

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, May 23, 2019 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:00 PM on Thursday, May 23, 2019. Building Official Randall Clutter, Code Inspector Robert Harrison and Code Inspector Bethany Banyas were present as well as Special Magistrate Clerk Kaliah Lewis to record the minutes.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

The Special Magistrate explained the procedures for the Hearing for Code Compliance.

IV. PUBLIC COMMENTS

The Special Magistrate spoke about public comments at this time or when a case was called. No one from the public wished to speak now.

V. CODE CASES

Special Magistrate Clerk Kaliah Lewis first called the code cases for which people might be in attendance and have signed in. Then she would revert back to the original order of the agenda for the rest of the cases.

OLD BUSINESS

ITEM #V.12

***TAKEN OUT OF SEQUENCE**

Case #: 19020009 – Landscape Violations

Property Owner: FDG Central LLC

Address/Folio: 4546 El Mar Drive

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-10(c)
Demolition site maintenance.

Inspector Robert Harrison testified that this was previously before the Special Magistrate with a Final Order but the Town was requesting to extend the May 12, 2019 compliance date ninety days to August 21, 2019. Attorney Nectaria Chakas was present representing the property owner. The Special Magistrate ordered a revised Final Order with a new compliance date of August 21, 2019 to come into compliance or \$100/day fine plus \$100 Administrative Fee which was assessed at a prior hearing.

NEW BUSINESS**ITEM #V.20*****TAKEN OUT OF SEQUENCE**

Case #: 19030002 – Zoning Violations
Property Owner: Sea Garden By The Sea, Inc.
Address/Folio: 4625 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-24(k)(5) RM 25 District

After calling this agenda item, it was decided to go to agenda item #17 instead. This was heard after hearing case #18010005 on page 4. Inspector Robert Harrison testified that this violation is a density issue. Mr. Harrison explained that there are approved permits for 14 units but there are in fact 17 units. The representative, Dulce Conde, explained the situation. Mr. Harrison recapped the number of apartments and efficiencies with kitchens plus 2 hotel rooms without kitchens and what the maximum density allows in the RM-25 District. The Town was requesting that the density issue be corrected within twelve months from today or \$100/day fine plus \$100 Administrative Fee for today's hearing. The Special Magistrate ordered twelve months from today to correct the density issue or \$100/day fine plus \$100 Administrative Fee for today's hearing.

ITEM #V.17***TAKEN OUT OF SEQUENCE**

Case #: 19040015 – Landscape Violations
Property Owner: FDG South, LLC
Address/Folio: 4108 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-480(a)

Inspector Robert Harrison testified that the Town was requesting all landscape permits to be finalized within 90 days, by August 21, 2019, or a fine of \$100/day plus \$100 Administrative Fees for today's hearing. Attorney Chakas was in agreement. The Special Magistrate ordered 90 days, by August 21, 2019, to come into compliance or a fine of \$100/day plus \$100 Administrative Fee for today's hearing.

OLD BUSINESS**ITEM #V.14*****TAKEN OUT OF SEQUENCE**

Case #: 18050057 – Permits Required Violations
Property Owner: Gilchrist, Rael M Gilchrist, Lourdes M
Address/Folio: 1931 Waters Edge
Code Section(s): Florida Building Code 107.4 – Amended construction documents.
Florida Building Code 5th Edition (2014) FBC BCA Section 105.1.
Permits Required.
Florida Building Code 5th Edition (2014) FBC BCA Section 116
116.1 General 116.2.1.2.7 Swimming Pools

Inspector Robert Harrison testified that this case was previously heard but after reviewing, errors were noted. They decided to start fresh with a new case #19040010 (see below). However, there was a \$50 Administrative Fee owing on this case #18050057 and he was requesting to revise the Final Order to remove the \$50 Administrative Fee. The Special Magistrate ordered a revised Final Order removing the \$50 Administrative Fee.

NEW BUSINESS**ITEM #V.18*****TAKEN OUT OF SEQUENCE**

Case #: 19040010 – Permits Required Violations
Property Owner: Gilchrist, Rael M Gilchrist, Lourdes M
Address/Folio: 1931 Waters Edge
Code Section(s): Florida Building Code 105.1 Required

Inspector Robert Harrison testified that work commenced without approved permits. Charles Weidner and Rael Gilchrist were present. Mr. Harrison showed them his photos which were then given to the Special Magistrate. Building Official Randall Clutter said that this project began with an early start approval. Their buildout permit is in plan review at this time. Mr. Harrison requested an Order requiring approvals of the permit to be submitted within thirty days or \$100/day fine plus \$100 Administrative Fee for today's hearing. The Special Magistrate entered the pictures into evidence without objection as the Town Composite Exhibit. Discussion ensued regarding when fines started to run. Mr. Harrison spoke about reviewing the minutes and June first was when fines started to run from the old case. It was discussed that the homeowner and his contractor get together to review permit fees with Staff and also fines. It was noted that the Special Magistrate has no jurisdiction over permit fees. Mr. Harrison reminded that the old case is finished and they are starting fresh with this case with the Town's request that all approvals are to be obtained within thirty days. Mr. Harrison then agreed to a request on the homeowner's behalf for sixty days, by July 22, 2019, to obtain all approvals or \$100/day fine plus \$100 Administrative Fee for today's hearing. Discussion ensued and the homeowner questioned why he would be penalized for what his former contractor did. Mr. Harrison assured him that everything is taken into consideration. The Special Magistrate ordered sixty days, by July 22, 2019, to comply by obtaining all approvals or \$100/day fine plus \$100 Administrative Fee for today's hearing.

CERTIFICATION OF LIEN**ITEM #V.24*****TAKEN OUT OF SEQUENCE**

Case #: 19040007 – Zoning Violations
Property Owner: B&C Real Estate Holdings LLC
Address/Folio: 221 Commercial Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-126(e)

Inspector Bethany Banyas testified that this is a commercial property, Sun Trust Bank, and non-compliance is for a violation of the conditional use for parking. Notice of Violation was sent April 29, 2019 and the signed green card is in the file. Gold Coast violated the terms of the agreement by parking a vehicle in a space not allotted to them. She showed copies of photos and the agreement to Pete Sorrentino, Gold Coast Parking, and then it was given to the Special Magistrate who entered them into evidence without objection as Town Composite Exhibit. The Town was recommending that the property be assessed a \$500 fine for one day. The representative from Gold Coast explained the situation and Ms. Banyas understood what he was saying but informed him that he could not go over the allowable number of spaces. The Special Magistrate felt that he would reduce the violation to \$250 because it was a misunderstanding for the repeat violation on the part of the representative. The Special Magistrate wants him to understand clearly what is allowed on the conditional use and it should be on the record and he suggested confirmation via e-mail. The Town was requesting \$50 Administrative Fee for this hearing. The Special Magistrate ordered \$250 fine to be paid within thirty days plus \$50 Administrative Fee.

OLD BUSINESS**ITEM #V.8*****TAKEN OUT OF SEQUENCE**

Case #: 18010004 – Building Code Violations
Property Owner: Oefelein, Felicitas B.
Address/Folio: 4616 Bougainvilla Dr 1-3
Code Section(s): Florida Building Code 5th Edition (2014) FBC BCA Section 105.1.
Permits Required.

Inspector Bethany Banyas testified that the lien was certified and not recorded (per the Special Magistrate's request). Ms. Oefelein was here to discuss mitigation. This case #18010004 has \$24,000 in fines (\$150 daily fine for 160 days). For both cases this one and case #18010005 (below), fines total \$48,000. The \$300 Administrative Fees have all been paid. Ms. Banyas answered the Special Magistrate that Ms. Oefelein has been cooperative and the property is in compliance on this difficult case. The Special Magistrate mitigated the \$24,000 fine to zero for this case and the one below and Ms. Banyas said that the Administrative Fees are already paid. The Special Magistrate ordered mitigation of the \$24,000 fine for this case to zero and no Administrative Fees are due.

ITEM #V.9

Case #: 18010005 – Zoning Violations
Property Owner: Oefelein, Felicitas B.
Address/Folio: 4616 Bougainvilla Dr 1-3
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-137(c)(3)

Inspector Bethany Banyas testified that the lien was certified and not recorded (per the Special Magistrate's request). Ms. Oefelein was here to discuss mitigation. This case #18010005 has \$24,000 in fines (\$150 daily fine for 160 days). For both cases, this one and case #18010004 (above), fines total \$48,000. The \$300 Administrative Fees have all been paid. Ms. Banyas answered the Special Magistrate that Ms. Oefelein has been cooperative and the property is in compliance on this difficult case. The Special Magistrate mitigated the \$24,000 fine to zero for this case and Ms. Banyas said that the Administrative Fees are already paid. (Both cases #18010004 and #18010005 – fines totaled \$48,000 and were mitigated to zero.) The Special Magistrate ordered mitigation of the \$24,000 fine for this case to zero and no Administrative Fees are due.

CERTIFICATION OF LIEN**ITEM #V.21*****TAKEN OUT OF SEQUENCE**

Case #: 18080019 – Permits Required Violations
Property Owner: 3RM Investments LLC
Address/Folio: 4144 El Mar Dr
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits Required.

Inspector Bethany Banyas testified that this and the next two items are for the same property but for different things that needed to be fixed. This case was work without permits. The work on the second floor penthouse which was split in two was corrected. However, on the first floor, one apartment was split into two and there is a density issue. Fines are running and Administrative Fees are outstanding. Tamara S., property manager, explained that they had to

wait until the tenant on the first floor moved out and she finally did. Ms. Banyas said that Tamara was requesting more time. The Special Magistrate asked and was told by Ms. Banyas that a ninety day extension would include closing the permits. It was decided that to stop the fines from running, they will do a revised Final Order extending the compliance date to August 20, 2019. The Town was requesting \$25 Administrative Fee for each case (total \$75) plus \$150 Administrative Fee was outstanding. Therefore, for all three cases, they would owe \$225 Administrative Fee. The Special Magistrate ordered a revised Final Order extending the compliance date for obtaining and closing out permits to August 20, 2019 or a fine of \$100/day plus \$25 Administrative Fee for today's hearing and pay up any outstanding Administrative Fees on this case.

ITEM #V.22

Case #: 18080020 – Property Maintenance
Property Owner: 3RM Investments LLC
Address/Folio: 4144 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 30 – Unified Land Development Regulations
Section 30-512(a)
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 6-41(a)(1)

Inspector Banyas testified that this is for maintenance of the exterior of the property. This case is handled like the previous case by extending the compliance date to August 20, 2019 or a fine of \$100/day and \$25 Administrative Fee for this hearing plus pay any outstanding Administrative Fee. The Special Magistrate ordered a revised Final Order extending the compliance date to finish whatever maintenance is still not in compliance by August 20, 2019 or a fine of \$100/day plus \$25 Administrative Fee for today's hearing and pay up any outstanding Administrative Fees on this case.

ITEM #V.23

Case #: 18080021 – Zoning Violations
Property Owner: 3RM Investments LLC
Address/Folio: 4144 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-242(a)(2)

Inspector Bethany Banyas explained that this is a density issue and would be handled like the other cases by extending the compliance date to August 20, 2019 or \$100/day fine plus \$25 Administrative Fee for today's hearing and to pay any outstanding Administrative Fee. The Special Magistrate ordered a revised Final Order extending the compliance date to return the property to the required density by August 20, 2019 or a fine of \$100/day plus \$25 Administrative Fee for today's hearing and pay up any outstanding Administrative Fees on this case.

OLD BUSINESS

ITEM #V.7

***TAKEN OUT OF SEQUENCE**

Case #: 18080029 – Nuisance
Property Owner: 4326 Ocean Dr LLC
Address/Folio: 4326 N Ocean Dr

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

Inspector Bethany Banyas testified that this is an old case that has been adjudicated. She testified as to what was previously ordered. She explained that at that time, it was the Town's impression that the property was not in compliance but it was later understood that it was in compliance. The Town was requesting to remove the verbiage that states "shall continue" to make everything perfectly clear. On the record, Ms. Banyas testified that the owner asked Mr. Harrison for a continuance but it was determined not to be necessary. For the record, there was no one present to represent the homeowner. The Special Magistrate ordered the verbiage removal in the previous Order as requested by the Town.

NEW BUSINESS

ITEM #V.15

Case #: 18060013 – Vacation Rental
Property Owner: Bartczak, Jennifer C Marcus, Patrick A
Address/Folio: 4548 Poinciana St
Code Section(s): Chapter 12 – Licenses Section 12-2(e)(1)
Chapter 30 – Unified Land Development Regulations
Section 30-242 - RM 25 District

Inspector Bethany Banyas testified that this is continued to the June 27, 2019 Special Magistrate Hearing.

ITEM #V.16

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

Inspector Bethany Banyas testified that she has photos to submit. The property is vacant, abandoned and in foreclosure. It is a single-family home not homesteaded. Service was obtained by both posting and certified mail and the Town received a green card. The bank in the foreclosure and the attorney were both named. The violation is that the pool is stagnant. The Town was requesting that the property be in compliance in ten days, by June 3rd, or a fine of \$250/day. She answered the Special Magistrate that the pool is not accessible to children unless they climb the fence. The fence is according to code. The Town would like to see the pool drained. She spoke with Mr. Howard after he received the certified mail. He said that he would have someone take care of the pool. For the record, there was no one present to represent the homeowner. The Town was requesting \$100 Administrative Fee for today's hearing. The Special Magistrate ordered compliance of the pool violation by June 3, 2019 or a fine of \$250/day plus \$100 Administrative Fee for today's hearing.

CERTIFICATION OF LIEN

ITEM #V.26

Case #: 18080003 – Property Maintenance
Property Owner: Pereira, Patricia
Address/Folio: 4648 Bougainvilla Dr
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(1)
Chapter 30 – Unified Land Development Regulations
Section 30-512(a)

Inspector Bethany Banyas testified that this is being brought back to the Special Magistrate for certification of lien. On January 14, 2019 an inspector documented that two violations were still not in compliance and Ms. Banyas explained the two. The property was to be compliant by January 14, 2019 or \$250/day fine. The Town was requesting certification of lien and also \$200 Certification Fees. For the record, there was no one present to represent the homeowner. The Special Magistrate ordered certified of lien plus the \$200 Certification Costs.

OLD BUSINESS

ITEM #V.10

***TAKEN OUT OF SEQUENCE**

Case #: 18100006 – Permits Required Violations
Property Owner: Ceballos, Jorge
Address/Folio: 4449 Poinciana St
Code Section(s): Florida Building Code Section 105.1 Required.

Inspector Robert Harrison testified that this was before the Special Magistrate for failure to obtain a permit. They complied a little late, so they had some fines running. He would like to extend the compliance date to the day after they complied which is December 29, 2018. For the record, there was no one present to represent the homeowner. The Special Magistrate ordered a revised Final Order with a compliance date of December 29, 2018.

ITEM #V.13

Case #: 19030013 – Vacation Rentals Inspection
Property Owner: Gagarin, Pavel
Address/Folio: 263 N Tradewinds Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(b)

COMPLIED

NEW BUSINESS

ITEM #V.19

Case #: 19040011 – Permits Required Violations
Property Owner: Glauber, Crista
Address/Folio: 2037 tropic Isle
Code Section(s): Florida Building Code Section 105.1 Required.

Inspector Robert Harrison testified about how this complaint came in and that an inspector went out to the property and observed an accessory structure, etc. Mr. Harrison explained about the certified mail. He was asking the property owner to obtain a demolition permit to be finalized out by July 25, 2019 or obtain an after-the-fact permit for the accessory structure and get that finalized out by July 25, 2019 or a fine of \$100/day plus \$50 Administrative Fee for today's hearing. He explained that this would allow them to either remove the accessory structure or make alterations to it. For the record, there was no one present to represent the homeowner. The Special Magistrate ordered compliance by July 25, 2019 by either obtaining a demolition permit and having it finalized out or obtaining an after-the fact permit for the accessory structure and having that finalized out by the date or \$100/day fine plus \$50 Administrative Fee for today's hearing.

CERTIFICATION OF LIEN

ITEM #V.27

Case #: 18100012 – Permits Required Violations
Property Owner: Ceballos, Jorge
Address/Folio: 4561 Bougainville Dr
Code Section(s): Florida Building Code Section 105.1 Required.

Inspector Robert Harrison testified that this was cited for work without permit. They closed out permit #19-008477 on May 22, 2019. There was an Order to finalize that permit by May 22, 2019. They did not incur any fines but there is \$150 Administrative Fee that is due and we are here today to certify that. However, the Town would like to request a continuance to the June 27, 2019 Hearing. For the record, there was no one present to represent the homeowner. The Special Magistrate ordered continuance to the June 27, 2019 Hearing.

ITEM #V.29

Case #: 19020021 – Vision Hazards
Property Owner: Gallagher, Christopher & Louise
Address/Folio: 251 Algiers Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(b)

Inspector Robert Harrison testified that this is similar to the previous case. They did comply their violation before the Order compliance date, however, they did not pay their Administrative Fee. The Town would like to request a continuance to the June 27, 2019 Hearing. For the record, there was no one present to represent the homeowner. The Special Magistrate ordered continuance to the June 27, 2019 Hearing.

ITEM #V.31

Case #: 18120007 – Permits Required Violations
Property Owner: Marchetti, Steven Mercante, Robert
Address/Folio: 4422 Seagrape Dr
Code Section(s): Florida Building Code Section 105.1 Required.

Inspector Robert Harrison testified that this is here for doing interior renovations to the property without obtaining a permit. He was told that there is a submittal. He is requesting that the owners obtain permits for all the work done in the interior of the property and closing out the permits by June 26, 2019 by passing all final inspections or \$100/day fine plus \$100 Administrative Fee for today's hearing. He has photos that he gave to the Special Magistrate who entered them into evidence. Building Official Randall Clutter testified that his Permit Administrator received paperwork but it is sketchy. The homeowner for the property was invited to be here tonight but is not. The Special Magistrate ordered compliance by June 26, 2019 by obtaining permits for all the work done in the interior of the property and closing out the permits or \$100/day fine plus \$100 Administrative Fee for today's hearing.

ITEM #V.32

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

Inspector Robert Harrison testified that this is a single-family home. It was observed during a vacation rental inspection that there was a conversion of the garage to an extra room. The previous Order stated that compliance must be obtained by February 11, 2019 by obtaining an after-the-fact permit or \$50/day fine plus an Administrative Fee of \$50. The current status of the permit submitted was denied so they did not comply with the Order. They are here today for certification. Mr. Harrison answered the Special Magistrate that the last permit submittal was April 22, 2019. Building Official Randall Clutter said that the owner did hire an architect who submitted plans which were rejected. The architect submitted corrected plans. The structural permit was obtained but they are at a loss as to why Zoning rejected the plans. After discussion, it was decided to continue this agenda item to the June 27, 2019 Hearing because the property owner was actively trying to comply. For the record, there was no one present to represent the homeowner. The Special Magistrate ordered continuance to the June 27, 2019 Hearing.

ITEM #V.33

Case #: 18110017 – Building Code Violations
Property Owner: Oconto Investments Corp % Moreno, Martha
Address/Folio: 4900 N Ocean Blvd Unit 1512
Code Section(s): Florida Building Code Section 105.11.2.1

Inspector Robert Harrison testified that this is an expiration of permit. They renewed the permit two days after the Order was set. There is also an Administrative Fee due. Mr. Harrison said to extend the compliance date to a day or two after they renewed the permit so there would be no fines and only the \$50 Administrative Fee would be due. For the record, there was no one present to represent the homeowner. The Special Magistrate ordered the compliance date extended to April 4, 2019 and the \$50 Administrative Fee is due immediately but if not paid, this agenda item would return to the June 27, 2019 Hearing for certification of \$50 Administrative Fee.

ITEM #V.34

Case #: 18110007 – Permits Required Violations
Property Owner: Polcari, Richard S & Martha J
Address/Folio: 1470 S Ocean Blvd Unit 702
Code Section(s): Florida Building Code Section 105.1

Inspector Robert Harrison testified that there is a \$50 Administrative Fee due and he is requesting a continuance to the June 27, 2019 Hearing. For the record, there was no one present to represent the homeowner. The Special Magistrate ordered continuance to the June 27, 2019 Hearing.

ITEM #V.30

Case #: 18090001 – Zoning Violations
Property Owner: Gardens By The Sea S Condo Assn
Address/Folio: 1541 S Ocean Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-317(i)(2)€

CONTINUED TO JUNE 27, 2019

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

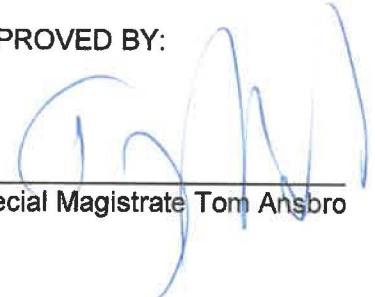
COMPLIED				Page #
1	C#:	18110015	4537 Bougainvillea Dr	5
2	C#:	19030007	4616 Bougainvillea Dr	14
3	C#:	18110003	1725 Blue Water Ter N	22
13	C#:	19030013	263 N Tradewinds Ave	28
25	C#:	18090005	254 Neptune Ave	17
28	C#:	19020014	4405 N Ocean Dr	7
CONTINUED				To
4	C#:	19040014	3211 S Terra Mar Dr	06/27/19
5	C#:	19040005	1911 Blue Water Ter	06/27/19
6	C#:	19020018	1800 E Terra Mar Dr	06/27/19

Inspector Robert Harrison asked the opinion of the Special Magistrate regarding continued agenda item #5 (1911 Blue Water Terr #19040005).

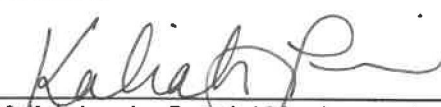
VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on May 23, 2019 at approximately 6:13PM.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


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