

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE VIRTUAL HEARING MINUTES
TOWN COMMISSION MEETING ROOM (JARVIS HALL)
CONDUCTED USING COMMUNICATIONS MEDIA TECHNOLOGY via ZOOM PLATFORM
Thursday, April 22, 2021 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 22, 2021 with Code Inspector Terry-Ann Boyd-Reynolds, Senior Code Inspector Bethany Banyas, and Planning Technician/Special Magistrate Clerk Sydney Ramirez to record the minutes.

II. SWEARING OF WITNESSES

The Special Magistrate would administer the oath to anyone going to testify.

III. OPENING STATEMENT

The Special Magistrate would explain how the hearing would be conducted.

IV. PUBLIC COMMENTS

No one from the public requested to speak.

Special Magistrate Clerk Sydney Ramirez started by calling two complied cases and two cases that were continued to the May 27, 2021 Hearing.

V. CODE CASES
OLD BUSINESS

ITEM #V.6

***TAKEN OUT OF SEQUENCE**

Case #: 20020006 – BTR Inspection/Commercial

Property Owner: 4051 N Ocean LLC

Address/Folio: 4051 N Ocean Dr

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36©
Chapter 6 – Building and Building Regulations Section 6-36(d)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-36(5)

COMPLIED

ITEM #V.8

***TAKEN OUT OF SEQUENCE**

Case #: 20100012 – Building Code Violations

Property Owner: Cantazaro, Giovanni

Address/Folio: 1988 W Terra Mar Drive

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

COMPLIED

NEW BUSINESS**ITEM #V.4*****TAKEN OUT OF SEQUENCE**

Case #: 21030002 – Building Code Violations
Property Owner: Sealaud Management LLC
Address/Folio: 4400 N Ocean Drive
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

CONTINUED TO MAY 27, 2021 HEARING

OLD BUSINESS**ITEM #V.7*****TAKEN OUT OF SEQUENCE**

Case #: 20100007 – Building Code Violations
Property Owner: Nesch, Dorothea Grossman, David
Address/Folio: 1480 S Ocean BLVD, 209
Code Section(s): Florida Building Code Section 105.1. Required

CONTINUED TO MAY 27, 2021 HEARING

Special Magistrate Clerk Sydney Ramirez now called cases for which there was representation present.

NEW BUSINESS**ITEM #V.3*****TAKEN OUT OF SEQUENCE**

Case #: 21040001 – Vacation Rental
Property Owner: Hill, Charles F., Jr.
Address/Folio: 4025 Thomas Way
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(a)

City Staff and John Moreau, a neighbor, were sworn in. Inspector Boyd-Reynolds testified that today was for a certification of a lien for a repeat violation. In 2016, this property was cited for listing the property for rental and not having a valid BTR (Business Tax Receipt) with the Town. That case was given a Final Order and closed out. Now in 2021, the same violation has occurred. She conducted an inspection on March 31, 2021, and spoke with the renters of the property. They told her that they would be at the property from March 27 through April 3, 2021. She spoke with the property manager and advised that the property did not have a current BTR and should not be rented. She further explained about fines that could be assessed. There were also two other days (April 21st and April 22nd) of rental that were verified by Senior Inspector Banyas. The Special Magistrate asked John Moreau if he wanted to speak. He said he was working with the Town by giving times/dates when individuals were in that structure. He further testified that there were officers there last night because of a loud party. Mr. Moreau stated that there were times that over twenty people were in that house. Last night, his wife counted fifteen but he counted thirteen. He would continue to date stamp his photographs and send them to Senior Inspector Banyas. Senior Inspector Banyas said that the maximum daily penalty by Code could be \$500 per day and today we were discussing ten days for a total fine of \$5,000. There was an eight-day stay and as of last night, there would be two more days. Certification of lien today would allow the Town to continue the fine until this group of renters left. Then the Town could record the fine, if it was not paid within thirty days. Inspector Boyd-Reynolds requested \$150 Administrative Fee.

The owner of the property, Charles F. Hill, Jr., testified that he was here for the property and was sworn in. He was away from this property and that was why he enlisted a premier property management company. His neighbor has his cell phone number and never told him about any

problems that he spoke about at the hearing. Mr. Hill was under the impression that his property was inspected, registered, fees paid and everything was above board. It was never his intention to have many people in the house. He wished someone would have contacted him about this situation a while ago, so he could have contacted his property manager. He did not want unhappy neighbors or parties at his house. Inspector Boyd-Reynolds answered the Special Magistrate that an application has been submitted to the Town and Senior Inspector Banyas did the inspection on Friday. Everything has been completed but the license has not been issued. The Special Magistrate said that until it was issued, the home could not be used, offered, or advertised. If anyone has an upcoming rental, they should be sent somewhere else. As this same violation has happened in July 2016, it was now a repeat violation.

Mr. Hill said that when Inspector Banyas calls him, he responds. He immediately took the property off the market for a year. At the beginning of this year, he decided not to use the property but to rent it. He thought everything was fine. The Special Magistrate explained that he already had this violation before and should have known what had to be done. He was the property owner and the one who was responsible. Neighbors were not supposed to have to endure renters' behavior or to have to call the property owner. If the agent was not doing the correct job, then the property owner was not doing the job as well. Senior Inspector Banyas said that the rental agent, Igor, should call the Town and let them know when the people have vacated. An inspection would be done and the review process would have to be complete. When an Affidavit of Compliance would be issued, the case would be in compliance. The lien would not be reported if paid within thirty days.

Discussion ensued regarding when the license would be issued and Senior Inspector Banyas spoke about pictures she sent the property owner depicting the landscape and other items at the property. There were issues at the property given to the Building Official for his review. She explained the application process that must be followed before a BTR or any Certificate of Approval could be issued. She answered Mr. Hill that any specific questions regarding the Building Official's review would have to be discussed with the Building Official and she would give Mr. Hill his contact information. The Special Magistrate reminded the two inspectors that for every day this property was not vacated, it would cost the property owner \$500/day. The Special Magistrate told the property owner that even though he was an absentee property owner/absentee business, he was responsible and if this case came back in front of the Special Magistrate again, it would be much worse. This has to comply fully under the law and a property owner should have a property manager who did his job. No matter what, the property owner was responsible.

The Special Magistrate ordered a certification of lien that would carry a fine of \$500/day for ten days (March 27 through April 3, 2021 and April 21 and April 22, 2021) for a total fine of \$5,000 plus \$150 Administrative Fee due immediately and the \$500/day fine would continue until there was compliance of the property evidenced by vacating the property. The assessed \$5,000 fine plus \$150 Administrative Fee would not be recorded, if paid within thirty days (by May 24, 2021).

Special Magistrate Clerk Sydney Ramirez went back to the beginning of the agenda and called the remaining cases.

NEW BUSINESS

ITEM #V.1

Case #: 21030003 – Vacation Rental

Property Owner: 3230 S Terra Mar Dr. LLC

Address/Folio: 3230 S Terra Mar Dr.

Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(j)4, 30-327(j)1, 30-327(k)1.h

As Inspector Boyd-Reynolds had no other cases, she was dismissed so that she could celebrate her birthday!

For the record, no one was here to represent the property. Senior Inspector Banyas testified that this was a registered vacation rental. The original violation was for vehicles parked in areas not approved as per the official vacation rental diagram that was in the Town's records (Section 30-327(j)4). The evidence was supplied by a complainant on February 5, 2021. In a follow-up complaint, the additional violations for maximum occupancy limitation was exceeded by two and the current rental agreement was not present onsite as required by Code (Section 30-327(j)1, and Section 30-327(k)1.h) were revealed during a site inspection. The rental agent, Sophia, met Ms. Banyas at the property. She corrected the violations and Senior Inspector Banyas informed her about the Code Hearing. The Town was requesting a Finding of Fact that the violations existed and were corrected. If they should reoccur, they may be deemed repeat violations if the same property remained in the same ownership and within five years of the Finding of Fact. The Town was not requesting Administrative Fees for today's hearing as this was a first offense. The Special Magistrate ordered a Finding of Fact that the violations existed and were corrected and if the violation(s) reoccurred within five years at this property and if the property was under the same ownership, it may be deemed a repeat violation(s).

ITEM #V.2

Case #: 21030004 – Vacation Rental
Property Owner: 3221 Seaward Dr. LLC
Address/Folio: 3221 Seaward Dr.
Code Section(s): Chapter 13-Noise Section 13-6(c)(2)b Noise limitations.

For the record, no one was here to represent the property. Senior Inspector Banyas testified that both the owner and the agent of record were notified of the violation. She also met with a representative from their management company onsite when the violation occurred on February 26, 2021. The violation was noise in excess of the permitted decibel level. After she notified them, it was immediately corrected. The Town was requesting a Finding of Fact that the violation existed and was corrected. If it should reoccur, it may be deemed a repeat violation if the same property remained in the same ownership and within five years of the Finding of Fact. The Town was not requesting Administrative Fees for today's hearing. The Special Magistrate ordered a Finding of Fact that the violation existed and was corrected and if the violation reoccurred within five years at this property and the property was under the same ownership, it may be deemed a repeat violation and no Administrative Fee for today's hearing.

ITEM #V.5

Case #: 20030005 – Permits Required Violations
Property Owner: Karakaya Inc.
Address/Folio: 4601 El Mar Drive
Code Section(s): Florida Building Code 6th Edition (2017) FBC BCA Section 105.1.
Permits. Required

For the record, no one was here to represent the property. Senior Inspector Banyas testified that this was in regard to an addition that was constructed on the side of the Coral Key Inn. The Town recognized that there was difficulty helping the manager obtain the correct survey. The Town was recommending flexibility and to continue this case to the May 27, 2021 Hearing with no costs

for today's hearing. The Special Magistrate ordered a continuance to the May 27, 2021 Hearing and no Administrative Fee for today's hearing.

OLD BUSINESS

ITEM #V.9

Case #: 20110001 – Building Code Violations
Property Owner: Gatzonis, Aurora & John
Address/Folio: 4332 N Ocean Drive
Code Section(s): Florida Building Code Section 105.1. Required

For the record, no one was here to represent the property. Senior Inspector Banyas testified that since they have not been able to make contact with the appropriate person, she recommended continuance to the May 27, 2021 Hearing. The Special Magistrate ordered a continuance to the May 27, 2021 Hearing.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on April 22, 2021 at approximately 5:50PM.

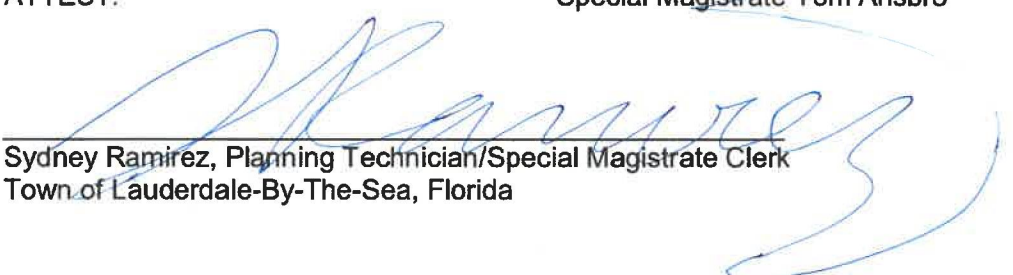
APPROVED BY:

Thomas J.
Ansbro

Digitally signed by Thomas J. Ansbro
DN: cn=Thomas J. Ansbro, o=ou,
email=tansbro@dania-beach.fl.gov,
c=US
Date: 2021.05.10 16:21:49 -0400

ATTEST:

Special Magistrate Tom Ansbro



Sydney Ramirez, Planning Technician/Special Magistrate Clerk
Town of Lauderdale-By-The-Sea, Florida