

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

*Town Commission Meeting Room  
Monday, May 18, 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, May 18, 2015. Code Compliance Inspector Carmen Sanchez, Code Compliance Inspector Sharon Foster, Fire Marshall Stephen Paine 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**

April 20, 2015 Code Hearing – The minutes of 04/20/15 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#: 15030013 | 4133 El Mar Dr               | (Code Case) |
| 2. C#: 15040004 | 233 E Comm Blvd              | (Code Case) |
| 2. C#: 15-1202  | 1967 S Ocean Blvd Bldg C & D | (Fire Case) |

**CONTINUED TO AUGUST 24, 2015 CODE HEARING**

- |                 |                 |             |
|-----------------|-----------------|-------------|
| 3. C#: 15040002 | 4608 N Ocean Dr | (Code Case) |
| 4. C#: 15040003 | 4600 N Ocean Dr | (Code Case) |

**CONTINUED TO JUNE 22, 2015 CODE HEARING**

- |                  |                       |             |
|------------------|-----------------------|-------------|
| 14. C#: 15040007 | 3221 Spanish River Dr | (Code Case) |
|------------------|-----------------------|-------------|

## **OLD BUSINESS**

### **ITEM #V.8**

### **\*TAKEN OUT OF SEQUENCE**

Case #: 15010013 – Building Code Violations  
Property Owner: Anglin Fam Tr % Raymond Anglin  
Address/Folio: 216 E Commercial Blvd  
Code Section(s): Florida Building Code Plumbing Chapter 4 Section 403.2 Separate Facilities

## **NEW BUSINESS**

### **ITEM #V.9**

Case #: 15040005 – Building Code Violations  
Property Owner: Anglin Fam Tr % Raymond Anglin  
Address/Folio: 216 E Commercial Blvd  
Code Section(s): Florida Building Code Plumbing Chapter 4 Section 403.2 Separate facilities

Code Compliance Inspector Carmen Sanchez testified that for the first case #15010013, the property owner had requested a continuance for today. Ms. Sanchez said the case is presented for certification of fine. She explained that at the last hearing, she presented the case to certify fine of \$1,800. At that hearing, the property owner, Spiro Marchelos requested a continuance for today. Thomas Wich, attorney for the property owner, said this property is rented to JoJo's Restaurant and they are in the process of evicting the tenant. The violation is JoJo's has more than ten seats and only one restroom. Attorney Wich asked if there was a way to fine the tenant instead of the landowner or defer this as they are moving forward in the court system with the eviction.

The second case #15040005 is presented for a repeat violation for the same property for the same violation. Town Planner Linda Connors was sworn in. Ms. Connors said the Town was concerned about setting a precedent. The Town imposes fines on the property owner because there is no mechanism to impose a fine on the tenant. The landlord should have wording in the lease for the tenant to comply with the rules and regulations of the Town. The Special Magistrate said that this has been going on for some time and the landowner should have done something about this long ago. Mr. Wich said it is the landowner's intention to come into compliance by curing the fine or eviction. They were not ignoring the situation. Ms. Sanchez said she has pictures for the repeat violation (Case #15040005) and it would be up to the Special Magistrate to impose a fine.

The Special Magistrate said that he would impose the fine and lose jurisdiction over the case. If the property owner wanted to appeal, it is a process through the Town Commission. Mr. Wich informed the Special Magistrate that the eviction was filed in December 2014 and they are just waiting for it to move through the court system. He also said the tenant was in compliance at one time and then violated again.

**The Special Magistrate ordered the certification of fine in the amount \$1,800 for Case #15010013.**

**The Special Magistrate imposed immediately a fine of \$250/day for the repeat violation for Case #15040005 to be paid immediately.**

The Special Magistrate recognizes the fact that the property owner is trying to be compliant.

Ms. Sanchez asked for an Administrative Fee in the amount of \$150 for today's hearing. Ms. Sanchez's pictures of the repeat violation were entered into evidence without objection as Town's Exhibit.

Attorney Wich asked the Special Magistrate to waive the \$150 Administrative Fee.

**The Special Magistrate ordered the Administrative Fee to be waived in the amount of \$150.00**

**CERTIFICATION OF LIEN**

**ITEM #V.15                      \*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 this case is presented for certification of lien/fines. They were out of compliance for one day totaling \$200. She informed the Special Magistrate that at the last hearing, he ordered the Respondent to comply by May 17, 2015. She said that Mr. Manny Legakis is here today to testify why it is still not in compliance. Ms. Foster acknowledged that they are working on compliance. They are a few inspections away from being finaled. She reminded the Special Magistrate that this violation was for work without a permit. The property was cited for the closure of a window and a door. There was also 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. The interior remodeling was being done without a permit. She has a printout of all the permits and inspections to date.

Mr. Legakis said he is the broker on the property owned by his Canadian cousin. He was requesting a two-week extension for his final inspections. All the roughs are completed. The only things left are the kitchen counter tops and grass in the backyard. Ms. Foster answered the Special Magistrate that she has no opposition to the requested extension.

**The Special Magistrate ordered a fifteen (15) day extension to comply by June 2, 2015 or a fine of \$200/day. A Revised Final Order will change the comply-by date to June 2, 2015.**

Ms. Foster is requesting a \$100 Administrative Fee for today's hearing.

**The Special Magistrate imposed an Administrative Fee in the amount of \$100.00 to be paid by June 2, 2015.**

**OLD BUSINESS**

**ITEM #V.7                      \*TAKEN OUT OF SEQUENCE**

Case #: 14120005 – Sign Violations  
Property Owner: Seagrape Commons LLC  
Address/Folio: 222 E Commercial Blvd  
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-509(a)

Code Compliance Inspector Carmen Sanchez testified that at the last hearing, the Special Magistrate certified the fine. She said that this was for Pronto-By-The-Sea. The restaurant had awning signs without a permit. She said that the business owner has requested the hearing to

contest the non-compliance. Ms. Sanchez gave the written request to the Special Magistrate. Dr. Bill Specce, business owner, gave a brief history of the violation. He said that the Town asks on the application "how many signs are you requesting?" He said that he applied for his four signs with his one check and submitted everything. No one told him at the time that he would need a separate check for each application. As soon as he could, he came into compliance and remains compliant. He was requesting the Special Magistrate to review this because the sign application is wrong. It should state in the application or someone from the Building Department should inform the applicant that they need a separate application and separate check for each sign installed. He said this was not the case when he initially applied for his awning signs.

Ms. Connors respectfully disagreed that the application is not correct. They request the number of signs because the application is reviewed to ensure that Code is followed. They met with the applicant and the vice mayor and reviewed some of his concerns. Based on the information he provided, the Town did amend the application so in the future it is clearer. A copy of the check in payment of the four signs was given to the Special Magistrate. Ms. Connors said the Town does not recommend a mitigation/reduction of the fines as there was a significant amount of Staff time involved. The business owner said that wasn't the check he submitted with his original application. The check and application were denied and he had to pick them up. When he picked them up, that was when he was told the application was incorrect because he needed four applications and four checks. He did not get the Town's e-mail because it was sent to the property owner. No one told him that he would not get anything mailed to him as the business owner. Ms. Connors said that at a previous Special Magistrate Hearing, he was told that the application submitted was for five signs and he was only allowed four by Code. The Town needed specific information that was expressed at previous hearings. The Town did everything it could to be clear with the business owner but once Notice was sent to the property owner, it got handled very quickly and the property had four signs and became compliant. Ms. Connors said they never had this issue regarding the application before but now that it happened, they made the application more clear. She did not feel that was the reason this could not have been handled correctly.

Ms. Sanchez said that the Special Magistrate certified the liens at the previous hearing but it has not been recorded in the County yet. The Special Magistrate said that this is now a lien and he does not have jurisdiction to do anything for the business owner. The business owner said that he was told that the Special Magistrate still has jurisdiction. Ms. Sanchez explained the language on the Notice. Ms. Sanchez said that clearly he was not in compliance when he was supposed to be but he is in compliance now. Ms. Sanchez said the total fine was \$3,300.

**The Special Magistrate ordered, if the Town is okay with the fact that he was told he still has jurisdiction, a reduction of the \$3,300 fine to \$2,200 because there was some doubt that the application was not completely clear. The reduced amount of \$2,200 must be paid within 60 days, by July 17, 2015, or it reverts back to the full \$3,300.**

The Special Magistrate explained to the business owner that this is the fourth time this item has been before him. There are Staff members here and it took the business owner time to get this into compliance. He informed the business owner that he could appeal this to the Circuit Court. The business owner asked about appealing to the Town Commission and was told he could get an application.

Ms. Connors explained that the Special Magistrate has jurisdiction until the fine is recorded and that was why he was able to reduce the fine from \$3,300 to \$2,200. If the business owner wants to mitigate the \$2,200 fine, then it is a mitigation request before the Town Commission. He has

to fill out and submit an application with a fee of \$500. However, if he wants to appeal the Special Magistrate's decision on the \$2,200 fine, then he would have to go to court. Clerk Idalia Gutierrez explained that a mitigation document/letter for the \$2,200 would be mailed out. The mitigation application could be picked up in the Development Services Office by the business owner. Ms. Sanchez asked for \$100 Administrative Fee.

**The Special Magistrate imposed an Administrative Fee in the amount of \$100 to be paid within two weeks, by June 1, 2015.**

Since the property owner's representative was in attendance, the Special Magistrate asked if there were any comments but there were none.

#### **CERTIFICATION OF LIEN**

|                    |                                        |
|--------------------|----------------------------------------|
| <b>ITEM #V.16</b>  | <b>*TAKEN OUT OF SEQUENCE</b>          |
| Case #: 15030004 – | Business Tax                           |
| Property Owner:    | Elacqua, James E                       |
| Address/Folio:     | 4473 Poinciana St                      |
| Code Section(s):   | Chapter 12 – Licenses Sec. 12-2,(e)(l) |

Code Compliance Inspector Carmen Sanchez is presenting the case to certify the fines for renting the property without a business tax receipt (BTR). The property owner is present today and wants to state something for the record. Ms. Sanchez said this is the first time meeting for James Elacqua who feels he does not need a BTR because he is not renting. Ms. Sanchez said the mailing address is not where he states he resides. Additional proof that he is renting the property is a note from town staff Karen Bertocci that Mr. Elacqua stated to her on December 15, 2014 that he rents the property on an annual basis. The fine is \$100/day and he is out of compliance for 13 days, for a total of \$1,300 plus a \$150 Administrative Fee. Ms. Sanchez is requesting a \$50 Administrative Fee for today's hearing for a total fine of \$1,500. The Special Magistrate addressed the cost of obtaining a BTR but Mr. Elacqua stated that he does not rent.

The Special Magistrate said he weighed the evidence presented and he judges that Mr. Elacqua rents the property out. Mr. Elacqua stated that he never received notice about the previous hearing. Ms. Sanchez told the Special Magistrate that she got the mailing address for the property on the Broward County Records website. Mr. Elacqua stated that he wasn't at that address anymore. The Special Magistrate informed Mr. Elacqua that it is his responsibility to ensure the mailing address is updated and correct on the Property Appraiser's website.

**The Special Magistrate mitigated the total fine of \$1,500 to \$300, plus an Administrative Fee in the amount of \$150 for today's hearing, for a total \$450, due within thirty days, by June 17, 2015.**

The Special Magistrate answered Mr. Elacqua that if he is not renting now, he needs to contact the Town and let them know that he does not need a BTR now. Ms. Sanchez said there was another case regarding a BTR for the same property and the same owner years ago.

#### **OLD BUSINESS**

|                    |                               |
|--------------------|-------------------------------|
| <b>ITEM #V.6</b>   | <b>*TAKEN OUT OF SEQUENCE</b> |
| Case #: 14110003 – | Building Code Violations      |
| Property Owner:    | Dee Jay Enterprises Inc.      |
| Address/Folio:     | 4617 El Mar Dr                |

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

Code Compliance Inspector Carmen Sanchez testified that this case was previously presented to the Special Magistrate and was continued for a status report today. The violation in this case is work without a permit; sealcoating the parking lot and striping it. The applicant, Mrs. Greenberg, explained at the previous hearing that she was having problems with the ADA and had to re-do the entire parking lot. She originally requested 90 days to comply and she is present today to provide a status report. Marissa Greenberg, owner of Dee Jay Beach Resort, said they are moving the disability parking spot from El Mar Drive to A1A. The court gave her up to December 31, 2015 to comply, but she is hoping to comply before that date. She has an estimate from one architect and is waiting for the second architect's estimate.

**The Special Magistrate ordered her to submit architectural drawings, obtain permit and complete work in 60 days, by July 17, 2015 or a fine of \$100/day.**

Ms. Sanchez asked for a \$150 Administrative Fee but the Special Magistrate reduced it to \$50.

**The Special Magistrate imposed an Administrative Fee in the amount of \$50 to be paid in 60 days, by July 17, 2015.**

**ITEM #V.5**

**\*TAKEN OUT OF SEQUENCE**

Case #: 14070002 – Building Code Violations

Property Owner: NLV Inc.

Address/Folio: 238 Comm Blvd

Code Section(s): Florida Building Code Section 105 Section 105.1 Required.  
Chapter 19 – Traffic and Motor Vehicle Section 19 – 21 (b) (4)

Code Compliance Inspector Carmen Sanchez testified that this case has been granted continuances. The property owner is here to ask for another continuance. This case is regarding work without permits. Ever since they have received the Notice of Violation, they got permits and have had all rough inspections. They are working on finalizing. The property owner is asking for a three-month continuance and Ms. Sanchez has no objection.

**The Special Magistrate ordered a three-month continuance to the August 24, 2015 Special Magistrate hearing.**

Ms. Sanchez was asking for \$150 Administrative Fee.

**The Special Magistrate imposed an Administrative Fee in the amount of \$150 to be paid within two weeks, by June 1, 2015.**

**NEW BUSINESS**

**\*TAKEN OUT OF SEQUENCE**

**ITEM #V.13**

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 on February 3, 2015 she inspected this home. Notice was sent via certified mail and service was obtained. The property is in violation of work without a permit for a dock that was erected. On February 3, 2015 she took pictures of

the property that accurately depict the condition of the property. She requested that they be entered into evidence. Ms. Foster said that this case was continued from the March 2015 Hearing per the request of the property owner. On April 24, 2015, the property owner submitted the application for permit. There were some issues on the permit that needed to be addressed and they have not. Ms. Foster showed her pictures to Thomas Kuerbs. The Special Magistrate accepted them into evidence without objection as the Town's Composite Exhibit. Thomas Kuerbs testified that he is waiting for engineering paperwork for special inspections requested by the Building Department and was asking for a thirty-day continuance. Ms. Foster said she had no objections.

**The Special Magistrate ordered a thirty-day continuance to the June 22, 2015 Code Hearing.**

Ms. Foster requested \$150 Administration Fee. The Special Magistrate was asked if he would reduce the Administration Fee.

**The Special Magistrate mitigated the Administrative Fee from \$150 to \$75 and ordered to pay within fifteen days, by June 2, 2015.**

**FIRE CASES**

**ITEM #VI.1**

Case #: 15-1201 –

Property Owner: 3RM Investments, LLC

Address/Folio: 4144 El Mar Dr

Fire Inspector Stephen Paine, Fire Marshall for the Town of Lauderdale-By-The-Sea, testified that the property is an apartment building. They responded to a fire alarm that went off and some violations were found. There was an inspection the next day. A Notice of Violation was sent via certified mail to the owner in Coral Gables, Florida. Out of all the violations cited, two are left (N.F.P.A.1.10.11.6.2. remove barbecue grill on third floor east balcony and N.F.P.A.1.10.11.6.2. no access key box at the exterior of the building). He has photos on the day they did a re-inspection and wanted to submit them into evidence. The Special Magistrate entered them into evidence without objection as the Town's Composite Exhibit. The Town was asking for thirty days to come into compliance or a \$250/day fine for each of the two violations. The property manager, Tamara Sabbanfin, said that everything should be in compliance by tomorrow.

**The Special Magistrate ordered him to comply in thirty days or a fine of \$250/day for each of the two violations. No Administrative Fee was imposed.**

**ITEM #VI.3**

Case #: 15-1203 –

Property Owner: The Village By The Sea Condominium Apartments

Address/Folio: 1967 S Ocean Blvd Sect A & B

Fire Inspector Stephen Paine, Fire Marshall for the Town of Lauderdale-By-The-Sea, testified that the property is a condominium. They did an annual inspection in March 2015 and sent a copy of the inspection report to the property manager. Time went by and the violation did not get corrected. They went back today and the only violation that has not been completed was to seal up penetrations in the meter room around an electrical panel going up to the floors. He has photos that correctly and accurately depict the violations. The Special Magistrate entered the photos into evidence without objection as Town's Composite Exhibit. Mr. Paine spoke to the president of the

condo who is here this evening. He also spoke with the property manager. Both people agree to have the violation corrected within thirty days or a \$100/day fine with no Administration Fee. Stephen Sykes, president, said that he met with the Chief this morning. They will comply within thirty days. He has a contractor.

**The Special Magistrate ordered him to comply within 30 days or a fine of \$100/day. No Administration Fee was imposed.**

**NEW BUSINESS**

**ITEM #V.10**

Case #: 15030007 – Business Tax  
Property Owner: R Group LLC  
Address/Folio: 4133 El Mar Dr  
Code Section(s): Chapter 12 – Licenses Sec. 12-2 (a). Required.

Code Compliance Inspector Carmen Sanchez called the next two cases because all three cases are owned by the same property owner and have the same violation.

**ITEM #V.11**

Case #: 15030008 – Business Tax  
Property Owner: R Group LLC  
Address/Folio: 4136 N Ocean Dr  
Code Section(s): Chapter 12 – Licenses Sec. 12-2 (a). Required.

**ITEM #V.12**

Case #: 15030009 – Business Tax  
Property Owner: R Group LLC  
Address/Folio: 4132 N Ocean Dr  
Code Section(s): Chapter 12 – Licenses Sec. 12-2 (a). Required.

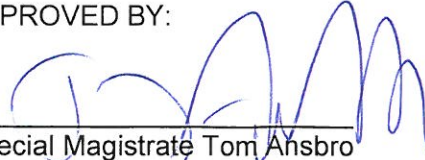
Code Compliance Inspector Carmen Sanchez testified that Notice was sent and service was obtained for all three cases. In May 2014, she sent a Courtesy Notice because all three did not have a BTR for renting apartments. She had e-mail communication and met with the property owner. She also met with the Fire Department in September 2014. The property owner wants to demolish the three properties and build something new. However, no plans have been submitted and no permits obtained. The three properties are occupied. All three properties are in violation of not having a BTR. She is requesting \$150 Administration Fee for each property. Ms. Sanchez is okay with giving 45 days to comply because the demolition permits may have been applied for by then.

**The Special Magistrate ordered to comply in 45 days, by July 2, 2015 or a fine of \$150/day for each case (#15030007, #15030008, #15030009). The Special Magistrate imposed an Administrative Fee in the amount of \$150 to be paid in 45 days, by July 2, 2015 for each case (#15030007, #15030008, #15030009).**

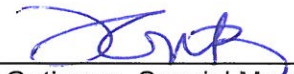
**VI. ADJOURNMENT**

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on May 18, 2015 at approximately 6:09 p.m.

APPROVED BY:

  
Special Magistrate Tom Ansbro

ATTEST:

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