

APPROVED

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

*Town Commission Meeting Room (Jarvis Hall)
Thursday, April 25, 2019 at 5:00 PM*

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:05 PM on Thursday, April 25, 2019. Code Inspector Robert Harrison and Code Inspector Bethany Banyas were present as well as Special Magistrate Clerk Kaliah Lewis to record the minutes.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

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

IV. PUBLIC COMMENTS

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

V. CODE CASES

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

NEW BUSINESS

ITEM #V.27

***TAKEN OUT OF SEQUENCE**

Case #: 19030015 – Zoning Violations

Property Owner: The R Group LLC

Address/Folio: 4132 N Ocean Dr

Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-241(a)(1) a&b

Inspector Bethany Banyas testified that this is a construction site and the construction has been paused. The violation is in regard to the use of the lot as a standalone parking area which is not a permitted use in this zoning district. This case was before the Special Magistrate but an incorrect ordinance was used as a reference and it is correct now. This case is to establish the fact that this violation did exist but since it is in compliance now, the Town was requesting a Finding of Fact. She has photos to submit showing the previous violation. She showed them to Attorney Deena Gray who was representing the property owner and then gave them to the Special Magistrate. Ms. Banyas said that service was obtained by posting the property as the green card was not signed. The Special Magistrate entered the photos into evidence without

objection as Town Composite Exhibit plus an email from BSO when they surveyed the lot and found that it was used as a parking lot. Vehicles were parked there and they were not workers' cars. Attorney Gray said that when the Notice of Violation was issued, the property was already in compliance. Ms. Banyas testified the Town requested that if this violation comes back, that the Special Magistrate deem it to be a repeat violation (for the same property under the same ownership) which could be subject to \$500/day fine beginning on the first day it would be observed (first day of observation even if the Notice of Violation goes out after that date). The Special Magistrate ordered a Finding of Fact that the violation occurred and is in compliance but if it should re-occur in the future, it could be deemed a repeat violation subject to up to \$500/day fine.

OLD BUSINESS

ITEM #V.25

***TAKEN OUT OF SEQUENCE**

Case #: 19020014 – BTR Housing Inspection
Property Owner: Commercial A1A LLC
Address/Folio: 4405 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(7)
Chapter 6 – Building and Building Regulations Section 6-41(b)

Inspector Robert Harrison testified that this was previously before the Special Magistrate and reminded him that the top of the building is EFIS (construction material) made out of styrofoam and a tenant called with concern in case it fell on someone. Mr. Harrison said that later on they found that on the bottom area of the building, there was the same material which is also in disrepair but was corrected. The property manager, Ezra Baruch, testified that they have a proposal for the top of the building and would need at least three weeks to get it done. Mr. Harrison suggested a revised Final Order changing the compliance date to May 22, 2019 to complete all work or \$100/day fine with no Administrative Fee for today's hearing. The Special Magistrate ordered a revised Final Order with a new compliance date of May 22, 2019 to close out all permits or \$100/day fine with no Administrative Fee for today's hearing.

ITEM #V.23

***TAKEN OUT OF SEQUENCE**

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

Inspector Robert Harrison testified that this was before the Special Magistrate for work without a permit. The previous order stated that the approval of the permits was to be by March 28, 2019 or \$50/day fine plus \$100 Administrative Fee. The permits were obtained and the only thing outstanding is the final inspection. He suggested that the Final Order be revised to state that the permits were to be closed out by May 22, 2019 or \$100/day fine plus \$50 Administrative Fee for today's hearing. He spoke to the owner of the property who said final inspection should be next week. Joyce Moissets was in attendance. The Special Magistrate ordered a revised Final Order with a new compliance date of May 22, 2019 to close permits out or \$100/day fine plus \$50 Administrative Fee for today's hearing.

CERTIFICATION OF LIEN

ITEM #V.37

***TAKEN OUT OF SEQUENCE**

Case #: 18100006 – Permits Required Violations
Property Owner: Ceballos, Jorge
Address/Folio: 4449 Poinciana St

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

Inspector Robert Harrison testified that he spoke with the property owner and the Administrative Fee would be paid. He asked for this agenda item to be continued. The Special Magistrate ordered this case continued to the May 23rd Hearing. There was no one in attendance to represent the property owner.

OLD BUSINESS

ITEM #V.18

***TAKEN OUT OF SEQUENCE**

Case #: 18090005 – Property Maintenance
Property Owner: Neptune Garden Shop
Address/Folio: 254 Neptune Ave 1-2
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)

Inspector Banyas testified that the property is a vacant duplex. Dominick Savastana is present today and is a potential purchaser of this property. This case is not complied at this time with a comply by date of March 28th and fines have been running at \$100/day. Ms. Banyas inspected the property today and she has before and after photos that she showed to Dominick and then gave them to the Special Magistrate. The Special Magistrate entered them into evidence as Town Composite Exhibit without objection. She agrees with Dominick that there has been property improvement but mitigation is up to the Special Magistrate. Mr. Savastana spoke about the grass and took his own pictures but the Special Magistrate can see what transpired through Ms. Banyas' photos. Special Magistrate Ansbro said that the property looks like it is in compliance and he would move the compliance date on the Final Order to today, April 25, 2019 and there would not be any fines. Ms. Banyas said that all Administrative Fees are paid but the Town was requesting \$50 Administrative Fee for today's hearing. The Special Magistrate ordered a revised Final Order with a new compliance date of April 25, 2019 and \$50 Administrative Fee due in a few weeks.

Inspector Harrison said that there was a gentleman here tonight who has an active code case but it is not on today's agenda. He is requesting to speak with the Special Magistrate and Special Magistrate Ansbro invited him up to the podium.

Mr. Iliopoulos, 1900 S Ocean Blvd, said that he had a project and was stopped for no permit and then he experienced long delays while trying to comply. He lives in Montreal and comes here for the winter or whenever he can. His fines have added up to about \$43,000 and he wants to know if he should have legal representation or could he handle it himself? If he does it himself, what happens if the judgement is not favorable to him or if he is dissatisfied with the decision does he have a second chance? The Special Magistrate informed Mr. Iliopoulos that he cannot give him legal advice and only he can make the decision if he needs a lawyer. The Special Magistrate asked Ms. Banyas if he has fines running or a lien pending. Ms. Banyas said that this property was brought into compliance years ago but fines did accrue. The permit was closed and the lien was recorded on July 29, 2016. The Special Magistrate explained that the property is in compliance but there is a very large lien and he does not have the power to do anything about that. He said that only the Town Commission can give any relief and he and Ms. Banyas explained the process to file for a hearing for mitigation.

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

Case #: 18110019 – Building Code Violations
Property Owner: LBT Properties LLC
Address/Folio: 4564 N Ocean Drive
Code Section(s): Florida Building Code Section 105.11.2.1

Inspector Bethany Banyas testified that there is no evidence for this case and the Town was requesting that the Special Magistrate revoke this Order and return the Administrative Fee. The Special Magistrate ordered that the Final Order for this case is revoked and any paid Administrative Fee to be returned on this case.

ITEM #V.19

Case #: 16110001 – Landscape Violations
Property Owner: Brandt, Yann (Previously ULVIC Properties)
Address/Folio: 267 Capri Avenue
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-480(a)

There was no one present to represent the property owner. Inspector Bethany Banyas testified that this is a request for an extension submitted by the owner, Yann Brandt. Hearing Costs were paid on this case and he came into compliance April 2, 2019 which was after the original compliance date. The Town requests that the Special Magistrate grant the eight day extension to April 2, 2019 in a revised Final Order. The Special Magistrate ordered a revised Final Order with a new compliance date of April 2, 2019.

ITEM #V.20

Case #: 18070013 – Property Maintenance
Property Owner: 4605 N Ocean Dr LLC
Address/Folio: 4605 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-36(e)
Chapter 6 – Building and Building Regulations Section 6-37(a)(2)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)

Inspector Bethany Banyas testified that the Final Order for this case was previously issued and the Town was requesting that the Order itself be revoked due to wording but that the paid Administrative Fee is to be kept by the Town. The Special Magistrate ordered revoking the wording of the Final Order itself but the paid Hearing Cost is to be kept by the Town.

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

Case #: 19010005 – Landscape Violations
Property Owner: Bromberg, Yakov Bromberg, Zlata
Address/Folio: 290 Tropic Drive
Code Section(s): Chapter 21 – Vegetation Section 21-26(c)
Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-39(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(13)

Chapter 6 – Building and Building Regulations Section 6-41(a)(18)
Chapter 6 – Building and Building Regulations Section 6-41(a)(3)

Inspector Bethany Banyas testified that the Town was requesting to revoke this Order due to lack of service. A new case has been opened. The Special Magistrate ordered that the Final Order for this case is to be revoked.

NEW BUSINESS

ITEM #V.33

***TAKEN OUT OF SEQUENCE**

Case #: 18120005 – Permits Required Violations
Property Owner: Chia, Michele % Greenberg Law Group PA
Address/Folio: 238 Corsair Avenue
Code Section(s): Florida Building Code Section 105.1 Required.

Inspector Bethany Banyas testified that this case is complied.

OLD BUSINESS

ITEM #V.21

***TAKEN OUT OF SEQUENCE**

Case #: 18110003 – Property Maintenance
Property Owner: Damico, Michael
Address/Folio: 1725 Blue Water Ter N
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-3
Chapter 6 – Building and Building Regulations Section 6-41(a)(13)
Chapter 6 – Building and Building Regulations Section 6-41(b)

There was no one present to represent the property owner. Inspector Robert Harrison testified that this is no longer being operated as a vacation rental. While performing a Vacation Rental Certification (VRC) inspection, the Town found property maintenance violations. The owner submitted for a demolition permit but it was denied right now due to no Worker's Compensation coverage. The owner was requesting time to work details out and Mr. Harrison was requesting continuance to the May 23, 2019 Hearing. The Special Magistrate ordered this agenda item continued to the May 23, 2019 Hearing.

ITEM #V.22

Case #: 18120015 – Permits Required Violations
Property Owner: Bianco, Anthony C & Hazel M
Address/Folio: 2041 Coral Reef Dr
Code Section(s): Florida Building Code Section 105.1 Required.

There was no one present to represent the property owners. Inspector Robert Harrison testified that this case is for work without a permit for a fence installed on top of a seawall. The owners contacted Mr. Harrison and said that they did this to make sure their waterfront property is safe. They applied for a permit for a permanent chain link fence which has been issued and they are waiting for installation and a final inspection. Mr. Harrison was requesting a revised Final Order for the permit being closed for the chain link fence by June 26, 2019 or \$100/day fine with no Administrative Fee for today's hearing. The Special Magistrate ordered a revised Final Order for compliance by June 26, 2019 by closing out the chain link fence permit or \$100/day fine.

NEW BUSINESS

ITEM #V.28

Case #: 19030008 – Zoning Violations
Property Owner: ACS 218 LLC
Address/Folio: 218 E Commercial Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-126(e)

Inspector Robert Harrison testified that this is a commercial address for a business that offers rentals of chairs and umbrellas. They do have an approved conditional use permit for their beach chairs and umbrellas to be on the beach. In 2016, the owners submitted for an amendment to the conditional use permit to have the chairs and umbrellas put out on the beach like an advertisement. On February 25th, it was observed that there were unoccupied chairs and umbrellas on the beach looking like an advertisement and a photo was taken. He gave the photo to the Special Magistrate. An after-the-fact inspection showed that they have been removed and that was given to the Special Magistrate as well. For the record, no one was in attendance to represent the property owner. Mr. Harrison explained why the request was denied to amend the conditional use permit and requested a Finding of Fact and \$100 Administrative Fee for today's hearing. The Special Magistrate entered the photos into the record as Town Composite Exhibit. The Special Magistrate ordered a Finding of Fact that the violation existed and if it should reoccur in the future, it could be deemed a repeat violation and he assessed \$100 Administrative Fee.

ITEM #V.29

Case #: 18070009 – Business Tax
Property Owner: SKY007 LLC
Address/Folio: 230 Lake Ct
Code Section(s): Chapter 12 – Licenses Section 12-2(e)(1)

Inspector Robert Harrison testified that the reason the Business Tax Receipt (BTR) has not been obtained is because there are items contained in other cases holding up the BTR. See the next two cases below for 230 Lake Ct. (The Special Magistrate ordered Case #18120001, Case #18120002, and Case #18070009 continued to the June 27, 2019 Hearing.)

CERTIFICATION OF LIEN

ITEM #V.36

***TAKEN OUT OF SEQUENCE**

Case #: 18120001 – Property Maintenance
Property Owner: SKY007 LLC
Address/Folio: 230 Lake Court
Code Section(s): Chapter 11 – Junked, Wrecked, Abandoned, or Stolen Property
Section 11-23(a)
Chapter 30 – Unified Land Development Regulations
Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-36(f)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(13)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)
Chapter 6 – Building and Building Regulations Section 6-41(b)

ITEM #V.35

Case #: 18120002 – Permits Required Violations

Property Owner: SKY007 LLC
Address/Folio: 230 Lake Court
Code Section(s): Florida Building Code Section 105.1 Required.

Inspector Robert Harrison testified that this is the same property (230 Lake Ct) for the three cases above. The two cases above are the cases that resulted from the BTR inspection. Case #18120001 is for property maintenance and Case #18120002 is for work without permits. There was an inspection yesterday and a majority of the items were completed for the property maintenance. The only thing outstanding was the parking lot issue but he received a photo today that showed it as completed. He explained what the work without permits included and that the permits have been issued. They are just waiting for final approval. Mr. Harrison spoke with the owner who would like to come to meet with the Special Magistrate to mitigate the fines at the June 27, 2019 Hearing. There was no one present today to represent the property owner. They just want to make sure that all work was permitted and inspected by the Town. The fines will continue to run until compliance. Mr. Harrison would like to keep all three cases together and requested that they should be heard at the June 27th Hearing. The Special Magistrate ordered Case #18120001, Case #18120002, and Case #18070009 continued to the June 27, 2019 Hearing.

NEW BUSINESS

ITEM #V.30

Case #: 19030009 – Noise Violations
Property Owner: Kavon Enterprises Inc % Paul Novak
Address/Folio: 106 E Commercial Blvd
Code Section(s): Chapter 13 – Noise Section 13-6(c)(1)

Inspector Robert Harrison testified that this property is in compliance for this violation.

ITEM #V.31

Case #: 19040002 – Noise Violations
Property Owner: Ciani, Elayna, Ciani, William
Address/Folio: 112 E Commercial Blvd
Code Section(s): Chapter 13 – Noise Section 13-6(c)(1)

Inspector Robert Harrison testified that this property is in compliance for this violation.

ITEM #V.32

Case #: 19030011 – Noise Violations
Property Owner: Pump Realty Tr
Address/Folio: 4400 El Mar Dr
Code Section(s): Chapter 13 – Noise Section 13-6(c)(1)

Inspector Robert Harrison testified that this property is in compliance for this violation.

CERTIFICATION OF LIEN

ITEM #V.34

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

There was no one in attendance to represent the property owner. Code Inspector Robert Harrison testified that this was previously before the Special Magistrate. It is a multi-family building that installed new lighting on the exterior of the building which caused a spillage issue with the surrounding property. He spoke about the timeline that the property owners did to try to gain compliance. For example, Mr. Harrison scheduled a night inspection for installed dimmers but there were still complaints from surrounding neighbors. The same thing happened when they positioned the lights facing down. They could not get shields for the lights but would continue to try or change the fixture. Shields were installed on the lights but there were still complaints. Mr. Harrison checked the code, made a diagram, took readings and it did not exceed what the ordinance states. He felt that the compliance date should coincide to when they installed the shields on March 15, 2019 and to retroactively change the Order to a compliance date extension to March 16, 2019. Mr. Harrison sent an e-mail to the surrounding neighbors with his diagram, etc. and he has not heard from them. The Special Magistrate ordered a revised Final Order with a retroactively changed compliance date of March 16, 2019.

ITEM #V.38

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

There was no one in attendance to represent the property owner. Inspector Robert Harrison testified that this is a single-family home with an obstruction of visibility violation for landscaping on an intersection. He had difficulty trying to speak with the owner but finally did plus they saw the notice. A landscaper was called and they are in compliance as of today and Mr. Harrison suggested a revised Final Order with a compliance date of April 26, 2019. The Special Magistrate ordered a revised Final Order with a new compliance date of April 26, 2019.

WITHDRAWN CASES

ITEM #V.39

Case #: 19020004 – Vacation Rental
Property Owner: Bryzgalova, Marina, Mikov, Dorde
Address/Folio: 4324 Seagrape 1-4
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(b)

This case was shown as withdrawn on the agenda.

NEW BUSINESS

ITEM #V.26

Case #: 19030003 – Vacation Rental
Property Owner: Karthar Services LLC
Address/Folio: 1736 Bel-Air Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations
Section 30-327(d)

This agenda item was listed on the agenda but was noted as being complied.

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

COMPLIED				Page #
1	C#:	19030004	1940 Waters Edge	4
2	C#:	18080030	267 Oceanic Ave	1
3	C#:	18040035	297 Tropic Dr	18
4	C#:	18070012	4609 N Ocean Dr	30
5	C#:	18080002	4640 El Mar Dr	22
6	C#:	19030005	2051 Coral Reef Dr	5
7	C#:	19030006	267 Hibiscus Ave	6
8	C#:	19030001	SHORE COURT	3
9	C#:	18110001	4116 N Ocean Dr	46
10	C#:	19030014	4116 N Ocean Blvd	12
CONTINUED				To
11	C#:	19020018	1800 E Terra Mar Dr	05/23/19
12	C#:	18060013	4548 Poinciana St	05/23/19
13	C#:	18010004	4616 Bougainvillea Dr	05/23/19
14	C#:	18010005	4616 Bougainvillea Dr	05/23/19
15	C#:	19030007	4616 Bougainvillea Dr	05/23/19 Complied
16	C#:	19030013	263 N Tradewinds Ave	05/23/19

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on April 25, 2019 at approximately 6:09 PM.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


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