

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room
Monday, June 22, 2015 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:05 p.m. on Monday, June 22, 2015. Town Attorney Alan Gabriel, Building Official Jack Morrell, Municipal Services Director Don Prince, Code Compliance Inspector Carmen Sanchez, Code Compliance Inspector Sharon Foster, and Town Planner Linda Connors were present at the hearing. Also present was Clerk Idalia Gutierrez to record the minutes of the hearing. Special Magistrate Tom Ansbro explained the procedures for the hearing.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

A. APPROVAL OF MINUTES OF PREVIOUS CODE HEARING

May 18, 2015 Code Hearing – The minutes of 05/18/15 were not discussed.

IV. PUBLIC COMMENTS

The Special Magistrate briefly explained the new State law and asked for public comments at this time or when a case was called. No one from the public spoke now.

V. CODE CASES

Clerk Idalia Gutierrez noted the following cases were in compliance or continued.

COMPLIED

1. C#: 15040006 258 E Commercial Blvd
2. C#: 15050003 Property Along Shore Ct & Seagrape
3. C#: 15050004 Property Along Garden Ct & Seagrape
4. C#: 15050012 4305 N Ocean Dr
5. C#: 15060012 284 Imperial Ln

CONTINUED TO JULY 27, 2015 CODE HEARING

6. C#: 15040009 1480 S Ocean Blvd
7. C#: 15050010 4900 N Ocean Dr Unit #1401

Clerk Idalia Gutierrez called the first case to be heard at this hearing.

NEW BUSINESS

ITEM #V.11

***TAKEN OUT OF SEQUENCE**

Case #: 15040001 – Zoning Violations

Property Owner: Sirgany, Benita

Address/Folio: 4343 N Ocean Dr

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Florida Building Code Section 109.6 Section 5-501.11

Code Compliance Inspector Carmen Sanchez testified that this is a commercial property used as a BurgerFi restaurant. Notice was sent via certified mail and service was obtained. The violation is for property maintenance. The entire parking lot, including drive aisles and drive alleys, is in disrepair with potholes. She showed her pictures to the representatives from BurgerFi International. Also, the dumpster area, the ground, is in disrepair. There is damaged asphalt, concrete, potholes, etc. They are also in violation of the food code. Water and liquids used for cleaning are running out of the wet dumpster.

Ms. Sanchez said that the Courtesy Notice was sent on November 20, 2014 to the property owner and business operator. On November 25, 2014, she met with the property owner. On December 8, 2014, she met with two individuals, one of whom was the contractor. As of today, no repairs have been made. On April 2, 2015, Ms. Sanchez issued the Notice of Violation and Notice of Hearing. She has had communication with the BurgerFi staff. The violations have gotten worse, as there were no repairs done. This has created a major nuisance for the Town. The liquids seeping out of the wet dumpster have become puddles and also have clogged drains. Ms. Sanchez said that the pictures she submitted to the Special Magistrate accurately depict the condition of the property and asked for them to be entered into evidence. She testified that the application submitted on June 16, 2015 for a grease trap was denied by the Building Department. Besides repairs to the parking lot and dumpster, the Town would like to request the entire parking lot be cleaned, unclog the clogged drains, and pressure clean the road and sidewalk within 48 hours. She was also requesting \$150 Administrative Fee.

Municipal Services Director Don Prince testified that the liquids, causing health conditions, are not only on their property but also on the Town's right-of-way. The sidewalks and valley gutters are all greasy and the grease has clogged the Town's drains. The sidewalks are to be pressure washed and the valley gutters cleaned and the drainage cleaned including the pipe. The town is going to be reporting this to Broward County EPD which can impose its own fine. The Special Magistrate entered the photos into evidence without objection as the Town's Composite Exhibit.

Eugene Nisser said he is a Project Manager for BurgerFi International. This is a corporate store and he represents them. He said all the cleaning requested by the Town would be done within 48 hours. He said there are some conflicts in the plans between Broward County and the Town. This cannot be addressed overnight. Jeremy Kapper said he was from Project Management for BurgerFi International. They have addressed exposed pipes in the rear area. One exposed pipe that is left is part of the new drainage system that would be installed. The Special Magistrate said that this has to be handled expeditiously. People can slip and fall because of the grease. Juhair Jalloul testified that he is an engineer. He prepared plans for collecting the storm water that runs from the dumpster area and comes outside towards the parking lot. He designed an oil/water separator box but these plans were rejected by the Town. He also took these plans to the County's Environmental Department. They did not approve them either because of the oil/water separator in the system. They took it out and re-submitted the plans to the County. He said that the water that comes out of the dumpster area cannot be connected to the sanitary sewer because

it receives rainwater. Broward County will not let that water go into the drainage system either. Because of this, there is no place for this water to go because there are only two options, the sanitary sewer or the storm drain. He feels that the problem is caused by the washing of mops, utensils, in the outside area using potable water. This water runs into the pavement. This needs to be done in a covered roof area so it can be connected into the sanitary sewer and from there into a grease trap. He suggests repairing the area where the dumpster is but the drainage would remain the way it is. He said this is how it is in the entire Broward County. He would go over this with the owners. He told the Special Magistrate that he would go back to Broward Environmental to ensure they are satisfied with this plan.

Building Official Jack Morrell said that these plans need to be approved by Broward County before they can be approved by the Town. Mr. Morrell explained the State's Food Code requirements about pitching the slab and Mr. Jalloul said he would use that solution and revise his plans. Town Planner Linda Connors mentioned that some of these issues could be resolved by the restaurant changing some of their current practices. The BurgerFi Project Manager said that there would be no more washing outside. Ms. Connors requested that it be a repeat violation if it is done after today. Ms. Connors said that all the landscaping in the parking lot is dead. She said they would be getting a citation and they would need to bring their landscaping up to code. Ms. Connors said that when they clean out the Town's system, they are to make sure that the Municipal Services Director is available in order for him to ensure this is done correctly.

The Special Magistrate ordered the Respondent to immediately cease the current practice of employees allowing liquids to flow outside of dumpster area and ensure that no liquid will sheet flow outside of dumpster area. The Special Magistrate also ordered compliance of the following four items within forty-eight hours or a fine of \$500/day: (1) clean trench drain on property; (2) pressure wash sidewalk and entire parking lot area to be free of grease; (3) pressure wash Town sidewalk and valley gutter from structure to structure and coordinate in advance with Don Prince, Director of Municipal Services, so he is present; (4) clean two drainage structures and jet approximately 200 feet of exfiltration trench. The Special Magistrate further ordered the Respondent, within thirty days, by July 22, 2015, to obtain permit and pass all inspections or a fine of \$250/day and payment of the \$150 Administrative Fee in any event.

OLD BUSINESS

ITEM #V.9

***TAKEN OUT OF SEQUENCE**

Case #: 14100013 – Zoning Violations
Property Owner: Buena Vista Oceanside LLC
Address/Folio: 4217 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-112(f)(4)(c)(3) i-iv

NEW BUSINESS

ITEM #V.10

Case #: 15060010 – Sign Violations
Property Owner: Buena Vista Oceanside LLC
Address/Folio: 4312 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-506(e)(1)a&b

Code Compliance Inspector Carmen Sanchez testified that for the first case #14100013, we are here today to certify the fine. This property has been running fines since January 26, 2015 at \$50/day. The property continues to be in violation of not submitting an amendment to their site plan. The fine for this is \$7,550. She answered the Special Magistrate that this is for pavers in the parking lot.

Attorney Samantha Haimo, attorney for Buena Vista Oceanside, stated that in February 2014, the Town issued her client a building permit to add the four additional parking spaces and pavers. Her client did the work. The work was almost complete when her client received the stop work order. Her client filed a Bankruptcy Petition. For purposes of safety issues, her client finished the project. At a hearing in December, a violation was issued. Ms. Haimo requested to present additional case law because the two cases cited by Lauderdale-By-The-Sea related to a problem with the permitting process in general and had nothing to do with it being cited for this case. She gave a copy to Town Attorney Alan Gabriel. Mr. Gabriel said that the Town stands by its position. This case was already heard and a Final Order issued. Mr. Gabriel said that there was no stay. The bankruptcy matter was dismissed with no action by the Bankruptcy Court. Mr. Gabriel said that the Town hired an attorney in Pittsburgh to represent the Town. He wanted the property owner to be responsible for the Town's attorney fees in reference to this matter. The Special Magistrate said he would not preclude the attorney from presenting what she wanted. He wants an answer as to why this is taking so long to get done and when it would be done. Ms. Haimo said her client was in contact with the Town last week about submitting additional materials. However, this would be time consuming and expensive and the permit was already provided to them. She said there was no mistake on the Town's part with previously issuing the permit. Town Planner Linda Connors said she would submit for the record letters from her to the property owner dated back from June 23, 2014 requiring the information necessary. Ms. Connors said we just need the calculations of pervious and impervious and drainage calculations before the work was done. Also, drainage calculations and calculations of pervious and impervious after the work was done. Ms. Connors said she wants to understand how the drainage works so that it does not shed off into the Town's property. The Special Magistrate wants Ms. Haimo to meet with Town staff. He wants this done.

The Special Magistrate ordered a plan to be established within thirty days.

Mr. Gabriel said that the bankruptcy action started in 2011 by the current owner. Because of this, the Town has legal fees of close to \$70,000 just for Mr. Gabriel's firm. Then they had to hire an attorney in Pittsburgh which cost the Town \$16,688.50 for the bankruptcy action which was dismissed by the bankruptcy judge with no further action. Letters from the Town and letters from the owner's attorney went back and forth but nothing was accomplished. The Town is not looking back to 2011. However, from 2014 currently there is \$28,896 outstanding to his firm. The Pittsburgh attorney is \$16,688.50. The Town is asking the Special Magistrate to issue an order for payment of these two legal fees due to the action of the respondent. The Special Magistrate said he would reserve ruling on this. He does not want any more letters exchanged. He wants people to physically meet and come back with stipulated facts and a solution for going forward. There will be no more dilatory tactics from the client. He wants a status hearing at the July 27, 2015 Special Magistrate Hearing. He wants Ms. Haimo and Mr. Gabriel to also come prepared to explain why the Town's legal fees should or should not be reimbursed.

For the second case #15060010, Code Compliance Inspector Carmen Sanchez testified that this is a repeat violation of the zoning code. An order was originally issued by the Special Magistrate in June 2011. The property is a hotel. On March 12, 2015, Ms. Sanchez observed the hotel rates advertised on both sides of the sign in front of the property. A Notice was sent via

certified mail and service was obtained. Ms. Sanchez has seven days of pictures that accurately depict the condition of the property. The repeat violation is by the same property owner and began again on March 12, 2015. The pictures were shown to Attorney Haimo who had no objection. Her pictures reflect seven days of violation. Attorney Haimo said they do not view this as a repeat violation because it is a different sign. She believes the 2011 violation was for a small freestanding sign. The Special Magistrate said that they knew four years ago that they could not reflect daily rates. He is finding the violation occurred because they used rates on this new sign. The Special Magistrate accepted the pictures into evidence without objection as the Town's Composite Exhibit.

Ms. Haimo believed the older violation was for beach rates on the sign. This property is a small hotel/motel. Ms. Haimo said that their contention to this portion of the sign code is that it is essentially unconstitutional. It regulates contents of speech. She has copies of the existing Supreme Court cases they are relying on to prove it's unconstitutional because it essentially regulates the contents of speech. Mr. Gabriel answered the Special Magistrate that with due respect, he has no authority in which to find a Town Ordinance to be constitutional or otherwise. There was already a Final Order on this matter. The handouts could be preserved and there are other avenues that could be pursued but not at this Special Magistrate Hearing. It is not under the Special Magistrate jurisdiction. Ms. Sanchez answered the Special Magistrate that the previous fine for this violation was \$150/day.

The Special Magistrate ordered a fine of \$150/day for the seven days that were established via the photos to be paid within thirty days, by July 22, 2015.

The Special Magistrate informed Ms. Haimo about the option of taking this further to Circuit Court.

The Special Magistrate imposed a \$250 Administrative Fee to be paid within thirty days, by July 22, 2015.

CERTIFICATION OF LIEN

ITEM #V.23

***TAKEN OUT OF SEQUENCE**

Case #: 15010014 – Building Code Violations

Property Owner: Chaltchi, Jean-Marc

Address/Folio: 2036 Sailfish Pl

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

Code Compliance Inspector Sharon Foster testified that fines starting running on June 3, 2015 at \$200/day for one violation. The property was brought into compliance on June 10, 2015. The fine ran for a total of eight days for a total of \$1,600. There are \$100 Administrative Fees for today. The total fine to be certified today is \$1,700. She reminded the Special Magistrate that this violation was work without permit. The property was cited for a closure of a window and a door. There was an electrical panel in the laundry room with exposed wires and breakers. The building inspector noted that the entire interior of the property was gutted. They had interior remodeling done without a permit. She answered the Special Magistrate that they are in compliance now.

Mr. Manny Legakis said they were compliant on time but they were not aware that a letter from the engineer was needed. It took a week to get this letter. He was asking for a reduction because the violation was for failure to obtain a permit. Ms. Foster said she was requesting that all permits

were to be closed. That is the reason why it ran so long. Ms. Connor said that the Town was agreeable to a reduction in fines but the Administrative Fee was to be collected.

The Special Magistrate ordered a reduction in fines from \$1,600 to \$400 and to leave the \$100 Administrative Fee. The \$500 total fine is to be paid within thirty days, by July 22, 2015, or the fine reverts back to the original amount of \$1,600 plus \$100 Administrative Fee, totaling \$1,700.

NEW BUSINESS

ITEM #V.14

***TAKEN OUT OF SEQUENCE**

Case #: 15050005 – Building Code Violations

Property Owner: Dragonetti, Diane T H/E Coles, Philip R

Address/Folio: 4420 E Tradewinds Ave

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

Code Compliance Inspector Carmen Sanchez testified that this is a single-family house. Notice was sent via certified mail and service was obtained. The property is in violation of work without permit. She has pictures of a wooden enclosure built without a permit. There was no objection raised by Phil Coles and Diane Dragonetti to the pictures. The Special Magistrate accepted the pictures into evidence without objection as Town's Exhibit. Ms. Sanchez said that on April 3, 2015, an application for a permit was submitted but was denied by the Building Department on April 7, 2015. Ms. Sanchez submitted the e-mail from the Building Department that no permit was obtained. The Special Magistrate accepted the e-mail together with the pictures into evidence without objection as the Town's Composite Exhibit. Ms. Connors testified that the enclosure did not meet the setback requirements and she explained why.

Phil Coles and Diane Dragonetti gave a PowerPoint presentation. They purchased the house on the corner lot in March 2014. They then received a Notice about visible garbage cans and they put up a temporary structure. As the garbage cans were still visible, they put up a permanent structure without a permit. When he was told he needed a permit, he applied for one. Then they were told it was denied and had to take their fence down. They took pictures within a five-block radius of their house and showed it as part of their presentation. So many neighbors do not have enclosures but yet they were being told to build something. They feel that they are confused. The Special Magistrate asked Ms. Connors how this could be resolved. She showed them on the survey where they could put their enclosure and be within the code. The Special Magistrate explained that they do not have a legal hardship to leave the enclosure where it has been built on their property. Ms. Connors answered about a pool or hot tub in their front yard. She also explained that they can go in front of the Town Commission to explain their issue and ask them about changing the Code.

The Special Magistrate ordered this case to be on the July 27, 2015 Special Magistrate agenda. If it is not resolved, he would impose a fine of \$150/day until it is corrected. He ordered a comply-by date of July 26, 2015.

Ms. Connors explained what time the Town Commission meets tomorrow night. Ms. Sanchez asked for \$150 Administrative Fee.

The Special Magistrate ordered to reduce the Administrative Fee to \$75, to be paid by July 26, 2015.

OLD BUSINESS

ITEM #V.8

***TAKEN OUT OF SEQUENCE**

Case #: 14050014 – Nuisance
Property Owner: Firmrock Trading Ltd
Address/Folio: 4245 N Ocean Dr
Code Section(s): Chapter 14 – Offenses Section 14–90(b)

Code Compliance Inspector Carmen Sanchez testified that this case is for the Dolphin Inn. The Town and the business owner have come into an agreement regarding the outstanding fines. The total fines are \$7,665. Ms. Sanchez read the payment plan agreement into the record. The Special Magistrate asked what happens if the payments are not made timely. Alan Gabriel said that if any of the payment deadlines are not met and the Town was not willing to extend the payment deadline for any reason, the Town would be able to get a certification of fine hearing immediately and a lien would go on the property for any outstanding amount. For the record, the property is in compliance and has been in compliance. The Town is willing to accept this payment schedule because everything that was to be achieved at the Dolphin Inn was accomplished and it is being well maintained.

The Special Magistrate ordered that if they fail to pay the Town, the Town is authorized to proceed with the Order for Certification of Lien or the Town could choose to have this scheduled in front of Special Magistrate for Final Order.

NEW BUSINESS

ITEM #V.13

***TAKEN OUT OF SEQUENCE**

Case #: 15050002 – Nuisance
Property Owner: Anglin Fam Tr % Raymond Anglin
Address/Folio: 2 E Commercial Blvd
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-38(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)
Florida Building Code Plumbing Chapter 4 Section 502.4

Code Compliance Inspector Carmen Sanchez testified that the pier parking lot's west accessible parking space and the access aisle are exceeding the allowable 2% slope. On April 22, 2015 the Building Inspector issued a correction notice for this. Of the items listed, item 3 and item 4 are in compliance. Item 1 is being withdrawn. Today we need to determine property line. Notice of Hearing was sent on May 8, 2015 via certified mail and service was obtained. Ms. Sanchez said that the pictures show the slope and the percentages. She was requesting that they be entered into evidence. Ms. Sanchez answered the Special Magistrate that she met with Spiro Marchelos and Ray Anglin. She was not sure why they were not present tonight. The Special Magistrate accepted the pictures as the Town's Composite Exhibit. Ms. Sanchez was requesting \$150 Administrative Fee.

Building Official Jack Morrell testified that on April 22, 2015, they were given seven days to comply. They failed to comply and that is why the case was brought forward. This is a safety issue. This is impairing handicap accessibility for the disabled. Mr. Morrell estimated that it should only take a few days to get this fixed.

The Special Magistrate ordered compliance by July 26, 2015 or a fine of \$250/day. He also imposed a \$150 Administrative Fee to be paid by July 26, 2015.

For the record, Ms. Sanchez said the Notice was sent to the property owner, the business operator, and the registered agent of the business. The Special Magistrate suggested giving them a courtesy call regarding today.

ITEM #V.12

***TAKEN OUT OF SEQUENCE**

Case #: 15040008 – Building Code Violations
Property Owner: Basin Drive LLC
Address/Folio: 4342 Tradewinds Ave
Code Section(s): Florida Building Code Section 109.6 Section 110.15 Building Safety Inspection Program 110.15

Code Compliance Inspector Carmen Sanchez testified that the property is mixed use. It is a combination of office space and residential. Notices were sent via certified mail and service was obtained. This has to do with the forty-year inspection program. The violation is failure to address the comments (electrical in nature) on the forty-year building inspection dated February 2013. On April 27, 2015, Ms. Sanchez issued the Notice of Violation. On May 20, 2015, Patrick Herbert came into the Building Department and picked up the necessary forms. As of June 18, 2015, the property owner has not submitted any plans to address the comments on the forty-year inspection. Ms. Sanchez would submit a copy of the forty-year inspection report for the file. She is also requesting \$150 Administrative Fee.

The Special Magistrate ordered to get this all resolved by July 26, 2015 or a fine of \$200/day. He also so imposed a \$150 Administrative Fee to be paid by July 26, 2015.

The inspection report was accepted into evidence as the Town's Composite Exhibit.

ITEM #V.15

Case #: 15050007 – Building Code Violations
Property Owner: Saltwater Tr Zurs, Lynda Trstee
Address/Folio: 4209 Bougainvillea Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(d)(1-3)

ITEM #V.16

Case #: 15050008 – Building Code Violations
Property Owner: Saltwater Tr Zurs, Lynda Trstee
Address/Folio: 4213 Bougainvillea Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(d)(1-3)

Code Compliance Inspector Carmen Sanchez testified that for the first case #15050007, the property was in violation of time limit for completing the exterior construction. This property was in front of the Special Magistrate before. The Town Commission extended the compliance to May 15, 2015. Per Town Code, each day of violation from 1 to 30 days is \$50. This property was out of compliance for 27 days for an amount owing of \$1,350. She was asking the Special Magistrate to certify this fine. She was also requesting \$75 Administrative Fee. The Special Magistrate so ordered certification of fine totaling \$1,425.

Code Compliance Inspector Carmen Sanchez testified that for the second case #15050008, the property was in violation of basically the same thing as the first case of time limit for completing the exterior construction. This property was in front of the Special Magistrate before. The Town Commission extended the compliance to May 15, 2015. Per Town Code, each day of violation

from 1 to 30 days is \$50. This property was out of compliance for 30 days for an amount owing of \$1,500. She was asking the Special Magistrate to certify this fine. She was also requesting \$75 Administrative Fee.

The Special Magistrate ordered the certification of fine totaling \$1,575.

Ms. Sanchez answered the Special Magistrate that the exterior construction was now in compliance.

ITEM #V.17

Case #: 15030001 – Building Code Violations
Property Owner: Kuerbs, Thomas Edward
Address/Folio: 1941 Coral Reef Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Inspector Sharon Foster testified that this case was continued from last month's hearing. On February 3, 2015, Ms. Foster inspected this property. The violation is work without a permit. There was a dock erected without a permit. The property owner asked to continue the case because he did apply for a permit. It was not issued due to some issues. Mr. Kuerbs has been submitting what was required to the Permit Department. On June 11, 2015, the permit was approved and a final inspection was scheduled. The Final Inspection did not pass. The inspector was requesting a special letter that was needed for the pilings. The property owner is in the process of getting that done for submission. Mr. Kuerbs has been cooperating and could not attend tonight because he is out of town on business. Ms. Foster is not asking for any Administrative Fee tonight.

The Special Magistrate ordered continuance of this agenda item until the next hearing on July 27, 2015.

ITEM #V.18

Case #: 15050001 – Building Code Violations
Property Owner: Huffman, Floyd Rodney, Huffman, Judi Lin
Address/Folio: 1948 Ocean Mist Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Inspector Sharon Foster testified that on April 7, 2015 she inspected this property. Notice was sent via certified mail and service was obtained. The violation is work without permit. On May 8, 2015, she observed pavers installed in the driveway. At that time, there were no permits on file with the Permit Department. On May 29th, the contractor for the property came in to see what needed to be done to obtain the permit. To date, the permit has not been applied for. On April 6, 2015, she took pictures that accurately depict the condition of the property. She requested they be entered into evidence along with a copy of an e-mail from the Permit Department stating no permit applied for. She was also requesting \$150 Administrative Fee.

The Special Magistrate ordered compliance by July 26, 2015 or a fine of \$200/day. He also imposed a \$150 Administrative Fee to be paid by July 26, 2015.

ITEM #V.19

Case #: 15050006 – Recreational Vehicle & Boats Violations
Property Owner: Breitberg, Dyane
Address/Folio: 1931 Waters Edge

Code Section(s): Chapter 19 – Traffic and Motor Vehicle Section 19 – 21 (b)(4)

Code Compliance Inspector Sharon Foster testified that she inspected this property on May 7, 2015. Notice was sent via certified mail and service was obtained. The violation is parking a boat on this property. The property is in compliance now but this is a recurring violation. Ms. Foster would like to obtain a finding of the fact. Ms. Foster has taken pictures of the property on fifteen different days that show a boat being stored on the property. She would like to submit the pictures into evidence. She is also requesting \$150 Administrative Fee. The Special Magistrate accepted the pictures into evidence as the Town's Composite Exhibit.

The Special Magistrate ordered a fine of \$250/day if the violation happens again and Ms. Foster establishes this violation happening again. The Special Magistrate also imposed a \$150 Administrative Fee to be paid by July 26, 2015.

ITEM #V.20

Case #: 15050009 – Vacation Rental

Property Owner: Schulze, Richard & Titone, Maria

Address/Folio: 4337 Bougainvillea Dr

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

Chapter 30 – Unified Land Development Regulations Section 30-327(e)5

Chapter 30 – Unified Land Development Regulations Section 30-327(f)1

Code Compliance Inspector Sharon Foster testified that she inspected this property on April 7, 2015. Notice was sent via certified mail and service was obtained. Ms. Foster said that this property is being advertised on the vacation rental website VRBO as a vacation rental home. They only have a Business Tax Receipt (BTR) for a yearly rental. They were cited for advertising for a vacation rental. They have two separate identification (i.d.) numbers advertising the property. One of the i.d. numbers is advertising the property for a six-day rental. The Town's minimum requirement is a stay of seven days. On March 6, May 21, and June 18, she checked the website. She printed out copies of the website that she would like to add to the records. She also has a screen shot of the BTR showing a yearly BTR. On June 19, 2015, she received an e-mail from Karen Bertocci that an application for vacation rental was submitted. However, the application was not complete and no inspections were done.

The Special Magistrate ordered to comply by July 26, 2015 or a fine of \$150/day. He also imposed a \$150 Administrative Fee to be paid by July 26, 2015.

ITEM #V.21

Case #: 15050011 – Building Code Violations

Property Owner: Sailfish Villa Inc. Sphinxly AB

Address/Folio: 2048 Sailfish Pl

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

Code Compliance Inspector Sharon Foster testified that on June 22, 2015, she inspected this property. Notice was sent via certified mail and service was obtained. The violation is work without permit. She observed this work being done while on her normal inspection of the Town. She approached the worker. She got permission to inspect and she saw the tile floors were dug up, no cabinets or appliances in the kitchen, and two bathrooms were gutted and plumbing is exposed.

An application was submitted but no permits were issued for the property. As of Friday, the permit was not issued as it was still under review. On June 22, 2015, she took photos of the property. They accurately depict the condition of the property. She requests the photos and the e-mail from the Building Department giving the status be entered into evidence. The Special Magistrate entered them all into evidence as the Town's Composite Exhibit 1. She answered the Special Magistrate that this is a single-family home. The owners are in Sweden. This property is a vacation rental home. The owners are changing vacation rental agents. Ms. Sanchez spoke with the property owners but not with the new agent. She is asking for \$150 Administrative Fee.

The Special Magistrate ordered a Status Hearing for the July 27, 2015 hearing. He also imposed a \$150 Administrative Fee to be paid by July 26, 2015.

ITEM #V.22

Case #: 15050013 – Building Code Violations
Property Owner: Ryan, Helen F H/E Ryan, Kevin A
Address/Folio: 2051 Blue Water Ter
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Inspector Sharon Foster testified that on May 28, 2015, she inspected this property. Notice was sent via certified mail but service was not obtained. The property was posted and the Affidavit of Posting was in the file. The property is in violation of work without a permit. They were doing a demolition of the interior of the property. They took down ceilings and some interior walls were gutted. They applied for a permit and are waiting for the permit to be issued. As of Friday, the permit was not issued. It is in review as they just submitted some corrections. She is asking for \$150 Administrative Fee.

The Special Magistrate ordered a Status Hearing for the July 27, 2015 hearing. He also imposed a \$150 Administrative Fee to be paid by July 26, 2015.

CERTIFICATION OF LIEN

ITEM #V.24

Case #: 15010017 – Building Code Violations
Property Owner: Southern Seas Condominium Assoc., Inc.
Address/Folio: 4520 El Mar Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.
Chapter 30 – Unified Land Development Regulations Section 30-317(g)

Code Compliance Inspector Carmen Sanchez said that they have requested a forty-five day extension for this case. She has the e-mail from the property manager requesting this extension. Ms. Sanchez does not have an objection for this extension. She gave the e-mail request to the Special Magistrate.

The Special Magistrate ordered through a modified Final Order to grant the extension request to the August 24, 2015 Code Hearing and changed the comply-by date to August 23, 2015.

VI. FIRE CASES

VII. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on June 22, 2015 at approximately 7:02 p.m.

APPROVED BY:

Special Magistrate Tom Ansbro

ATTEST:

Idalia Gutierrez, Special Magistrate Clerk
Town of Lauderdale-By-The-Sea, Florida