

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

*Town Commission Meeting Room*  
*Monday, December 15, 2014 at 5:00 P.M.*

**I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO**

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:02 p.m. on Monday, December 15, 2014. Code Compliance Inspector Carmen Sanchez 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**

November 17, 2014 Code/Fire Hearing – The minutes of 11/17/14 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.

**COMPLIED**

- |         |          |                      |
|---------|----------|----------------------|
| 1. C#:  | 14080004 | 4209 Bougainvilla Dr |
| 2. C#:  | 14080005 | 4213 Bougainvilla Dr |
| 3. C#:  | 14080007 | 297 Tropic Dr        |
| 11. C#: | 14090012 | 4636 Bougainvilla Dr |
| 12. C#: | 14090015 | 4208 N Ocean Dr      |
| 13. C#: | 14090016 | 4220 N Ocean Dr      |

**CONTINUED**

- |        |          |                     |
|--------|----------|---------------------|
| 4. C#: | 14070002 | 238 Commercial Blvd |
|--------|----------|---------------------|

Code Compliance Inspector Carmen Sanchez gave the property owner's letter request for continuance for case #14070002 to the Special Magistrate for the record. She answered the Special Magistrate that there was no objection to the requested continuance.

**The Special Magistrate ordered this agenda item to be continued for the February 23, 2015 agenda.**

Special Magistrate Clerk Idalia Gutierrez called the first case to be heard.

**NEW BUSINESS**

**ITEM #V.10**

**\*TAKEN OUT OF SEQUENCE**

Case #: 1411005 – Permits Required Violations  
Property Owner: Lumels, Jack  
Address/Folio: 4013 N Ocean Dr  
Code Section(s): Florida Building Code Section 105. Section 105.1 Required.

Code Compliance Inspector Carmen Sanchez testified that the property is a condominium. She explained that on November 20, 2013, an Order was issued by the Special Magistrate for Condo Unit 304. Previous case #13090020 was for work without permit. Ms. Sanchez stated she responded on November 19, 2014 to a complaint that the unit's kitchen was replaced. She observed the countertop, sink and cabinets were in the process of being replaced. The property owner did not obtain a building permit which indicated a repeat violation of Florida Building Code Section 105 - Section 105.1. She said that the permit was applied for but not issued. The Notice was issued by personal service. The property owner, Jack Lumels, was the respondent on the previous case for Condo Unit 304. Ms. Sanchez showed pictures she took to Mark Razdoski who answered the Special Magistrate that he had no objection. The Special Magistrate entered the pictures into evidence without objection as the Town's Composite Exhibit. For the record, Inspector Sanchez explained that the Notice was issued November 19, 2014 and the building permit was obtained for the current case two days later, November 21, 2014. She is requesting an Administrative Fee of \$150.

Mr. Mark Razdoski testified that he is the brother-in-law of the current owner and has Power of Attorney. He said the title to this property is in the process of being transferred from Jack Lumels to him and his wife. Mr. Vincent Licata, a contractor, said they wanted to quickly close out the original permit so they could stop the fees. The materials were on back order, so they finished the kitchen with temporary, plain-Jane stuff. When the ordered materials arrived, permits were applied for. The permit was expected the next day but the plumber's information had expired and held up the permit. The cabinets came in and were installed with a misunderstanding of when the permit was issued and the scheduling of the countertop installation. Mr. Razdoski also said the kitchen cabinets were not changed. The pictures show the cabinet doors were removed because they did not want to damage them when installing the countertop. The countertop is the only thing new in the kitchen. When the permits were issued, the bathroom vanities were installed. Mr. Razdoski let the workers in because he thought the permits would be issued the same day. Mr. Razdoski answered the Special Magistrate that plumbing and electrical work were not done before the permit was issued. Ms. Sanchez answered the Special Magistrate that all work was complete now. She answered the Special Magistrate that the Town's time would be for her inspection. The Special Magistrate said they should have known not to start work without the issued permit. He also said there was no danger with the plumbing and electrical work performed without a permit.

**The Special Magistrate imposed a \$500 fine and an Administrative Fee of \$150, both payable by the next meeting date of January 25, 2015.**

**ITEM #V.7**

**\*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.

Code Compliance Inspector Carmen Sanchez testified that this property is a hotel/motel. The Notice was sent via certified mail and service was obtained. The property owner failed to submit an amendment to the original site plan of the property which was requested by the Zoning Department so the owner could provide designated parking on the property. On June 23, 2014, the Town Planner sent a Courtesy Notice advising them how to comply. Ms. Sanchez has a copy of the letter to submit for the record. On September 8, 2014, an extension was granted to give the property owners more time to comply. Ms. Sanchez will submit a copy of the extension letter for the record. By October 22, 2014, there had been no attempt to correct the violation. A Notice of Violation was sent because the violation still exists. Ms. Sanchez is requesting a \$150 Administrative Fee. Officer Sanchez showed copies of the two letters to Mr. Todd Christoffelsen who had no objection. He answered the Special Magistrate that he did not know about those letters. The Special Magistrate entered them into evidence without objection as Town's Composite Exhibit.

Mr. Christoffelsen introduced himself as the property manager/maintenance man. He said they submitted proposals on three occasions before they received the building permit. They later acquired the brick pavers to do the work. He was about half-way through with the installation when the Town made him stop. He put the uninstalled pavers on the side of the road and a car hit them and destroyed about a skid of pavers. Before more pavers were destroyed, they finished the job. Ms. Sanchez said the violation is not the permit but rather the submittal of an amended site plan. The owner made an attempt, but information was missing. Since the Town sent the second letter, the owner has not tried to come into compliance. Ms. Sanchez said the work is completed; however, they still need to submit the amended site plan.

**The Special Magistrate ordered to comply by January 26, 2015 or a fine of \$50/day will be imposed.**

Town Planner Linda Connors was sworn in. Ms. Connors stated that she needs to make sure the work meets regulations and she will not know this until they submit the formal site plan amendment. They have not submitted the correct documentation since the Town's request of June 2014. She said the Town attorney is working with their attorney regarding the requested documentation.

**The Special Magistrate amended his Order. He ordered to comply by close of business on January 25, 2015 or a fine of \$50/day will be imposed. An Administrative Fee of \$150 is imposed and to be paid by close of business on January 25, 2015.**

Town Planner Linda Connors said that the Town's Attorney gave their attorney enough information to meet the requirements and is asking the Special Magistrate to consider the time the Town Attorney has spent to move this forward. Ms. Connors will collect the necessary information.

**The Special Magistrate said he may consider imposing the Town's attorney fees and reserves the ruling on it. This will be discussed at the January 26, 2015 hearing.**

**ITEM #V.5**

**\*TAKEN OUT OF SEQUENCE**

Case #: 14090018– Building Code Violations  
Property Owner: Anglin Fam Tr % James Alan Demko  
Address/Folio: 2 E Commercial Blvd  
Code Section(s): Florida Building Code Section 105. Section 105.1 Required.

Code Compliance Inspector Carmen Sanchez testified that this is the pier. This case has been continued a couple of times. The violation is that the air conditioning unit was replaced without a permit. The property owner applied for the permit on Friday and the mechanical inspector signed off on it this morning. It still needs to go through other inspections to get finalized. She showed the e-mail from the Building Department and some pictures to Mr. Marchelos. She submitted the e-mail and pictures to the Special Magistrate for evidence. She is requesting a \$150 Administrative Fee and additional time for them to come into compliance. The Special Magistrate accepted the pictures and e-mail into evidence without objection as Town's Composite Exhibit. Mr. Tom Wich, an attorney, said that Mr. Marchelos does have a permit. He explained that Mr. Marchelos thought the original air conditioning company had the permits. They tried to contact that company but they went out of business. Mr. Marchelos has another contractor. Mr. Wich was requesting more time to finish the job and to waive the Administrative Fee. Mr. Marchelos said he agreed with everything Mr. Wich said.

**The Special Magistrate ordered to comply by January 25, 2015 or a fine of \$50/day will be imposed. He reduced the Administrative Fee to \$75, to be paid by January 25, 2015.**

**ITEM #V.9**

**\*TAKEN OUT OF SEQUENCE**

Case #: 14110002 – Sign Violations  
Property Owner: Vincsons Realty Group LLC  
Address/Folio: 263 E Commercial Blvd  
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Code Compliance Inspector Carmen Sanchez testified that this is a commercial property. The Notice was sent via certified mail and service was obtained. The violation is an illuminated sign that is in disrepair. Also, some of the interior lights are broken. She has pictures that accurately depict the condition of the sign and she showed them to the respondent. The Special Magistrate accepted the pictures into evidence without objection as the Town's Composite Exhibit. She is requesting a \$150 Administrative Fee. Ms. Sanchez answered the Special Magistrate that as of Friday, the sign is not in compliance. The property manager, Jonathan, said that the parts were ordered two weeks ago and have arrived. Ms. Sanchez said that a permit is not necessary to replace the parts.

**The Special Magistrate ordered the Respondent to comply by January 25, 2015 or a fine of \$50/day will be imposed. The Special Magistrate reduced the Administrative Fee to \$75 and payable by January 25, 2015.**

Ms. Sanchez asked the property manager to call her when the sign is fixed so she could re-inspect. She answered that the Town would prefer the sign fixed and not taken down.

**ITEM #V.6**

**\*TAKEN OUT OF SEQUENCE**

Case #: 14100004 – Property Maintenance  
Property Owner: Stella, Sandra  
Address/Folio: 4236 E Tradewinds Ave  
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(b)

Code Compliance Inspector Carmen Sanchez said this is a single-family home. The Notice was sent via certified mail and service was obtained. Ms. Sanchez said she met with the property owner. The soffit at the front of the property is broken and in disrepair. On September 10, 2014 she sent a Courtesy Notice regarding the violation. Ms. Sanchez said the property owner mentioned that she may allow the property to go into foreclosure. The property is vacant at this time. On October 3, 2014, Ms. Sanchez issued the Notice of Violation. She submitted pictures to the Special Magistrate that accurately depict the condition of the property. The Special Magistrate entered the pictures into evidence as Town's Composite Exhibit. Ms. Sanchez is requesting a \$150 Administrative Fee. She answered the Special Magistrate that she did not know why the owner did not show at tonight's hearing. The owner did tell Ms. Sanchez the entire roof needed to be replaced.

**The Special Magistrate ordered the Respondent to comply by January 25, 2015 or a \$150/day fine will be imposed and an Administrative Fee of \$150 to be paid by January 25, 2015.**

**ITEM #V.8**

Case #: 14110001 – Overflowing Dumpster  
Property Owner: Gorana International, Inc.  
Address/Folio: 4140 El Mar Dr  
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(2) Required.

Code Compliance Inspector Carmen Sanchez said this property is a hotel. The Notice was sent via certified mail and service was obtained. The property is in compliance now. However, this is a recurring violation and she wants to establish a finding of the fact of the violation. Ms. Sanchez explained that they allow their dumpster to constantly overflow. She is requesting a \$150 Administrative Fee. To establish a finding of the fact, Code Compliance Inspector Sanchez has a set of pictures showing the violations and a set of pictures showing compliance. She answered the Special Magistrate that they complied this week. She also answered the Special Magistrate that the hotel now has recycling bins which may be helping them. The Special Magistrate accepted the pictures into evidence as the Town's Composite Exhibit. Ms. Sanchez answered the Special Magistrate that they have pickup three days a week and Monday is the only overflow day.

**The Special Magistrate found the violations exist and ordered the finding of fact demonstrates a recurring violation. He further explained that every time it happens again, with proof, a fine of \$200/day may be imposed. The Special Magistrate ordered an Administrative Fee of \$150 payable by January 25, 2015.**

The Special Magistrate asked Ms. Sanchez to let them know what transpired at this hearing.

**CERTIFICATION OF LIEN**

**ITEM #V.14**

Case #: 14100015 – Nuisance  
Property Owner: Chase Home Finance, LLC  
Address/Folio: 255 Hibiscus Ave  
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-38(b)

Code Compliance Inspector Carmen Sanchez is presenting the case to certify the fines. She said that fines starting running on November 25, 2014 for one violation at \$200/day. The

property was brought into compliance on December 9, 2014. The property was out of compliance for 15 days for a total of \$3,000 plus a \$150 Administrative Fee. She is requesting to certify \$3,150 today.

**The Special Magistrate ordered the certification of lien in the amount of \$3,150.**

**ITEM #V.15**

Case #: 14090017 – Property Maintenance  
Property Owner: Grassano, Cindy K Grassano, Nicholas R  
Address/Folio: 2020 Waters Edge  
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Code Compliance Inspector Carmen Sanchez testified that she is the custodian of records for this case. Ms. Sharon Foster is the inspector. She is presenting the case to certify the fines. The fines started running on November 18, 2014 at \$250/day for one violation. The property is not in compliance. It has been out of compliance for 28 days. The amount as of today is \$7,000 plus a \$150 Administrative Fee. She is requesting an additional \$100 Administrative Fee for today. Ms. Sanchez said the total amount to certify today is \$7,250.

**The Special Magistrate ordered the certification of lien in the amount of \$7,250.**

**ITEM #V.16**

Case #: 14090010 – Permits Required Violations  
Property Owner: ISOM Properties LLC  
Address/Folio: 1900 S Ocean Blvd  
Code Section(s): Florida Building Code Section 105. Section 105.1 Required.

Code Compliance Inspector Carmen Sanchez testified that she is the custodian of records for this case. Ms. Sharon Foster is the inspector. Ms. Sanchez said this case was previously presented to the Special Magistrate who imposed a Final Order for compliance by December 12, 2014. She reminded the Special Magistrate when he stated that if the property owner was actively working towards compliance, he would consider changing the comply-by date. As of today, the property is out of compliance for three (3) days. Ms. Sanchez said the property owner has been working towards compliance. The violation was work without permit. The permit was issued on October 30, 2014. The rough electrical and rough plumbing passed on December 11, 2014. Via e-mail, Ms. Sanchez said, the property owner wrote that the property should be completed with a final inspection by mid-January 2015. She answered the Special Magistrate that this was all interior work. She further answered that the property is a condominium and the violation is in Unit 6F.

**The Special Magistrate agreed to extend the compliance date to January 25, 2015. He imposed a Revised Final Order to comply by January 25, 2015 or a \$200/day fine will begin. Including today's Administrative Fee of \$150, the Special Magistrate ordered a total of \$300 in Administrative Fees payable by January 25, 2015.**

**VI. ADJOURNMENT**

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing of December 15, 2014 at approximately 5:47 p.m.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:



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