

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, April 27, 2023 at 5:00PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:17PM on Thursday, April 27, 2023 with Town Attorney Alan Gabriel, Senior Code Compliance Inspector Bethany Banyas, Code Compliance Inspector Eric Villanueva, Code Compliance Inspector Sonya Lowe, Development Services Director Jhanelle Campbell, Building Official Simo Mansor, and Special Magistrate Clerk Maritza Martinez to record the minutes.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

Please note for the record that this is an in-person hearing.

IV. PUBLIC COMMENTS

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

V. CODE CASES

The cases were heard in the order they were typed. All discussions in the matters were not limited to the case summaries typed below.

SPECIAL SET

ITEM #V.22

***TAKEN OUT OF SEQUENCE**

Case #: 21120018 – Building Code Violations

Property Owner: Fountainhead Association, Inc.

Address/Folio: 3900 N Ocean Dr

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

Code Compliance Inspector Eric Villanueva testified that this was for the 50-year Building Safety Inspection Program certification. He believed the owner's representative was here to request a continuance. Henry Hillman, Hillman Engineering, testified that another fifteen or sixteen months were needed to finish this job as all the balconies, etc. need replacement. He explained what was accomplished so far. The Inspector answered the Special Magistrate that the Town was fine with a continuance for ninety days, July 26, 2023 and have a Status Conference at the July 27, 2023 Hearing. There were no fees assessed for today. The Special Magistrate ordered a continuance to July 26, 2023 and come back for a Status Conference at the July 27, 2023 Hearing with no costs or fees assessed for today's hearing.

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

Case #: 21100051 - Building Code Violations
Property Owner: Crane – Crest Apartments, Inc.
Address/Folio: 1850 S Ocean Blvd
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

Code Compliance Inspector Eric Villanueva testified that the owner's representative, Henry Hillman, was here to request a continuance. The Town has already agreed to a 90-day continuance. Henry Hillman, Hillman Engineering, asked if that would be the same day as the previous case and was answered in the affirmative. He further answered the Special Magistrate that it would take about sixteen months to finish the work. He explained what was done so far and what was needed to be done. Mr. Hillman answered the Building Official that they have been sending updates and the daily log was right there at the site. The Special Magistrate ordered a continuance to July 26, 2023 and come back for a Status Conference at the July 27, 2023 Hearing with no costs or fees assessed for today's hearing.

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

Case #: 23030002 – Property Maintenance
Property Owner: 4326 Ocean Dr LLC
Address/Folio: 4326 N Ocean Dr 1-4
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(17) Maintenance of exterior of premises

Code Compliance Inspector Lowe testified regarding a repeat violation but corrected her testimony to speak about this new case regarding the garden wall and parking bumpers which were damaged. The parking lot needed to be re-sealed and re-stripped. The garden border and parking bumpers needed to be replaced. There was an earlier inspection which showed the parking lot was done. A neighbor on behalf of the owner of the house testified that this was now in compliance since this afternoon. The Inspector said she would have to go back and re-inspect. She suggested a continuance to May 24, 2023 so she could go back and re-inspect. She gave her photos to the Special Magistrate and the neighbor had no objections to the photos. The photos were accepted into evidence without objection as the Town's Composite Exhibit. The neighbor said his name was Mike Cefola. He was told to tell the owner that a zoning permit was needed for the parking lot and this case was continued to May 24, 2023 with no fees or costs for today's hearing. The Special Magistrate ordered continuance to May 24, 2023 and return to the May 25, 2023 Hearing with no fees or costs for today's Hearing.

CERTIFICATION OF LIEN**ITEM #V.13*****TAKEN OUT OF SEQUENCE**

Case #: 23030003– Nuisance
Property Owner: 4326 Ocean Dr LLC
Address/Folio: 4326 N Ocean Dr 1-4
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(1) Maintenance of exterior of premises

Senior Code Compliance Inspector Bethany Banyas testified this was an alleged repeat violation of Section 6-41(a)(1). This was observed and a Notice of Violation was issued that day on March 7, 2023. The property was also posted with a copy of the notice and that was how service was achieved. There was vegetative debris/trash/litter around the property which was complied.

However, the Town was recommending a daily fine for the repeat violation of \$500/day from March 7, 2023 until April 18, 2023 (43 days) which was the day before the inspection was done complying the case. The repeat violation was a repeat of a previous final order reference #22070002. The Inspector reported that the total amount of the fine was \$21,500 plus \$200 hearing cost for today and the Town recommended certification of lien. She also had photos and a copy of the previous order to submit which would establish that this was a repeat violation. A copy of the evidence was also given to Mike Cefola, neighbor. Mr. Cefola said that no one was on the property and garbage could get on the property. The Special Magistrate explained that there was overgrowth which was previously on the property and the owner was told not to allow overgrowth anymore. Since it re-occurred, it was called a repeat violation under law. The neighbor questioned why the severity of the fine and the Special Magistrate explained that was what happens when a violation is repeated and they have dealt with this owner for years who really needed to get the message. The neighbor had no objection to the photos which were accepted into the file without objection as the Town's Composite Exhibit. The Special Magistrate ordered certification of lien in the amount of \$21,500 (43 days @\$500/day) plus \$200 cost.

ITEM #V.14

Case #: 23020003 – Property Maintenance
Property Owner: Senouci, Carl
Address/Folio: 4652 Poinciana St #1
Code Section(s): Chapter 12 – Licenses Section 12-2(c)(1) Business Tax Receipt
Required
Chapter 6 – Building and Building Regulations – Section 6-36 (a)

Senior Code Compliance Inspector Banyas testified that Mr. Senouci has left. The case was complied.

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 21080006 – Permits Required Violations
Property Owner: Isla Bella LLC
Address/Folio: 4324 Seagrape Dr 1-4
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

Code Compliance Inspector Lowe testified that the violation was first observed on August 20, 2021. She informed that the permit was not approved and the owner was here to ask for an extension. Eddie Errutia answered the Special Magistrate that he was the owner. The Special Magistrate said that this has been before him many, many times. The owner said that they finished with units 1, 2, and 3. The only thing left was the second egress for the one unit above. He needed to obtain permits for the work previously done without permit. The owner asked for an extension of sixty days because the contractor was still trying to gather information. He answered the Special Magistrate that no one was using the upstairs unit and there was no power upstairs. The Town recommended deferring the lien for thirty days, until the next Hearing. The Special Magistrate informed the owner that this would be the last extension and we would be dealing with the certification of lien at the next hearing. Inspector Lowe said there was a \$25 hearing cost for today's hearing. The Special Magistrate ordered an extension to May 24, 2023 and coming back to the May 25, 2023 Hearing plus \$25 hearing cost for today's hearing due immediately but payable by May 24, 2023.

ITEM #V.15***TAKEN OUT OF SEQUENCE**

Case #: 23020005 – Permits Required Violations

Property Owner: Gil, Hilda

Address/Folio: 4444 Bougainvillea Dr

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

Code Compliance Inspector Lowe testified that this was a case of work without permits for two windows that were installed. A Notice of Violation / Notice of Hearing was issued on February 3, 2023 when the violation was first observed. Two windows were installed without a permit. Hilda Gil, owner, said that since the day of the violation, she was diligently trying to get the permit. Every time, there seemed to be more paperwork required. She was here to ask for an extension for two more months in case more paperwork needed to be submitted. The Inspector said that the Town was recommending thirty more days plus \$25 hearing cost for today's hearing. Inspector Banyas explained about the process to go in front of the Town Commission if Ms. Gil was not satisfied with the outcome of this hearing. Building Official Mansor testified that this permit should be closed by next month but the owner needed to bring in a timely manner whatever was requested by the Town. The Special Magistrate ordered an extension to May 24, 2023 and return to the May 25, 2023 hearing plus \$25 hearing cost due immediately but payable by May 24, 2023.

CASES TO BE CONTINUED**ITEM #V.2*****TAKEN OUT OF SEQUENCE**

Case #: 23010010 – Vacation Rental

Property Owner: JJTA Real Properties LLC

Address/Folio: 260 Allenwood Dr

Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-327(b) Vacation Rentals and Short Term Rentals

Code Compliance Inspector Villanueva testified that this case already had a Final Order for not obtaining a BTR on a rental property. The owner has applied for a BTR but when the inspector did his inspection, he found work without permit and that case would be heard at the May hearing. The Town would recommend to let the fines run and when in compliance, they could discuss mitigation, if warranted, for this case but the owner was in attendance tonight to ask to stop the fines. Dane Myer was representing the owner and testified that he was working with the pool contractor. He said that he would get the architect for the plans and secure the necessary permits. Building Official Mansour answered Mr. Myer about how long it should take to obtain the permit in Lauderdale-By-The-Sea. The Special Magistrate explained that the fines would continue to run until a permit was obtained so it was incumbent on him to diligently get it done. The inspector explained that at the May 25, 2023 hearing, he would hope that they complied this case and the new one which would be presented in May for work without a permit. The Special Magistrate ordered the fines for this case to continue running and return to the May 25, 2023 Hearing.

OLD BUSINESS**ITEM #V.7**

Case #: 23020006 – Sidewalk Café Violation

Property Owner: MJB Chelsea LLC

Address/Folio: 237 E Commercial Blvd

Code Section(s): Chapter 17 – Streets, Sidewalks, and other Public Places Section 17-89 (c)(4)1.

Chapter 17 – Streets, Sidewalks, and other Public Places Section 17-89 (e)(1)
Chapter 17 – Streets, Sidewalks, and other Public Places Section 17-89 (j)(12)b.
Chapter 17 – Streets, Sidewalks, and other Public Places Section 17-89 (j)(12)c.
Chapter 17 – Streets, Sidewalks, and other Public Places Section 17-89 (j)(5)
Chapter 17 – Streets, Sidewalks, and other Public Places Section 17-1

Senior Code Compliance Inspector Banyas said that there was a Final Order issued at the previous hearing with compliance requiring that they submit a valid and complete application to amend their sidewalk café plans with all of the required items as described in the Town's Ordinances within seven days by March 30, 2023 or \$100/day fine. The inspector explained that the compliance deadline was not met. However, Development Services Director Campbell did have something now to work with but they were not completely complied. Ms. Campbell now has a complete application that could go forward in the process. She said that Edith was here to ask for an extension of time. The owner, Edith, testified that she gave everything to Ms. Campbell but had to leave in a little while to go to France. She asked the Special Magistrate for a thirty-day extension to ensure everything would get set up. Inspector Banyas said that the Town had no opposition to the thirty-day extension until May 24, 2023. The inspector asked the Special Magistrate if he intended at the last hearing for the \$100/day fine to be for all the violations or \$100/day/violation. She said that the Town's intent was for \$100/day fine for all the violations to equate to \$20/day/violation across the five violations. The Special Magistrate ordered a revised Final Order extending the comply by date to May 24, 2023 with \$100/day fine (equating to \$20/day/violation across the five violations) if the sidewalk café amendment was not completed and the sidewalk not returned to a compliant condition (what it showed on the plan), plus \$25 hearing cost due immediately but payable by May 24, 2023 and return to the May 25, 2023 Hearing, if needed.

Town Attorney Alan Gabriel departed approximately 5:52PM.

NEW BUSINESS

ITEM #V.12

Case #: 23030010 – Permits Required Violations

Property Owner: Cooper, Gary M

Address/Folio: 260 Hibiscus Ave

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

Code Compliance Inspector Villanueva testified that an agreement with the homeowner was reached prior to the hearing but he would still like to submit evidence. He explained that on patrol, he observed work being done outside of the property (tearing up the walkway/driveway) so he took pictures. The Building Official was not available so Fire Marshal Stephen Paine stepped in for Simo Mansour and the man working outside let them into the property. A Stop Work Order was issued as they deemed the situation hazardous and power was pulled. The inspector explained that the owner was in the process of getting engineering drawings and permit(s). For the record, there was no one in attendance to represent the property owner. The Town was requesting a Final Order giving thirty days to comply or \$100/day fine. The Building Official testified that he authorized Fire Marshal Stephen Paine to put up his notices. The Special

Magistrate ordered a Final Order giving thirty days to comply or \$100/day fine to start accruing. There was a correction on the fine amount from \$100/day to \$250/day and the order would reflect that change plus the wording to return to the May 25, 2023 Hearing and compliance would be to obtain a permit(s) by May 24, 2023. The Special Magistrate amended and ordered a Final Order giving thirty days to comply by obtaining a permit(s) by May 24, 2023 or \$250/day fine to start accruing and return to the May 25, 2023 Hearing plus no costs for today's hearing.

CERTIFICATION OF LIEN

ITEM #V.17

***TAKEN OUT OF SEQUENCE**

Case #: 22040002 – Permits Required Violations
Property Owner: Sun & Sea Villas LLC
Address/Folio: 4213 El Mar Dr 1-6
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a)
Florida Building Code FBC BCA Section 105.1. Work Without
Permits. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Banyas testified that before the hearing, she did notify the property's attorney that if an extension was required, someone had to be here to request it. So with no one here, this was a certification of lien. The Town recommended certification of lien as the required permits were not approved plus \$200 costs for today's hearing. The Special Magistrate ordered certification of the lien plus \$200 cost.

SPECIAL SET

ITEM #V.20

Case #: 23010015 – Building Code Violations
Property Owner: South Leisure By The Sea Association
Address/Folio: 234 Hibiscus Ave
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection
Program

For the record, there was no one present to represent the property owner. Senior Code Compliance Inspector Banyas testified that the Town received a request from the property manager for an extension of time on the existing Final Order and the Town had no objection to extend to May 24, 2023 plus \$25 cost for today's hearing. There would be no fines running with this extension of time. The Special Magistrate ordered an extension of the comply-by date to May 24, 2023 plus \$25 cost due immediately but payable by May 24, 2023 and return to the May 25, 2023 Hearing.

ITEM #V.21

Case #: 23010009 – Building Code Violations
Property Owner: ACS 218 LLC
Address/Folio: 218 E Commercial Blvd
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection
Program

For the record, there was no one present to represent the property owner, however, they were expected to be here to request an extension to the comply-by date. This was for a 50-year recertification. Code Compliance Inspector Villanueva testified that he would ask for a recommendation from the Building Official who then suggested a continuance for thirty days, May 24, 2023 and return to the May 25, 2023 Hearing. The Special Magistrate ordered a revised

Final Order with fines still running and return to the May 25, 2023 Hearing with no costs for today's hearing.

ITEM #V.23

Case #: 21100022 – Building Code Violations
Property Owner: Ocean Colony Condominium Association
Address/Folio: 1620 S Ocean Blvd
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

For the record, there was no one present to represent the property owner. This was for a 50-year recertification. Code Compliance Inspector Villanueva testified that they came to an agreement and they would give them a ninety-day extension and to return to the July 27, 2023 Hearing. There would be no costs and no fines. The Special Magistrate ordered a ninety-day extension and to return to the July 27, 2023 Hearing with no costs and no fines.

ITEM #V.19

Case #: 23030006 – Permits Required Violations
Property Owner: Beach View Apts LLC
Address/Folio: 4149 Bougainvillea Dr 1-5
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits

For the record, there was no one present to represent the property owner. Special Magistrate Clerk Martinez read into the record that they were requesting a continuance to May 25, 2023. Code Compliance Inspector Villanueva testified that the Town was okay with a continuance to May 25, 2023 with no costs for tonight's hearing. The Special Magistrate ordered continuance to the May 25, 2023 Hearing with no costs for tonight's hearing.

Building Official Mansour departed approximately 6:03PM.

Special Magistrate Clerk Maritza Martinez read into the record cases to be continued for which the Special Magistrate ordered continuance to 5/25/23:

CONTINUED CASES			
Item #	Case #	Property Address	Continued To:
1	23010007	1530 S Ocean Blvd	05/25/23
3	21120003	2000 S Ocean Blvd	05/25/23
4	22020002	262 Commercial Blvd	05/25/23
5	23030011	4209 El Mar Dr 1-9	05/25/23
6	22050002	229 E Commercial Blvd	05/25/23

NEW BUSINESS

ITEM #V.9

***TAKEN OUT OF SEQUENCE**

Case #: 23030004 – Zoning Violations
Property Owner: White Cap of FL Inc.
Address/Folio: 4325 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-326(a)(3) Awnings and Entrance Canopies. Required Permit

Chapter 30 – Unified Land Development Regulations – Section 30-327(f) Awnings and Entrance Canopies. Signage
Chapter 30 – Unified Land Development Regulations – Section 30-508(c)(7)a.1-4
Chapter 6 – Building and Building Regulations Section 6-5(d)(1)
Chapter 6 – Building and Building Regulations Section 6-38(a)

A short break was taken at about 51:00 on the video (approximately 6:08PM) and the hearing resumed about three minutes later. Senior Code Compliance Inspector Banyas testified regarding the two remaining violations on this case for awnings and entrance canopies. They were first observed on March 8, 2023 and a Notice of Hearing/Notice of Violation was sent to the owner, White Cap of FL Inc as well as to the restaurant, Mickey's Downtown Bistro. For service, they have a signed green card from White Cap of FL, the property owner, in the file. For the record, there was no one in attendance to represent the property owner or even the restaurant. The Town was recommending a Final Order giving until May 24, 2023 for the two violations that remain to be complied or a fine of \$100/day/violation to accrue thereafter plus \$50 costs for today's hearing. She answered the Special Magistrate that everything else was either complied or there was insufficient evidence to move forward. She had photos to submit into evidence which the Special Magistrate accepted as the Town's Composite Exhibit. The Special Magistrate ordered compliance of the two remaining violations by May 24, 2023 or a fine of \$100/day/violation to accrue thereafter plus \$50 cost for today's hearing due immediately but payable by May 24, 2023.

ITEM #V.10

Case #: 23030005 – Property Maintenance
Property Owner: The Favale Condominium Association, Inc.
Address/Folio: 4652 Poinciana St
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-313 (d)(1) h.
Chapter 30 – Unified Land Development Regulations – Section 30-344(a)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(9)

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector testified that the Town recommended a continuance to May 25, 2023 as they were making diligent progress. The Special Magistrate ordered continuance to the May 25, 2023 hearing with no costs for today's hearing.

CERTIFICATION OF LIEN

ITEM #V.16

Case #: 22030004 – Permits Required Violations
Property Owner: APCE Acquisitions LLC Arnold, Joan G
Address/Folio: 4420 E Tradewinds Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations – Section 30-313 (d)(1)(h)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

Florida Building Code FBC R4501.17.1.9 Residential Pool Barriers
For the record, there was no one in attendance to represent the property owner. Senior Code Inspector Banyas said this was before the Special Magistrate tonight for a delayed certification of lien. She reminded as to what happened at the last hearing. As of today per the Town's record, the permit has not been approved. The Town notified the owner of this hearing but the owner was not in attendance tonight and did not ask for an extension. The Town recommended certifying the lien plus the \$200 cost. The Special Magistrate ordered certification of the lien plus \$200 cost.

NEW BUSINESS

ITEM #V.11

Case #: 22080025 – No Garbage/Trash Service
Property Owner: Anglin Fam Tr % Raymond Anglin
Address/Folio: 216 E Commercial Blvd
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(1)
Chapter 10 – Garbage and Refuse Section 10-37(a)(2)
Chapter 6 – Building and Building Regulations Section 6-40 (a)

This agenda item was listed on the agenda but it was complied.

VI. ADJOURNMENT

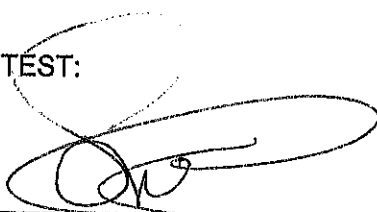
Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the Hearing on April 27, 2023 at approximately 6:16PM.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:


Special Magistrate Clerk Maritza Martinez
Town of Lauderdale-By-The-Sea, Florida