APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, May 26, 2022 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:12PM on Thursday, May 26, 2022 with Town Attorney Alan Gabriel, Senior Code Compliance Inspector Bethany Banyas, Building Official Simo Mansor (via Zoom), Fire Marshal Stephen Paine, and Special Magistrate Clerk Megan Small to record the minutes.

II. SWEARING OF WITNESSES

The Special Magistrate administered the oath to everyone speaking today, except lawyers.

III. OPENING STATEMENT

Please note for the record that this is an in-person hearing with no Zoom participation today. (Building Official Simo Mansor did not speak via Zoom and one person on Zoom spoke but his item was not on the agenda.) The Special Magistrate explained how the meeting would be conducted.

IV. PUBLIC COMMENTS

No one from the public wished to speak now on items not on the agenda.

V. CODE CASES

Cases were typed in the order they were called. Special Magistrate Clerk Megan Small called into the record items to be continued to the June 23, 2022 Special Magistrate Hearing. People who signed in for these cases were advised they could leave.

CONTINUED TO JUNE 23, 2022			
Item #	***Case #***	***Property Address***	***Property Owner***
2	21100022	1620 S Ocean Blvd	Ocean Colony Condo Assoc
5	22010004	2011 Coral Reef Dr	Esteves, John P
7	21120007	217 E Commercial Blvd	Serafini, Silvio & Ana E
8	22010003	235 E Commercial Blvd	MJB Chelsea LLC
11	21060005	3210 Oleander Way	D'Angelo, Michael S Harris, Jonathan & Ameijeiras, Mar
12	22010024	4109 N Ocean Dr 1-8	4051 N Ocean Dr LLC
13	21100015	4146 Seagrape Dr	4146 Seagrape Dr LLC
14	21070013	4221 Bougainvilla Dr	Marenas 2010 LLC
15	22010025	4241 El Mar Dr	Sea Spray Inn Florida LP
17	22030004	4420 E Tradewinds Ave	APCE Acquisitions LLC Arnold, Joan G

CONTINUED TO JUNE 23, 2022			
Item #	***Case #***	***Property Address***	***Property Owner***
20	21100052	4655 Bougainvilla Dr	Pulso Miami LLC
32	22030021	269 Lombardy Ave	Labiris, Nancy Renee & Peter
38	22030002	4640 El Mar Dr	FDG North LLC - BSIP

Special Magistrate Clerk Megan Small then called into the record items to be continued to the July 28, 2022 Special Magistrate Hearing. People who signed in for these cases were advised they could leave.

CONTINUED TO JULY 28, 2022			
Item #	***Case #***	***Property Address***	***Property Owner***
1	21100012	1470 S Ocean Blvd	El Dorado Club AKA Delrado Inc.
4	21120003	2000 S Ocean Blvd	Royal Coast Condo Assn Inc.
6	22010016	2013 Coco Palm Pl	Rais, Gilles
18	22010015	4542 Seagrape Dr 1-2	Vick, William G
19	22010001	4620 N Ocean Dr	SHMF Escape LLC
21	21100021	4900 N Ocean Blvd	Sea Ranch Club Condo C

Special Magistrate Clerk Megan Small then called into the record an item to be continued to the August 25, 2022 Special Magistrate Hearing. People who signed in for this case were advised to leave.

CONTINUED TO AUGUST 25, 2022			
Item #	***Case #***	***Property Address***	***Property Owner***
16	21080006	4324 Seagrape Dr 1-4	Isla Bella LLC

Special Magistrate Clerk Megan Small then called cases with an attorney in attendance.

CERTIFICATION OF LIEN
ITEM #V.39 ***TAKEN OUT OF SEQUENCE**
Case #: 21110002 – Permits Required Violations
Property Owner: Whittier Towers Apartments Association, Inc.
Address/Folio: 1439 S Ocean Blvd
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Compliance Inspector Banyas was presenting this agenda item for the Town. Attorney Lauren Schwarzfeld said she was not the attorney of record. She was the general counsel for Whittier Towers. The attorney of record was John Seiler who was in Chicago. He was not noticed for this hearing and since proper notice was not given to the appropriate attorney, they would like this matter continued. The Special Magistrate said that notice was given to the property owner, not the attorney. Attorney Schwarzfeld said that the property owner did not receive notice either. The Special Magistrate asked the Town about notice and Town Attorney Alan Gabriel said that Attorney Sieler was here for the March meeting when he was first retained by Whittier. Then Attorney Sieler had a conflict with the April Hearing date, so this agenda item was continued. The Special Magistrate asked if the attorney for the adjacent property owner was in attendance tonight but he was not. Special Magistrate Ansbro then wanted to know if anyone

from the public was here for Whittier Towers and the president of the association, Kathy, said she emailed Inspector Wienbarg yesterday because she heard there was a hearing and she did not get notice. Kathy then called Attorney Lauren Schwarzfeld who did not hear about it. She called Attorney Jack Seiler who could not attend because he was in Chicago but he did not get notice.

Senior Code Compliance Inspector Banyas said that notice was sent to the same addresses that the original notice of violation was sent. She read the addresses into the record. She said the lien was not certified yet and the Town has been looking to certify it for a few months. For the record, Ms. Banyas said that they were provided adequate and sufficient notice regarding today's hearing. The Special Magistrate asked Ms. Banyas to get the addresses and emails for the two women who spoke tonight on this agenda item and for Attorney Seiler. He also wanted her to get the address and email for the attorney representing the adjacent property owner who spoke on this matter a few months ago. He wanted them all to get notice, along with the notice sent to the two addresses she read into the record, for the June Hearing via regular US Mail and email so they could attend. He apologized to anyone coming tonight for this case but he was going to continue this agenda item. Doing so would give anyone their chance to speak on this agenda item. It was reminded that fines would still be running and the attorney and the president answered the Special Magistrate that they were aware of that. The Special Magistrate ordered this agenda item continued to the June 23, 2022 Hearing with no hearing costs for today's hearing.

Attorney Alan Gabriel departed the hearing, as he did not have any other cases tonight.

NEW BUSINESS

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

Case #: 22010002 –	Vacation Rental Inspection
Property Owner:	Kelley, Sean Kelley, Renee
Address/Folio:	238 Corsair Ave
Code Section(s):	Chapter 30 – Unified Land Development Regulations – Section 30-327.(d) Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Compliance Inspector Banyas testified that she was giving her photos to the attorney for the owners, Alison Rogers, for her review. She also gave them to the Special Magistrate who entered them into the file as Town's Composite Exhibit without objection. Ms. Banyas testified that this was a registered vacation rental single-family home. On August 4, 2021, the Town conducted its initial inspection performed by the Fire Marshal and Code Compliance. Violations were observed at that time and Code Compliance Inspector Wienbarg advised the owners. There were non-permitted interior renovations done prior to the owners purchasing the home. They advised that they would apply for the permit(s). Around January 4, 2022, the permit(s) have not been filed. A Notice of Violation was issued per the direction of the Building Official. On March 24, 2022, the case was continued giving the owners more time to apply for the permit(s). The owners told Inspector Wienbarg last week that they would be submitting their permit application within the next few days. He told them that the Town would be recommending a Final Order to obtain their permit(s) within 60 days which the owners understood. As of today, there was nothing in the system but she was expecting it soon. The work done was a kitchen renovation, new bathroom and in addition a bathroom renovation and a room converted into a bedroom. The Town recommended a Final Order giving until July 27, 2022 to obtain permit(s) for all of the work done or a fine of $150/day and a $50 Hearing Cost for today's hearing.

Attorney Alison Rogers clarified that when the Town issued the notice in January, the owners who did not live in Florida, did not receive it. It was sent to the correct address but they had personal and business emergencies due to Covid. As soon as they learned of this situation, they started working on it. She thanked the Town for the continuances and said that their general contractor should be submitting the application tomorrow. However, when he does, the Town might ask for revisions as the owners did not really know what was done and she shared the concern that they probably would not get a permit issued within 60 days. Inspector Banyas answered the Special Magistrate that obtaining the permit was better than an order of just applying for the permit. Extensions could be granted if there was significant progress generated while working on applying and obtaining the permit(s). The Special Magistrate ordered compliance in 62 days by July 27, 2022 by applying for and obtaining the permit(s) for all of the work done or a fine of $150/day would start accruing on July 28, 2022 plus $50 Hearing Cost for today's hearing due immediately or payable within thirty days.

ITEM #V.25 ***TAKEN OUT OF SEQUENCE**

Case #: 22020007 – BTR Housing Inspection
Property Owner: Rhino Real Estate LLC
Address/Folio: 1984 Sailfish Pl
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Compliance Inspector Bethany Banyas testified that on December 22, 2021, a vacation rental inspection was completed in response to a rental application. Violations were noted and on February 9, 2022 a Notice of Violation was issued per the request of the Building Official. On January 1, 2022, an initial electronic partially completed application was submitted. The case was continued on March 24, 2022 to provide additional time to work on the permitting. On May 20, 2022, the initial permit application was canceled and a new permit application was submitted for everything except the bathroom renovation. All disciplines reviewed with comments given to staff. They were waiting for zoning comments. Once staff gets that, an email would be sent to the contractor with all the comments. The violations were for a new deck, new windows, new air conditioner, new electrical panel and new recessed lighting plus the bathroom renovation. The signed green card was in the file for service/notice. The Town was recommending a Final Order to apply and obtain approved permit(s) for all of the work by June 22, 2022 (which was changed to July 27, 2022) of a fine of $150/day plus $50 Hearing Cost. She informed the Special Magistrate that there should be photos taken by Inspector Wienbarg on December 22, 2021 in the file. The contractor, Maor Sepcarn, testified that they were trying to submit all the permit applications. They were talking with David Lee quite often. Since everything was in, once they obtain the permits, they could start calling for inspections. The Special Magistrate asked him about the bathroom renovation for which an application was not submitted. The contractor said that would be submitted. He further answered the Special Magistrate that this property was not occupied and there were no plans to occupy the property while everything was pending. The Special Magistrate ordered compliance by submitting and obtaining approved permits by July 27, 2022 or a fine of $150/day plus $50 Hearing Cost due immediately but payable within 30 days.

OLD BUSINESS

ITEM #V.23 ***TAKEN OUT OF SEQUENCE**

Case #: 22010026 – Zoning Violations
Property Owner: The R Group LLC
Address/Folio: 4132 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-113 (f)(4)

Tom Robertson said he was the attorney for the owner. Senior Code Compliance Inspector Banyas testified that this case was for a deviation of the site plan. She said that the Town responded to the applicant on May 10th. The Town was recommending to hear from the applicant's representative today to see what they have to say. The lien was certified but they were holding off recording as a courtesy. She answered the Special Magistrate that the Hearing Costs were not yet paid. The attorney said that their architect submitted 39 pages of drawings to the Town who had them over one month and answered with comments on May 10th. Their architect was doing the necessary changes to the plans in order to submit them. They were asking for a continuance to the next scheduled hearing with the likelihood of asking for more. Ms. Banyas said the Town did not have an objection of postponing to the next hearing. She clarified for the record that the applicant's plans were submitted April 21, 2022 and the Town responded on May 10, 2022 which was less than one month. The Special Magistrate stated that they need to pay their Hearing Costs. He ordered continuance to the June 23, 2022 Hearing with no hearing cost for today's hearing.

There was one participant online via Zoom, David Dai – 274 Basin Drive, but he was informed that he was not on tonight's agenda. He would email Inspector Wienbarg.

ITEM #V.22 ***TAKEN OUT OF SEQUENCE**

Case #: 18020015 – Property Maintenance
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)

The Special Magistrate swore in Spiro Marchelos. Senior Code Compliance Inspector Banyas testified that she visited the pier on May 25, 2022. She met with Terry Bailey from the construction company and Spiro Marchelos. She said that the engineer was continuing to review the results from the survey. The special concrete that they use was on a six month backorder. It used to be a week order. She mentioned other things and noted that shortages had a very big impact on special orders. The Town was not opposed to another continuance but to keep monthly updates on this property. The Special Magistrate thanked Mr. Marchelos for coming down. The Special Magistrate ordered a continuance to the June 23, 2022 Hearing for another monthly update.

CERTIFICATION OF LIEN

ITEM #V.44

Case #: 21100018 – Building Code Violations
Property Owner: O'Sean Villa LLC
Address/Folio: 4641 N Ocean Dr, 1-8
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

Senior Code Compliance Inspector Banyas testified that this was a hotel called O'Sean Villa. The violation was on the Building Safety Inspection Program. The original Notice of Violation was issued in October 2021. The case was continued from then. She spoke with the owner, Mr. McGuire, twice by phone. He said he would get the inspection done and get the reports for structural and electrical to the Town. At the April Hearing, an order was issued for compliance by May 25, 2022 of the Building Safety Inspection Program. No reports were submitted and fines as of today began to accrue. However, he hired someone to do the inspection and they took his money but just did a partial inspection.

Mr. McGuire, owner, told stories of the rip-offs but did get an electrical inspection and fixed what had to be done. He needed about one month to a month and a half to get this done correctly. He answered the Special Magistrate that there were people living in the facility. Inspector Banyas was okay with a sixty day extension. The Special Magistrate said that fines started today but he would defer them and start them in sixty days. The Special Magistrate ordered a revised Final Order with an extension of the comply-by date to July 27, 2022 with no costs for today's hearing and reconvene at the July 28, 2022 Hearing.

For the next four cases, Inspector Banyas said that Tanya Brown was filling in as the property manager.

NEW BUSINESS

ITEM #V.34 ***TAKEN OUT OF SEQUENCE**

Case #: 22040002 – Property Maintenance
Property Owner: Palm Lakes I Associates Inc.
Address/Folio: 4213 El Mar Dr 1-6
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a) Florida Building Code FBC BCA Section 105.1 Work Without Permits.

Senior Code Compliance Inspector Banyas testified that service was achieved by posting on May 12, 2022. There were multiple air conditioning replacements, bathroom renovation, and kitchen renovation. She has some photos to submit. She showed them to the respondent. Then they were given to the Special Magistrate who entered them into the record without objection as Town's Composite Exhibit. The only violation not in compliance was for work without permits. On April 5, 2022, a complaint was received about violations from a tenant. Inspector Wienbarg did the inspection and issued the Notice of Violation. The Town was recommending a Final Order be issued for achieving compliance by obtaining approved permits for the work that was done by July 27, 2022 or a fine of $150/day plus $50 Hearing Costs and return to the July 28, 2022 Hearing for a status conference and potential certification of lien. Tanya Brown testified that she understood what needed to be done. The engineer, Mike, was in attendance and said he pulled one of the permits today. The Special Magistrate ordered a Final Order for achieving compliance by obtaining approved permits for the work done without permits by July 27, 2022 or a fine of $150/day plus $50 Hearing Costs due immediately but payable within 30 days and return to the July 28, 2022 Hearing for a status conference and potential certification of lien.

CERTIFICATION OF LIEN

ITEM #V.40 ***TAKEN OUT OF SEQUENCE**

Case #: 22030014 – Building Code Violations
Property Owner: Palm Lakes III Associates Inc.
Address/Folio: 4209 El Mar Dr 1-9
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Compliance Inspector Banyas testified that this was an old case and at the last hearing, there was a Final Order for work without permits for multiple air conditioning replacements, water heater, new lighting in the hallways, and a gazebo to include its electrical and plumbing work. As of today, there were no permits in the system, so the Town was requesting per the Building Official, certification of lien. Tanya Brown testified that they have a contractor who just started with them. He got the Notice of Commencement in today and the permit would be submitted next week. Inspector Banyas answered the Special Magistrate that this property

was up for sale and she would not like to see deferment of certification of lien. The Special Magistrate agreed due to the circumstances. He said they would certify the lien so it would get recorded. He told the representatives to get the issues resolved quickly so that the lien could be removed. Fines were running. Inspector Banyas said the fines started running today but once the permits for all the work done without permits were obtained, the fines would stop. The engineer, Mike, said they pulled the permit today for the gazebo and a copy of the Notice of Commencement was given to Inspector Banyas. Inspector Banyas reminded that all the work done without a permit needed an after-the-fact permit issued and she said that the lien should be certified but to hold off on the recording. This agenda item would come back to the hearing next month. She reminded that for certification of lien, the hearing cost would reflect covering the cost of recording and the certified mailing of $200. The Special Magistrate ordered certification of lien and $200 hearing cost for recording and certified mailing due within a month but the Town would not record the lien at this time and continue this agenda item to the June 23, 2022 Hearing for a Status Conference.

ITEM #V.41

Case #: 22030007 – Permits Required Violations
Property Owner: K M & Buschbaum Inc.
Address/Folio: 4217 El Mar Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Senior Code Compliance Inspector Banyas testified that this was for work without permits for split air conditioners. There was a Final Order on this case for compliance by May 25, 2022. A fine of $100 has begun to accrue as of today. The Town did not receive a permit application. Inspector Banyas asked if this property (or all four properties) were up for sale. Tanya Brown testified that she was sure one was up for sale but was not sure about the other three. Inspector Banyas said that a/c permits were fairly simple to obtain and would recommend certification and then a Status Conference. By then, the Town would know if this property was being sold. The Special Magistrate ordered certification of lien and $200 hearing cost for recording and certified mailing due within a month but the Town would not record the lien at this time and continue this agenda item to the June 23, 2022 Hearing for a Status Conference.

ITEM #V.42

Case #: 22010023 – Property Maintenance
Property Owner: K M & Buschbaum Inc.
Address/Folio: 4225 El Mar Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)
Chapter 6 – Building and Building Regulations Section 6-41(b)

Senior Code Compliance Inspector Banyas testified that she would like to get an update from Tanya Brown on this agenda item. Inspector Banyas knew that the Fire Marshal also had some violations on this property. The Fire Marshal would be heard next for his fire case on this property. Inspector Banyas said that at the February Hearing, the Special Magistrate found that violations existed and she read the two into the record (Section 6-36(a) and Section 6-41(b)) and said that the vast majority of the violations were corrected. The Final Order was for compliance by April 27, 2022 to include a $50 hearing cost. The Town recommended certifying the lien today. Tanya Brown testified that the progress made since the February hearing was hiring Mike. They now have an engineer and a contractor. The contractor said that before handing in the permits, he

was waiting on pricing. When asked for the recommendation, Ms. Banyas said that the violations were extensive and it has been quite some time with these violations. The Special Magistrate explained that they would certify the liens and they would get recorded. The Special Magistrate ordered certification of lien with recording to include the fines and previous $50 hearing costs plus $200 to cover the cost of recording and certified mail.

FIRE CASES
ITEM #V.46 ***TAKEN OUT OF SEQUENCE**
Case #: 21-1345
Property Owner: K M & Buschbaum, Inc.
Address/Folio: 4225 El Mar Dr

Fire Marshal Stephen Paine testified that he has been dealing with this property for a while trying to get compliance. The last time they met, Tanya Brown was present and the Special Magistrate ordered thirty days for total compliance or $250/day/violation fine. The Fire Marshal went out today and did another inspection. Tanya Brown has received a copy of what still needed to be done and the Fire Marshal gave a copy of it to the Special Magistrate who entered it into evidence as Town Composite Exhibit without objection. The Fire Marshal said that he also had photos. He went over the remaining violations and said fines started running today at $250/day/violation. The Special Magistrate explained that this would be costly and the faster everything was compliant, the more likely there could be mitigation of the fine. The Fire Marshal recommended continuance of this agenda item with the fines running starting today at $250/day/violation and to come back to the June 23, 2022 Hearing with no hearing cost for today's hearing. The Special Magistrate ordered continuance of this agenda item with the fines running starting today at $250/day/violation and to come back to the June 23, 2022 Hearing with no hearing cost for today's hearing.

OLD BUSINESS
ITEM #V.24
Case #: 22010012 – Property Maintenance
Property Owner: Colaner, Joseph A
Address/Folio: 4507 W Tradewinds Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)

Senior Code Compliance Inspector Banyas testified that there were two violations. At the last hearing, compliance was ordered by giving the Town a signed and sealed professional engineer's letter regarding the condition of the seawall with a recommendation of how to fix the seawall due by May 25, 2022 as a first step or a fine of $200/day would accrue starting May 26, 2022 plus $50 hearing cost. Inspector Banyas testified that a letter was provided to her today and she gave a copy to the Special Magistrate who accepted it into the record as Respondent's Exhibit. Inspector Banyas said that she called the engineer, Mr. Garcia, who advised that repairs have been done since the last hearing and they were beginning to backfill. Inspector Banyas said that she also forwarded a copy of the letter to the Building Official. He advised that the wall, from the letter, appeared to be certified as being repaired. Joseph Colaner, property owner, and his daughter, Laura Colaner, were present. Ms. Colaner testified that she would show them a description of the repairs for work done and in progress. The Special Magistrate accepted it into the record as another Respondent's Exhibit. After looking it over, Inspector Banyas was concerned that permits might be needed for the work. Ms. Colaner testified that they asked about permits and were told that the work was maintenance. Inspector Banyas recommended continuing this case to the next hearing. The Special Magistrate concurred and explained that if everything got done correctly before the next hearing, they would not have to come back. Ms. Colaner said that they were told

by their seawall company that their seawall had nothing to do with their next door neighbor's seawall and it was separate from her seawall and sealed off. It would have no impact on the neighbor's property. The Special Magistrate ordered continuance to the June 23, 2022 Hearing.

NEW BUSINESS
ITEM #V.30
Case #: 22040026 – Sign Violations
Property Owner: D J & G By The Sea LLC
Address/Folio: 253 E Commercial Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30 - 508.(c)(7)-2
Code 30 – Unified Land Development Regulations – Section 30-509(a)

The Special Magistrate swore in the Respondent. Senior Code Compliance Inspector Banyas testified that the tenant in question for this unit was Kamisa Reflexology & Massage. Service for this property was achieved by certified mail and the signed and dated green card was in the file. The violations were an installed sign without permit and a sandwich sign (A-Frame Sign) at the same business that was placed improperly. On February 2, 2022, a Courtesy Notice was issued. After multiple attempts at communication with the business proprietor, a Notice of Violation was issued on April 18, 2022. Yesterday, Inspector Banyas inspected/observed and took photos showing that partial compliance has taken place by removing all non-permissible and unpermitted signs. These signs need to stay gone. She explained that an order today, if deemed appropriate by the Special Magistrate, could give them a repeat violation for the proliferation of non-permissible and unpermitted signs if they came back. She submitted today photos of some of their signs from the back and the front of the building. She showed them to the building owner and property manager, Jonathan Colmaghi, and then gave them to the Special Magistrate who accepted them into evidence as Town's Composite Exhibit without objection.

As of today, there is a Kamisa & Massage sign on the awning. Ms. Banyas was not sure about the material that they used, but they should be able to get a permit for lettering to put their name on the awning. They also have to get permits for any permissible signage. She explained about proper placement of the sandwich sign. The Town was recommending a Final Order giving thirty days by June 22, 2022 to comply or $100/day fine, plus $50 hearing cost for today's hearing due immediately or payable by June 22, 2022 and return to the June 23, 2022 Hearing for a Status Conference. If they need more time due to permitting especially regarding lettering for their name, they would work with them. The building owner and property manager testified that he texted the notarized permit for the awning that was going to the awning company. They were waiting on the stitching. The Special Magistrate ordered compliance by June 22, 2022 by placing the nearest part of the sandwich sign within two feet of the opening of the doorway and obtaining a permit for unpermitted, permissible signs or a fine of $100/day plus $50 hearing cost due immediately or payable within thirty days and returning to the June 23, 2022 Hearing for a Status Conference.

FIRE CASES
ITEM #V.47
Case #: 21-1344
Property Owner: Isla Bella, LLC
Address/Folio: 4324 Seagrape Drive

There was no one in attendance to represent the property owner. Fire Marshal Stephen Paine testified that this was an old case dealing with a life safety issue regarding a staircase missing for

the second floor. He asked for a continuance to the August 25, 2022 Hearing. The Special Magistrate ordered continuance of this agenda item, case #21-1344, to the August 25, 2022 Hearing.

NEW BUSINESS

ITEM #V.26

Case #: 22030023 – Nuisance
Property Owner: Shanahan, George C Est
Address/Folio: 2036 Coco Palm Pl
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(f)
Chapter 6 – Building and Building Regulations Section 6-38(b)
Chapter 6 – Building and Building Regulations Section 6-38(c)
Chapter 6 – Building and Building Regulations Section 6-41a)(18)
Chapter 6 – Building and Building Regulations Section 6-41(a)(23)

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town did research on this case. Inspector Banyas visited the woman who lived there and then had another conversation with her. The property was in disrepair. At the next hearing, Inspector Banyas would give a more full-status update. We may have to put a lien on the property, if we did not get consent to abate. She answered the Special Magistrate that the woman seemed confident to take care of herself and she drove. She was not physically able to do repair work but had the money to hire people. The woman told Inspector Banyas that she was the wife of the property owner who passed. Inspector Banyas recommended continuing this case another month and she should have more details. The Special Magistrate ordered this agenda item continued to the June 23, 2022 Hearing.

ITEM #V.27

Case #: 22010028 – BTR Housing Inspection
Property Owner: Gilchrist, David R & Alissa C
Address/Folio: 2050 Waters Edge
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits

There was no one in attendance to represent the property owners. Senior Code Compliance Inspector Banyas testified that this was one of Inspector Wienbarg's cases. The owners were sent a Notice of Violation on January 24, 2022 via certified mail. Service for notice was achieved via the signed green card in the file. There were air conditioning units, garage alteration, floating dock, and kitchen and bathroom renovations done without permits. Mr. Gilchrist spoke with Inspector Wienbarg who informed him that the Town would be requesting a Final Order. The owner said that they would be compliant but there were no permit applications received other than for an air conditioner. The a/c permit was issued. She submitted evidence to the Special Magistrate. The Town recommended a Final Order for compliance by July 27, 2022 or a fine of $150/day fine, $50 hearing cost for today's hearing and return to the July 28, 2022 Hearing. She answered the Special Magistrate that the violations were observed during a vacation rental inspection. The Special Magistrate entered the evidence into the file as Town's Composite Exhibit. He ordered a Final Order for compliance by July 27, 2022 for permits obtained for work previously done or a fine of $150/day, plus $50 hearing cost due immediately or payable within 30 days, and return to the July 28, 2022 Hearing.

ITEM #V.28
Case #: 22040023 – Business Tax
Property Owner: ACS 218 LLC
Address/Folio: 222 E Commercial Blvd
Code Section(s): Chapter 12 – Licenses Section 12-2 (a) Business Tax Receipt Required

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this case was complied, but she was requesting a Finding of Fact. The violation was a Business Tax Receipt that was overdue for three years in the amount of $280.55. Beginning in late 2021, the BTR Office was sending out multiple communications. Inspector Banyas visited the property in March and gave the lady in the front a copy of the notice and asked her to please provide it to the owner but the BTR was never paid. Even after the Notice of Violation was sent, the BTR was never paid. Then it was finally paid. She requested a Finding of Fact that the violation existed and was now in compliance and if this business with this Business Tax Receipt Number violated this Code Section in the future, it may be deemed a repeat violator and brought back to a Special Magistrate Hearing. The Special Magistrate ordered a Final Order that the violation existed but was now in compliance and if the violation of the same Code Section for this same business with the same BTR # happened again in the future, it may be deemed a repeat violator subject to higher fines.

ITEM #V.35
Case #: 22030017 – BTR Housing Inspection
Property Owner: Carson Creek Corp
Address/Folio: 4454 Seagrape Dr. 1-2
Code Section(s): Chapter 12 – Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the initial Notice of Violation was sent on March 22, 2022 via certified mail and service was obtained by the signed green card in the file. This violation originated from a vacation rental application inspection completed on March 17, 2022. The violation was for multiple air conditioning replacements, bathroom renovations, kitchen renovations, electrical panel, toilet, shower, sink and laundry room inside of the garage, utility room in unit 1, door enclosures, etc. A permit application was received on May 25, 2022 and was currently under review. The electric was complete and comments would need to be addressed. Mechanical, plumbing and structural were pending. The Town recommended a Final Order requiring compliance by obtaining approved permit(s) for all of the work done by June 22, 2022 or a fine of $150/day to accrue thereafter, plus $50 hearing cost and return to the June 23, 2022 Hearing for a Status Conference. She submitted evidence for the record and the Special Magistrate accepted the pictures into the record as Town Composite Exhibit. The Special Magistrate ordered a Final Order requiring compliance by obtaining approved permit(s) for all of the work done by June 22, 2022 or a fine of $150/day to accrue thereafter, plus $50 hearing cost due immediately but payable within 30 days and return to the June 23, 2022 Hearing for a Status Conference.

ITEM #V.36
Case #: 22040018 – Building Code Violations
Property Owner: Dee Jay Enterprises Inc.
Address/Folio: 4617 El Mar Dr

Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas requested this to be continued to the June 23, 2022 Hearing, The Special Magistrate ordered continuance to the June 23, 2022 Hearing.

ITEM #V.37
Case #: 22040016 – Business Tax
Property Owner: Good Times 1 Inc
Address/Folio: 4628 Bougainvilla Dr.
Code Section(s): Chapter 12 – Licenses Section 12-2 (a) Business Tax Receipt Required

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the BTR was not paid in the amount of $7.50. Service of this agenda item was achieved by posting on May 14, 2022. The green card was returned and she tried calling but no voice mail was set up. The email she sent was returned to her. This was a property rental. She requested a Final Order to pay the BTR, renew the BTR, or send a written confirmation to the Town that the business has ceased and no longer operating by June 22, 2022 or a fine of $10/day to accrue thereafter until compliance is made plus $50 hearing costs for today's hearing. The Special Magistrate ordered a Final Order for compliance by June 22, 2022 by either paying the BTR, renewing the BTR, or sending a written confirmation to the Town that the business has ceased and no longer operating by June 22, 2022 or a fine of $10/day to accrue thereafter until compliance is achieved plus $50 hearing costs for today's hearing due immediately or payable within 30 days and return to the June 23, 2022 Hearing for a Status Conference.

SPECIAL SET
ITEM #V.48
Case #: 21100050
Property Owner: NLV Inc.
Address/Folio: 238 Commercial Blvd

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that this case was complied. The Town recommended that the Special Magistrate extend retroactively the comply-by date on the existing Final Order to May 2, 2022 which was the actual date of compliance. She answered the Special Magistrate regarding what the violation was. The Special Magistrate ordered extension retroactively of the comply-by date on the existing Final Order to May 2, 2022.

The following six agenda items (#3, #9, #10, #31, #43, and #45) were listed on the agenda and read into the record by Special Magistrate Clerk Megan Small as complied and needing no action.

Item #	Case #	Property Address
3	22030011	1960 Coral Reef Dr
9	21090007	245 Algiers Ave
10	22020002	262 Commercial Blvd
31	22040013	258 Neptune Ave 1-2
43	22030012	4548 N Ocean Dr 1-5
45	21120008	1960 Coral Reef Dr

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on May 26, 2022 at approximately 7:26PM.

APPROVED BY:

Special Magistrate Tom Ansbro

ATTEST:

Special Magistrate Clerk Megan Small
Town of Lauderdale-By-The-Sea, Florida