is a spa, and another a restaurant, etc. Ms. Peart said that Town is requesting a Final Order with compliance by July 26, 2017 or \$200/day fine because of the safety issues with the unpermitted work and the Town was asking for \$150 Administrative Costs. The Special Magistrate accepted the evidence as the Town's Composite Exhibit. He increased the daily fine to \$250 as it is too long a wait for compliance on a busy boulevard. He ordered compliance by July 26, 2017 or a fine of \$250/day plus \$150 Administrative Costs due by July 26, 2017.

ITEM #V.26

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.

Inspector Banyas testified that this is a repeat violation. Fines would be up to the Special Magistrate as this was a work without permits violation and it is not something that continues to run. The owner had the deck repaired without permits. On May 17, 2017, she sent notice to the owner of record by certified mail and also to the registered agent, Rob Vitale, but has no green cards signed. The property was posted on June 10, 2017 for service. Ms. Banyas said she spoke to the handyman who was doing the work and advised him about a permit. She has a copy of the original Final Order dated August 26, 2016 to show that this is a repeat violation, a screen shot of the permit showing no permits pulled and a photo from May 4, 2016 when she first observed the violation. The Special Magistrate accepted them into evidence as the Town's Composite Exhibit. Ms. Banyas answered the Special Magistrate that the work has been completed. She further said that the maximum fine is \$500/day. The Special Magistrate ordered 15 days, by July 7, 2017, to obtain the permit or a fine of \$100/day to accrue plus \$150 Administrative Costs for today's Hearing due by July 7, 2017. It was further stipulated that if

there is no activity by July 26, 2017, this case would be brought back to the July 27, 2017 Hearing to ask for an upgrade in the fine amount.

ITEM #V.28

Case #: 17010016– Building Code Violations
Property Owner: Ruckes, Helmut
Address/Folio: 5100 N Ocean Blvd #617
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits.

Inspector Banyas testified that on January 31, 2017, she was called out to this property by the Fire Marshal who responded to the fire alarm going off. Ms. Banyas observed a handyman in the condo unit doing work without a work permit. The owner was notified on the same day, January 31, 2017, by certified mail. There is a returned, signed green card in the file for service. The violation was interior renovations being conducted without a permit. The owner did obtain a permit and told Ms. Banyas that he would be able to comply within sixty days from today. She requested a compliance date by August 21, 2017 or \$150/day fine plus \$150 Administrative Costs due by August 21, 2017. If this agenda item is not in compliance by August 21, 2017, it would be brought back to the August 24, 2017 Hearing for certification. The Special Magistrate ordered compliance by August 21, 2017 or \$150/day fine plus \$150 Administrative Costs due by August 21, 2017. It would be brought back to the August 24, 2017 Hearing for certification, if not in compliance by August 21, 2017.

OLD BUSINESS

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 16100022 – Building Code Violations
Property Owner: Vogl, Joseph
Address/Folio: 4645 Bougainville Drive
Code Section(s): Florida Building Code Section 105.1 Required

Inspector Banyas testified that Joseph Vogl previously appeared at the April 2017 hearing. The violation was for ADA spacing on his sealed and striped parking lot. He appealed to the Board of Rules and Appeals (BRA) and he was granted his appeal. The BRA further ruled that a permit was not necessary for that type of work at this type of property at this time. The Town is voiding this case and wants to revoke the original Final Order and issue a new Final Order revoking the old order and removing the charge for a fine as well as the \$150 Administrative Costs (he already paid the \$150 Administrative Costs). The \$150 Administrative Costs will be returned to him once the new Final Order is signed. The Special Magistrate ordered a Final Order voiding this case, removing all charges and returning the paid \$150 Administrative Costs.

CERTIFICATION OF LIEN

ITEM #V.31

Case #: 17040001 – Permits Required Violations
Property Owner: Karvin, Mitchell
Address/Folio: 1910 Waters Edge
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1 – Permits.

Inspector Banyas testified that tonight was to certify the lien but the violation was brought into compliance. Mr. Karvin was supposed to comply on the 31st but complied on June 9, 2017. The Town was requesting that the Final Order is revised with a new compliance date of June 9,

2017 and there would be no fines. Mr. Karvin paid his Administrative Costs and would owe nothing further on this matter. The Special Magistrate ordered a revised Final Order with a new compliance date of June 9, 2017 but keeping the previously paid Administrative Costs in place.

SPECIAL SET

Case #: MUNI-060217/SPECIAL SET B
Property Owner: Danielle Johnson
Address/Folio: 1724 Bel Air Avenue
Reason: Certification of hard cost for Municipal Services abatement

Inspector Banyas said the Town would like to certify the costs authorized by the Special Magistrate at a previous hearing in December 2016 to abate the violation of overgrown lawn at this abandoned, vacant property in foreclosure. The cost for abatement on June 2, 2017 was \$647 plus \$100 Administrative Costs for today's hearing totaling \$747. As evidence, she has a copy of the invoice and a copy of the Final Order authorizing abatement. The Special Magistrate accepted the evidence as the Town's Composite Exhibit. The Special Magistrate said the Town should have their law firm look into this issue because Ms. Johnson and her attorney say they do not own the property plus the Bank says that they do not own the property. The Special Magistrate would like some sort of finality as to who owns the property and they should cut the lawn. Ms. Banyas would have the law firm's written summary of this case provided to the Special Magistrate. She further stated that the Town Attorney has authorized the continual abatement of the lawn and the Special Magistrate was satisfied with that explanation. He certified the total costs of \$747.

Case #: MUNI-031517/SPECIAL SET C
Property Owner: Danielle Johnson
Address/Folio: 1724 Bel Air Avenue
Reason: Certification of hard cost for Municipal Services abatement

Case #: MUNI-012717/SPECIAL SET D
Property Owner: Danielle Johnson
Address/Folio: 1724 Bel Air Avenue
Reason: Certification of hard cost for Municipal Services abatement

Inspector Banyas spoke of two other certifications of lien done January and March 2017 which need correction. Each certification of lien had \$647 abatement costs noting that the Town did not request Administrative Costs for the two liens at that time. She wants to reclassify them on the record. For the record, she said that the Municipal Lien previously certified on January 27, 2017 under case #17010013 (MUNI-012717) is not part of the lien on that case but is a separate Municipal Lien and not subject to mitigation. The other Municipal Lien previously certified on April 27, 2017, case #17030005 is a non-compliance case (MUNI-031517). It also shall not be eligible for mitigation. She submitted evidence for both of these two certifications of liens (invoices for yardwork and the original Final Orders authorizing the work). The Special Magistrate accepted her evidence for the file. No other orders are needed for this, she just wanted to clear the record and have everything accurate.

Case #: 17010010/SPECIAL SET A
Property Owner: Seaward Village LLC
Address/Folio: 3210 Seaward Drive
Reason: Withdraw case.

Inspector Peart testified that the record needs to be corrected for the revised Final Order issued on May 4, 2017. The Town was requesting a revised Final Order to withdraw this case and remove all associated fees as they were in compliance before the Hearing on March 23, 2017. This was for a building permit that expired for interior alterations. The permit was renewed and in compliance. As of February 16, 2017, there was a problem with the check clearing on the original date. Once the check cleared, the permit was renewed as of the date of the check. The Special Magistrate ordered a revised Final Order to withdraw this case and remove all associated fees.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on June 22, 2017 at approximately 6:42 p.m.

APPROVED BY:

ATTEST:

Special Magistrate Tom Ansbro

Anna B. Ernst, Special Magistrate Clerk
Town of Lauderdale-By-The-Sea, Florida