

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, April 28, 2022 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:14PM on Thursday, April 28, 2022 with Town Attorney Alan Gabriel, Development Services Director Jhanelle Campbell, Senior Code Compliance Inspector Bethany Banyas, Code Compliance Inspector Greg Wienbarg, Building Official Simo Mansor, 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. 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.

Cases were typed in the order they were called. Special Magistrate Clerk Megan Small called into the record items to be continued to the May 26, 2022 Special Magistrate Hearing. Anyone who signed in for these cases were advised they could leave.

CONTINUED TO MAY 26, 2022

ITEM #V.7

Case #: 21100015 – Building Code Violations
Property Owner: 4146 Seagrape Dr LLC
Address/Folio: 4146 Seagrape Dr
Code Section(s): Florida Building Code Section 110.15. Building Safety Inspection Program

ITEM #V.8

Case #: 22010004 – Permits Required Violations
Property Owner: Esteves, John P
Address/Folio: 2011 Coral Reef Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

ITEM #V.10

Case #: 21120007 - Building Code Violations
Property Owner: Serafini, Silvio & Ana E
Address/Folio: 217 E Commercial Blvd

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

ITEM #V.11

Case #: 22010024 – Building Code Violations

Property Owner: 4051 N Ocean Dr LLC

Address/Folio: 4109 N Ocean Dr 1-8

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

ITEM #V.12

Case #: 21100050 – Sidewalk Café Violations

Property Owner: NLV Inc.

Address/Folio: 238 Commercial Blvd

Code Section(s): Chapter 17 – Streets, Sidewalks & Other Public Places Section 17-86(a)(1-7)
Chapter 30 – Unified Land Development Regulations – Section 30-261 (h)(1)

ITEM #V.14

Case #: 21070013 – Building Code Violations

Property Owner: Marenas 2010 LLC

Address/Folio: 4221 Bougainvillea Dr

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

ITEM #V.20

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)

ITEM #V.21

Case #: 21100052 – BTR Housing Inspection

Property Owner: Pulso Miami LLC

Address/Folio: 4655 Bougainvillea Dr

Code Section(s): Chapter 10 – Garbage and Refuse Section 10-28 (e)
Chapter 30 – Unified Land Development Regulations – Section 30-480(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-36(d)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)
Chapter 6 – Building and Building Regulations Section 6-41(b)
Florida Building Code 6th Edition (2017) FBC BCA Section 105.1. Permits. Required

ITEM #V.#22

Case #: 22010003 - BTR Inspection/Commercial

Property Owner: MJB Chelsea LLC

Address/Folio: 235 E Commercial Blvd

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

ITEM #V.28

Case #: 22020002 – Building Code Violations
Property Owner: FPA Holdings LLC
Address/Folio: 262 Commercial Blvd
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

ITEM #V.29

Case #: 21060005 – Building Code Violations
Property Owner: D'Angelo, Michael S Harris, Jonathan & Ameueiras, Mar
Address/Folio: 3210 Oleander Way
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1. Permits. Required

ITEM #V.30

Case #: 21120003 – Building Code Violations
Property Owner: Royal Coast Condo Association, Inc
Address/Folio: 2000 S Ocean Blvd
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

ITEM #V.33

Case #: 21100012 – Building Code Violations
Property Owner: El Dorado Club AKA Delrado Inc.
Address/Folio: 1470 S Ocean Blvd.
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

ITEM #V.35

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

ITEM #V.38

Case #: 22020005 – BTR Housing Inspection
Property Owner: Terra Mar Island Escape LLC
Address/Folio: 3240 Fiesta Way
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits

ITEM #V.45

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

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

CONTINUED TO JUNE 23, 2022**ITEM #V.1**

Case #: 21110012 – Building Code Violations
Property Owner: Commercial East LLC

Address/Folio: 100 E Commercial Blvd
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

ITEM #V.2

Case #: 21110017 – Building Code Violations
Property Owner: Bermuda Blue Vacation Apt LLC
Address/Folio: 4324 N Ocean Dr. 1-4
Code Section(s): Florida Building Code FBR BCA Section 110.15 Building Safety Inspection Program

ITEM #V.3

Case #: 22010010 – Permits Required Violations
Property Owner: Frisone, Anthony & Camilla A & Camila Frisone Rev Liv Tr
Address/Folio: 4626 Seagrape Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

ITEM #V.4

Case #: 22010011 – Permits Required Violations
Property Owner: L'Amie, David Richard David Richard L'Amie Tr
Address/Folio: 4624 Seagrape Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

ITEM #V.5

Case #: 22010007 – Permits Required Violations
Property Owner: Candela, Christopher P H/E Candela, Lisa M
Address/Folio: 4632 Seagrape Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

ITEM #V.6

Case #: 22010008 – Permits Required Violations
Property Owner: Poli-Firman, Lisa M
Address/Folio: 4630 Seagrape Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

ITEM #V.9

Case #: 21090010 – Zoning Violations
Property Owner: SKY007 LLC
Address/Folio: 230 Lake Ct
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-113 (f)(4)

Special Magistrate Clerk Megan Small then called cases for which a lawyer was present.

OLD BUSINESS

ITEM #V.17

***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)

Senior Code Compliance Inspector Banyas testified that this was on the agenda for certification of fine. At the March hearing, the Special Magistrate ordered a revised Final Order for compliance by March 31, 2022 which was for an approved site plan or a fine of \$250/day. They did submit a plan on April 21, 2022 to the Town but it was lacking. The Town recommended certification of the lien today but was willing to hold off on the recording of the lien for thirty days. The Special Magistrate asked Ms. Banyas for confirmation that the fine began accruing on April first for \$250/day and she confirmed. The Special Magistrate explained to the respondent that the lien would be certified today but would not be given to Broward County for recording for a period of thirty days to give them more time to comply. Inspector Banyas reminded that the cost for certification of the lien was \$200. The total costs would be \$25 and \$50 for previous costs for the hearings plus \$200 for today for a total of \$275 in costs.

Attorney Graham Penn said their new architect, Larry Barrow, was here tonight. Staff should have their written comments by early next week. If things go smoothly, this process should be complete in thirty days. That was why they were requesting not to impose the lien tonight but give them another thirty days to come into compliance for an approved site plan. They have been working in good faith to resolve this and their new architect was doing a great job. The Special Magistrate asked for the Town's response.

Development Services Director Jhanelle Campbell testified that it was the Town's position to impose the lien tonight but to hold off recording in good faith for thirty days. She did speak with the architect today and Staff would work with him on code issues that needed to be addressed plus whatever else. The Special Magistrate said that if the lien was certified today, we could still hear the progress at the next hearing, May 26, and decide about recording or whatever at that time. Special Magistrate Tom Ansbro informed Attorney Penn that it would be handled that way. The Special Magistrate ordered certification of lien, hold off on recording for thirty days, and come back to the May 26, 2022 Special Magistrate Hearing for an update.

NEW BUSINESS

ITEM #V.34

***TAKEN OUT OF SEQUENCE**

Case #: 22010027 – BTR Housing Inspection
Property Owner: Ziriakus, Daniel
Address/Folio: 3261 S Terra Mar Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a)
Florida Building Code FBC BCA Section 105.1. Work Without
Permits. Permits. Required

Code Compliance Inspector Greg Wienburg testified regarding what the violations were. He answered the Special Magistrate that this was a single-family home. He showed his photos to the respondents and then gave them to the Special Magistrate who accepted them into evidence without objection as Town's Composite Exhibit. The Town's position was requesting a Final Order to the June 23, 2022 Hearing with a compliance date of June 22, 2022 or \$100/day/violation fine with \$50 cost for today's hearing. As the work was already done, compliance was obtaining all issued permits so the case could be taken off the docket.

The homeowner's attorney, Stephen J. Straley, was here as well as the contractor. The attorney said they were working diligently on compliance but had one question. They have to clear up the old kitchen renovation which was done by a different homeowner but his client wanted to do a new kitchen. Could his client submit plans for a new kitchen instead of clearing up the old kitchen and then working on a new kitchen? Building Official Simo Mansor testified that they could submit plans for a demo and a new kitchen. The Special Magistrate ordered compliance by June 22,

2022 or \$100/day/violation fine would be imposed plus \$50 cost for today's hearing due immediately but payable within thirty days.

As there were no other cases with an attorney present, Town Attorney Alan Gabriel departed the hearing.

ITEM #V.25

***TAKEN OUT OF SEQUENCE**

Case #: 22030010 – Building Code Violations

Property Owner: Leisure By The Sea Association, Inc. c/o Exclusive Property Management

Address/Folio: 226 Hibiscus Ave

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

Senior Code Compliance Inspector Banyas testified that this case encompassed four buildings. She believed that a member of the board was here. The violation was being overdue for the fifty year re-certification. The inspection report was submitted but repairs were needed for both disciplines. The Town's recommendation was issuing a Final Order giving the 180 days per the FBC, to comply in full with the building safety inspection program requirements and submitting the updated reports showing no repairs were required. If not complied by October 25, 2022, then a \$250/day fine would accrue thereafter. The next hearing would be set for October 27, 2022 with \$50 cost for today's hearing.

James Greyly, Treasurer/Leisure By The Sea Assoc, answered the Special Magistrate that this was a condominium. They were notified on March 9, 2022 and hired an engineer and architect who did the inspection. Discussion ensued about who would get the order and it was requested by the Special Magistrate that the treasurer would be sent a courtesy copy. The Special Magistrate ordered a Final Order giving 180 days (October 25, 2022) to comply by submitting reports reflecting no repairs were required or a fine of \$250/day would accrue thereafter and come back on October 27, 2022 Hearing, if necessary, plus \$50 cost for today's hearing due immediately but payable within thirty days.

OLD BUSINESS

ITEM #V.19

***TAKEN OUT OF SEQUENCE**

Case #: 21110005 – Property Maintenance

Property Owner: Seavey, Mitchell

Address/Folio: 292 S Tradewinds Ave

Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-311 (c)(7)
Chapter 6 – Building and Building Regulations Section 6-41(b)
Florida Building Code FBC BCA Section 105.1 Work Without Permits.

Code Compliance Inspector Greg Wienburg testified that this was an existing case cited for dock repair. The dock has been secured by a demo permit. He said that the thought was to extend the compliance date to August 24, 2022 and come back to the August 25, 2022 Special Magistrate Hearing. The homeowner, Mitchell Seavey, testified as to why he needed more time. Inspector Wienburg said the extension to the August 25, 2022 Hearing would give him about twenty weeks. The Special Magistrate asked what happened to his being in compliance by February 23 and the inspector explained. Mr. Seavey paid prior costs and as of now, there would be no fines or costs.

The Special Magistrate ordered the compliance date extended to August 24, 2022 and to come back to the August 25, 2022 Special Magistrate Hearing with no fines or costs running.

CERTIFICATION OF LIEN

ITEM #V.43

***TAKEN OUT OF SEQUENCE**

Case #: 21110011 – Building Code Violations

Property Owner: Joyce, Kevin

Address/Folio: 1800 S Ocean Blvd, 910

Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Code Compliance Inspector Greg Wienbarg testified that there was a Final Order in place with fines running. The Town requested continuing this sixty days to June 23, 2022 with no cost for today's hearing. Mr. Joyce said that the plans were stamped today, so he flew in. The inspector answered the Special Magistrate that fines started to run February 23, 2022. Once the permit for interior work would be issued, the case could be stopped and closed. Fines would also stop accruing and the respondent could ask for mitigation. The Special Magistrate ordered continuance to June 23, 2022 Hearing subject to the issues mentioned today.

NEW BUSINESS

ITEM #V.31

***TAKEN OUT OF SEQUENCE**

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 Bethany Banyas testified that there were two violations. The seawall was in disrepair and there were areas of erosion in the backyard. The Notice of Violation was issued on January 6, 2022 and on February 12, 2022, the property was posted. She had evidence for this case and showed her pictures to the respondents and gave them to the Special Magistrate. She and the Building Official had a conversation with Mr. Colaner and his daughter, Laura. The Building Official would like a letter from a professional engineer submitted to the Town verifying the safety of the seawall and whether it had any effect on the surrounding neighborhood. Permits for the seawall repair would also have to be submitted.

The Special Magistrate was told by Mr. Colaner that the pictures were accurate and he accepted them into evidence as a Composite Exhibit for the Town. The Special Magistrate wanted to know what was wrong with the seawall and Inspector Banyas replied that there were boards that covered up a large hole/area of erosion. The seawall itself had cracks and was falling. Mr. Colaner said he objected to that because it was all level and not up and down. Building Official Simo Mansor testified that the seawall has a crack and deterioration would be faster. His seawall did not only affect him, it could affect his neighbor as well. The neighbor spent money for her seawall and was afraid that it would be affected by his and the Building Official thought it could. The female neighbor left to get more pictures and show them to the Special Magistrate. The Building Official wanted a letter from an engineer stating that despite the seawall's appearance, it was safe. He also wanted the permits issued for the repairs to stop the damage going to the neighbor. Mr. Colaner said his problems started after someone put big pipes in his seawall. Whether it was the City or his neighbor, when that hole was made in his concrete, it created a weakened area. Someone besides him should pay for that damage. Building Official Simo

Mansor explained to Mr. Colaner that his backyard was sinking as the water took more dirt out of his backyard.

The Special Magistrate said that the female neighbor was going to bring more pictures so that he could get a better understanding of this situation. He further told Mr. Colaner that he had to get an engineer to come out and certify if the seawall was structurally sound and safe. He wanted sealed plans that Mr. Colaner would show to the Building Official. The engineer would have to explain the different pipes that Mr. Colaner was talking about. Pipes were not in front of the Special Magistrate tonight. The seawall and the backyard erosion were in front of the Special Magistrate tonight. Mr. Colaner would have to backfill any areas of erosion in his backyard. His daughter, Laura, said the seawall has been degraded in the last five or six years on that one corner. The process of building neighborhood pools and docks required huge machinery which was about five feet from where this damage is. Her father put a lot of time in to deal with this issue.

The neighbor, Pamela Schwier, returned and said she lived adjacent to Mr. Colaner. She was shown the Town's pictures. She brought her own pictures on a thumb drive. She said that Mr. Colaner has a hole in his seawall. She also said that she had a report as people were able to look at his wall in the water, and she spoke about issues. She said she was losing dirt in her backyard which was next to him. She was afraid especially if there would be a hurricane. Ms. Banyas returned to the hearing with additional pictures from her initial visit for this case on December 29, 2021. They started with another angle of the seawall and the crack on the cap. She also had a copy of the seawall inspection report provided by the neighbor, Pamela Schwier, and accompanying photos, etc. She would submit it into evidence. The Special Magistrate asked the respondents if they had any objections to the pictures and the report that the inspector just brought in. Laura said the pictures were just not current anymore. Building Official Simo Mansor spoke about when dirt was placed in the backyard, it needed to be compacted to a certain PSI. The Special Magistrate saw all the pictures and he would add it along with the report that the neighbor gave him to the file as evidence as Town Composite Exhibit 2.

The Town recommended an engineer's letter regarding the seawall and permits to repair the wall by May 25, 2022 or a fine of \$200/day (\$100 for each violation) would accrue. The respondents were cautioned to fix the seawall and then fix the soil erosion. Ms. Banyas said there was a \$50 cost for today's hearing. The Special Magistrate told the daughter that her dad must first have an engineer come out to inspect the seawall and write a letter of his findings and get that to the Town by May 25, 2022. At that point, we would know what you were up against. The Special Magistrate ordered compliance by giving the Town an 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 cost for today's hearing due immediately but payable by May 25, 2022.

ITEM #V.40

***TAKEN OUT OF SEQUENCE**

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

Code Compliance Inspector Greg Wienbarg testified that this was an existing case for work without permits for multiple air conditioning units installed without permits. The Town was requesting a Final Order to comply by May 25, 2022 or \$100/day/violation fine and to come back

to the May 26, 2022 Hearing plus \$50 cost for today's hearing. Compliance meant that the permit(s) get issued. The Special Magistrate asked the respondent if she understood and she (Tanya Brown) replied that she did. The Special Magistrate ordered a Final Order to comply by May 25, 2022 or a fine of \$100/day/violation to start accruing May 26, 2022 and come back to the May 26, 2022 Special Magistrate Hearing plus \$50 cost due immediately or payable by May 25, 2022.

CERTIFICATION OF LIEN

ITEM #V.44

***TAKEN OUT OF SEQUENCE**

Case #: 22010021 – Property Maintenance
Property Owner: K M & Buschbaum Inc
Address/Folio: 4225 El Mar Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(5)
Florida Building Code FBC BCA Section 105.1. Work Without
Permits. Permits. Required

Code Compliance Inspector Greg Wienbarg testified that this existing case, which started as an emergency case, has an Order in place but nothing has been done. They were supposed to be in compliance by February 23, 2022. The Town's position was to certify the lien plus \$200 for the cost of certification and wait sixty days before recording the lien with the County. The Special Magistrate told the respondent that the fine was running more than two months at \$250/day and it was a substantial amount of money. The Special Magistrate explained that the Town was going to certify the lien but it would not be put on the property (not recorded) for two months. This would give her time to get all issues fixed and into compliance by getting a permit issued. The property is a hotel and they put split air conditioner units to air condition the building. The Special Magistrate said \$200 in costs was due within thirty days. The lady said her name is Tanya Brown but Camille was working on getting this fixed. Camille would be out for a while. The Special Magistrate asked Inspector Wienbarg to ensure that Tanya Brown receives a courtesy copy of the orders. Ms. Brown is the same lady from the previous case #22030007. The Special Magistrate ordered certification of the lien plus \$200 cost due within thirty days and not to record the lien with the County for sixty days.

The Special Magistrate requested the Fire Case with Tanya Brown as respondent to be called.

FIRE CASES

ITEM #V.48

***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 and today he conducted a re-inspection. There were six items left and he spoke about them. They were making some progress. He received a phone call from Camille today. She was the lady who he has been dealing with. She sent him an e-mail asking for another thirty days to come into compliance. The Special Magistrate told the respondent, Tanya Brown, to make herself familiar with the six fire case issues that still need to be resolved. As Camille would be out for a while, Fire Marshal Paine gave a copy of what needed to be resolved to Tanya who would sign for receipt of that list and for getting the issues resolved for the company. He was willing to give thirty more days to get these six items fixed by May 25, 2022 or a fine of \$250/day. The Special Magistrate explained that you just could not delay work for fire and electrical items that need to be fixed. Fire Marshal Paine would ensure that Tanya Brown would be emailed the order for this

fire case. The Special Magistrate ordered a revised Final Order granting thirty more days to get the last six items remaining fixed by May 25, 2022 or a fine of \$250/day and return to the May 26, 2022 Special Magistrate Hearing, if needed.

NEW BUSINESS

ITEM #V.41

***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

Code Compliance Inspector Greg Wienburg testified as to what was installed without permits including a gazebo. He answered the Special Magistrate that the building was an apartment building with nine units. The Town's position was for a Final Order with a comply-by date of May 25, 2022 or a \$100/day/violation fine returning back to the May 26, 2022 Hearing plus \$50 cost for today's hearing. Compliance meant issued permits for each discipline and maybe a demo permit as well. Since this was a commercial property, a general contractor had to do the work. Tanya Brown, respondent, said that she understood what had to be done. The Special Magistrate said it was important to make this property safe and to address the issues. The Special Magistrate ordered a Final Order with a comply-by date of May 25, 2022 or a \$100/day/violation fine coming back to the May 26, 2022 Hearing plus \$50 cost for today's hearing due immediately but payable by May 25, 2022.

Code Compliance Inspector Greg Wienburg wanted to let Tanya Brown know that there was a case #22010023 for 4225 El Mar Drive which was on today's agenda but was continued to the May 26, 2022 Hearing. Discussion ensued so that she would be familiar with this case which would be on the May 26, 2022 agenda. Compliance would be getting issued permits for work already done.

FIRE CASES

ITEM #V.49

***TAKEN OUT OF SEQUENCE**

Case #: 21-1344
Property Owner: Isla Bella, LLC
Address/Folio: 4324 Seagrape Drive

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. For the record, there was no one representing the property owner. He thought plans were being worked on and Inspector Wienburg was speaking with the owner. He did not think anyone was there and the property was posted. Inspector Wienburg testified that he still has another, separate case for this property dealing with other permitting issues. He thought the owner, living in California, was getting all the plans ready to submit for permits. Fines were running already on Inspector Wienburg's case. Fire Marshal Paine requested that his case be continued to May 26, 2022 Special Magistrate Hearing and he would have a recommendation by then for what needed to be done. The Special Magistrate ordered continuance of this agenda item, case #21-1344, to the May 26, 2022 Hearing.

SPECIAL SET A (late addition)

ITEM #V.A

Case #: 22-1346
Property Owner: Dee Jay Enterprises Inc / Greenberg, Marissa C

Address/Folio: 4613 El Mar Drive

Fire Marshal Stephen Paine testified that this was the Dee Jay Hotel. A while back, they had a fire. The building was vacant as extreme damage was caused to the structure and the building was boarded. The roof was repaired and the building was then opened up. For the record, there was no one to represent the property owner. The fire marshal submitted pictures to the Special Magistrate as evidence for the file. Those were true and accurate photos taken on April 26, 2022. This was a fully functioning hotel and he explained about the other structures on property. They received numerous complaints and went out there to observe the situation. The owner was to board the building that had a fire as it was a hazardous condition or the Town would have to board it. The owner had it done. The Special Magistrate accepted the photos as the Town's Composite Exhibit. Fire Marshal Paine testified that this case was now complied with no cost and no fines.

Fire Marshal Stephen Paine departed the meeting.

OLD BUSINESS

ITEM #V.13

Case #: 21080010 – Property Maintenance
Property Owner: Corporate Center By The Sea
Address/Folio: 224 Commercial Blvd
Code Section(s): Chapter 6 – Building and Building Regulations – Section 6-37
(a)(1)

Senior Code Compliance Inspector Bethany Banyas testified that the Town requested an extension on this case to June 22, 2022 and come back to the June 23, 2022 Special Magistrate Hearing with no cost for today's hearing. The Special Magistrate ordered an extension on this case to June 22, 2022 and to come back to the June 23, 2022 Special Magistrate Hearing. For the record, there was no one to represent the property owner.

ITEM #V.15

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)

Senior Code Compliance Inspector Banyas testified that today was just an update. She had an email that she read into the record from Terry. For the record, there was no one to represent the property owner. Spiro Marchelos informed as to why he could not attend today. As per usual, this would be continued to the next meeting which was May 26. The Special Magistrate ordered continuance to the May 26, 2022 Hearing for another monthly update.

ITEM #V.16

Case #: 20100010 – Building Code Violations
Property Owner: Sauvageau, Danielle
Address/Folio: 4518 Seagrape Dr 1-2
Code Section(s): Florida Building Code Section 105.1 Required

There was no one present for this agenda item. Senior Code Compliance Inspector Banyas testified that the Town recommended to revise the Final Order. This would grant the respondent's request for a retroactive extension of the comply-by date to June 8, 2021 which would remove

the fines that accrued. The Special Magistrate ordered a retroactive extension of the comply-by date to June 8, 2021 which would remove the fines that accrued.

ITEM #V.18

Case #: 21110003 – No Garbage/Trash Service
Property Owner: Karia Global LLC
Address/Folio: 223 Commercial Blvd
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27 (a)(1)

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town recommended revocation of the Final Order. Through Staff review, it was determined that the property was not required to open and establish an active Solid Waste account as the property was unoccupied and a business was not established in it. There was no need for Solid Waste Service. This revocation would also rescind any cost and fines associated with this case. The Special Magistrate ordered revocation of the Final Order for this agenda item requiring opening and establishing an active Solid Waste Account to include rescinding any cost or fine.

NEW BUSINESS

ITEM #V.23

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

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that on January 18, 2022 she spoke with the owner who said he would comply by obtaining an inspection report. She has not heard from him and has not received those reports. The recommendation was for a Final Order for compliance by May 25, 2022 by complying with the Building Safety Inspection Program in full and supplying a clear report or a fine of \$200/day. A hearing cost of \$50 was recommended. The Building Official was consulted on this and agreed with Ms. Banyas. The Special Magistrate ordered a Final Order to comply by May 25, 2022 by complying with the Building Safety Inspection Program in full and supplying the Town with a clear report or a fine of \$200/day would accrue thereafter and return to the May 26, 2022 Special Magistrate Hearing, if necessary, plus a cost of \$50 for tonight's hearing due immediately or payable by May 25, 2022.

ITEM #V.24

Case #: 22030002 – Building Code Violations
Property Owner: FDG North LLC
Address/Folio: 4640 El Mar Dr
Code Section(s): Florida Building Code Section 110.15. Building Safety Inspection Program

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that she thought they would attend. She would like to suggest a continuance. She said that this was a forty year case and they submitted the initial report in November. Repairs were required. They advised that they were in contract negotiations for concrete restoration in the amount of approximately \$1,700,000. The Building Official was asking for an engineer's letter verifying that the building was safe to occupy but she did not feel that was

necessary in a Final Order. She was suggesting a continuance and she would communicate with them. She asked the Special Magistrate to state on the record that he would like an engineer's letter submitted before the next hearing that the building, actually, there are two buildings, are safe for occupants. The Special Magistrate agreed with all Ms. Banyas said. An engineer's letter is to be submitted before the next hearing regarding the safety of the two buildings for occupancy and he also agreed with the continuance to the next hearing on May 26, 2022. The Special Magistrate ordered continuance of this agenda item to the May 26, 2022 Hearing.

ITEM #V.26

Case #: 22030012 – Permits Required Violations
Property Owner: Bingham By The Sea LLC
Address/Folio: 4548 N Ocean Dr 1-5
Code Section(s): Florida Building Code 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 she had a photo to submit and it was given to the Special Magistrate who accepted it into the record as Town's Composite Exhibit. On March 9, 2022 she received a complaint from a resident and inspected the property. After conferring with the Building Official, she issued a Notice of Violation. She spoke with Mr. Bingham who called her phone on March 15th and she explained the items (shed and pull-up bar) and what was required to become compliant. Nothing was done. The Town requested a Final Order with a May 25, 2022 comply-by date and return to the May 26, 2022 Hearing. If not timely complied, a fine of \$100/day to accrue until compliance was reached plus \$50 cost for today's hearing. She wanted on the record that the Building Official went out to the property today and found work being done in one of the units which will also be in front of the Special Magistrate at a future meeting. The Special Magistrate ordered a Final Order to comply by May 25, 2022 or a fine of \$100/day to accrue until compliance was reached plus \$50 cost for today's hearing due immediately but payable by May 25, 2022 and to return to the May 26, 2022 Special Magistrate Hearing if compliance was not reached.

ITEM #V.27

Case #: 22030015 – Parking or Storage of Trailers
Property Owner: Couriel, Joseph A
Address/Folio: 222 N Tradewinds Ave
Code Section(s): Chapter 19 – Traffic and Motor Vehicles Section 19-21 (b)(4) –
Parking or storage of motor vehicles and vessels.

There was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that she had evidence but since it was not uncontested, she would not hand it in. The violation was storage of a trailer and a boat on the grass in the side yard. This violation keeps on coming back. For the record, the violation was in compliance today. The Notice of Violation was issued on March 12, 2022. She posted the property and received service on April 16, 2022. The property complied on April 20, 2022. She spoke with the property owner and the violator and advised them of the hearing. The homeowner is the father, and the boat and trailer is owned by the son. She stated, for the record, the dates when the same issue/violation has occurred in the past. The Town was requesting a Finding of Fact that the violation existed and was compliant now but should it happen again on the property in the future, it could be deemed a repeat violation subject to more immediate and higher fines. There were no fines or fees for today. The Special Magistrate informed Inspector Banyas to let them know that if this should occur again, he would go up to the highest fine he could assess. People could not keep

trying to get away with the same violations. The Special Magistrate ordered a Finding of Fact that the violation existed and was in compliance now but should it happen again on the property in the future, it could be deemed a repeat violation subject to more immediate and higher fines. There were no fines or fees for today.

ITEM #V.32

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 she had photos to give to the Special Magistrate. She further stated that the owner of record, George C Shanahan, has passed and the property was in disrepair. His partner or wife was living there, and it was a bit of a hoarding situation and other matters. On March 23, 2022, the Town received a complaint. Inspector Banyas issued a Notice of Violation shortly thereafter and the property was posted on April 5, 2022. She read the violations into the record while explaining what the violations entailed. She answered the Special Magistrate that family was never mentioned and they seem to have been very isolated. Inspector Wienbarg also spoke with the lady living there and said she seemed to need help and she told him that she was not in good health. He gave her Inspector Banyas' phone number. Inspector Banyas said that the house has been this way for quite some time but not until recently did a neighbor complain. The Special Magistrate asked about County assistance and Ms. Banyas said that any such help would not be able to give the house the major overhaul it needed. However, the Corvette under the cover was in good condition and not too old. The Inspector thought that it was never driven. The license plate was current.

The Special Magistrate said to find out something from Social Services. He did not want to fine her because it would not get the Town anywhere. Some of the violations could be abated. Inspector Banyas asked if Staff exhausted all charitable organizations and is possible help from the church and fire station staff, and if not then could the Town offer to abate and charge the property? She did not think the abatement could be with consent because she did not think that the lady living there owned the property. The Special Magistrate felt that the Town Attorney should be called and to speak with either Susan or Alan. Special Magistrate Ansbro said to exhaust everything they could to get people to try to clean this up. He was worried about the pool since the fence was leaning and did not seem secure. For safety, he would like this situation abated as quickly as possible. Inspector Banyas would speak with the Town Attorney and the Development Services Director and if necessary, set up a Special Meeting. The Special Magistrate said that the property could not be left like this and the lady living there may not be doing well. He wanted them to see what was going on and to exhaust all avenues to get the lady some help. Some things could be abated and charged to the property. Besides the lady living there, neighbors should not have to tolerate this, especially the pool and fence condition. He advised to do what they could to see what was going on. It was decided to continue this until the May 26, 2022 Hearing so that the Town could find out as much as possible. The Special Magistrate ordered continuance to the May 26, 2022 Special Magistrate Hearing.

ITEM #V.#37

Case #: 22020004 - BTR Housing Inspection
Property Owner: Lievano, Guillermo A Hernandez, Alfredo J
Address/Folio: 1801 E Terra Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-480 (a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

There was no one present for this agenda item. Code Compliance Inspector Wienbarg testified that the three violations were still not in compliance and he explained what the violations were. The Town was requesting a Final Order with a comply-by date of June 22, 2022 and \$100/day/violation if not timely complied plus \$50 cost for today's hearing and to come back to the June 23, 2022 Hearing if still not in compliance. He answered the Special Magistrate that there were three violations. The Special Magistrate ordered a Final Order with a June 22, 2022 comply-by date and \$100/day/violation fine to start accruing June 23, 2022 if not timely complied plus \$50 cost due immediately but payable within thirty days and come back to the June 23, 2022 Special Magistrate Hearing if not in compliance.

CERTIFICATION OF LIEN**ITEM #V.46**

Case #: 21100009 – Building Code Violations
Property Owner: Masias, Mirtha H Reinkendorf
Address/Folio: 1500 S Ocean Blvd, 1608
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

There was no one present for this agenda item. Code Compliance Inspector Greg Wienbarg testified that this property had a Final Order to comply by February 23, 2022 for work without permits for interior renovations. The Town was requesting certification of lien with \$200 cost of the certification. The Special Magistrate ordered certification of lien for this agenda item to include \$200 for the cost of certification.

ITEM #V.#47

Case #: 22030018 - Property Maintenance
Property Owner: 827 NW 114th St LLC
Address/Folio: 230 Pine Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

There was no one present for this agenda item. Code Compliance Inspector Wienbarg testified that this case was complied by way of abatement on April 6, 2022 by Greco International Corporation for a cost of \$2,000 paid by the Town (for boarding and securing the property and cutting the overgrown grass). There was also \$3,000 in fines that accrued while the property was not in compliance, and \$50 hearing cost. The Town requested these amounts to be certified as a lien on the property to also include \$200 cost for the certification. Inspector Wienbarg gave a copy of the Town's \$2,000 check and email communication he had with the owner to the Special Magistrate who accepted it into the file as evidence as the Town's Composite Exhibit. The Special Magistrate ordered certification of lien for this agenda item for the amounts discussed.

The following three agenda items (#36, #39 and #42) 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
36	22020003	207 Commercial Blvd
39	22020006	207 Commercial Blvd
42	22030019	4051 N Ocean Dr

V. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on April 28, 2022 at approximately 7:32PM.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:



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