

TOWN OF LAUDERDALE-BY-THE-SEA

CODE/FIRE COMPLIANCE HEARING

MINUTES

Town Commission Meeting Room

Monday, April 15, 2013

5:00 P.M.

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at 5:00 p.m. on Monday, April 15, 2013. Code Compliance Officers Tuchette Torres and Michael Torres were present at the hearing. Also present was Eleanor Norena, Senior Office Specialist and Special Magistrate Clerk to record the minutes of the hearing.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

The Special Magistrate explained procedures for the hearing to those present.

A. APPROVAL OF MINUTES OF PREVIOUS HEARING

February 25, 2013 Code Hearing – The minutes for February 25, 2013, were approved.

B. COMPLIANCES & CONTINUANCES

1. C#:13020032 – 3221 South Terra Mar Drive - Complied
2. C#:13020026 – 4001 North Ocean Drive - Continued to next hearing
3. C#:13030004 – 216 East Commercial Boulevard - Continued to next hearing
4. C#:13030008 – 224 Hibiscus Avenue - Continued to the next hearing

IV. NEW BUSINESS - CODE CASES

ITEM #IV.9

***TAKEN OUT OF SEQUENCE**

Case #: 13010005 - Certification of Lien

Property Owner: Dale & Baleisis Roberts

Address/Folio: 4137 Seagrape Drive

Code Section(s): Chapter 30 - Unified Land Development Regulations Section 30-477(a)

Officer Tuchette Torres noted the property had come into compliance with all the violations with the exception of the grass, as Mr. Roberts was in the process of installing sprinklers and putting down new sod, so he desired more time.

Dale Roberts, property owner, stated they were working with Town staff to come into compliance. With regard to the remaining violation, it took him some time to locate the appropriate contractor; though they were not required by the code to install a new sprinkler system, they felt it was a waste of money in the long run to simply put in sod that was likely to die without proper irrigation. The property lacked a sprinkler system, so they were installing one and the permit process took some time, as documents had to be sent to him in Minnesota to be notarized and sent back to the Town, etc. He indicated the sprinkler system was installed the previous week and sod was subsequently laid. They were now seeding the additional bare spots in the lawn to bring the area into compliance, so he requested additional time to complete the seeding process and have another inspection.

Officer Torres remarked, as it was now April and the rainy season, coupled with the sprinkler system, the sod should do fine, though she was unsure of the success Mr. Roberts would have with the seeds. She thought a continuance to the next code hearing should be sufficient extension, noting the administrative fee was already paid.

The Special Magistrate ordered an extension to the next code hearing on May 20, 2013, a total of 35 days, for Mr. Roberts to bring the subject property completely up to code.

Mr. Roberts stated they expected to be code compliant before the extension time expired.

ITEM #IV.7

***TAKEN OUT OF SEQUENCE**

Case #: 12090004 - Certification of Lien

Property Owner: Lauderdale Resorts LLC

Address/Folio: 4605 N. Ocean Drive

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

Officer Tuchette Torres mentioned the subject case was continued by the Special Magistrate at the last code hearing to allow the property owner time to resolve permit issues. Though Mr. Bartolome would give an explanation, she too had been in contact with the County Official, Dan O'Linn, and as of April 8, the last email she received was that he could not find the file and was still looking. She emailed him on the morning of April 15 to inform him of the importance of the matter and received no reply, but it appeared nothing had been done in reference to some renovation work on the property since the last code hearing.

Angelo Bartolome, on behalf of Lauderdale Resorts, reminded the Special Magistrate of his being at the last code meeting to speak about the pending permit they had for the property, with the understanding he would be in contact with the Mr. O'Linn. He endeavored to contact Mr. O'Linn via several phone messages and received no callbacks, but the previous Wednesday, he finally spoke to him and Mr. O'Linn said he would call back Friday. He explained to Mr. O'Linn the situation with his property, that despite the permit his contractor pulled, no work was done in the house, and his contractor previously spoke to Mr. O'Linn, as they knew each other, and told him to close out the permit, as no work was done. Mr. O'Linn never called back Mr. Bartolome on Friday as promised, and Mr. Bartolome tried twice before the present meeting to contact Mr. O'Linn but received no response.

The Special Magistrate sought clarification the permit was pulled but no work took place, and the aim was to close the permit.

Mr. Bartolome answered correct, the only thing he did was clean the floor.

The Special Magistrate inquired if Officer Torres wished to roll the case over to the next code hearing on May 20.

Officer Torres affirmed this was her desire, submitting into evidence the email she received from Mr. O'Linn.

The Special Magistrate ordered an extension to the next code hearing on May 20, 2013, informing Mr. Bartolome if the matter was resolved prior to that time, there was no need to appear at the next hearing, as Officer Torres would inform him of what transpired with the case.

Officer Torres mentioned Mr. Bartolome owed fines, questioning if the Special Magistrate intended dismissing them. The subject case was more of a stop the fines/certification of lien, as the property owner was cited in reference to the nonrenewal of an expired permit. She said, therefore, Mr. Bartolome could close out the permit, but he should come back before the Special Magistrate for a determination on how those fines were to be abated.

The Special Magistrate questioned if Mr. Bartolome already paid the administrative fee.

Officer Torres responded the administrative fee of \$150 had not yet been paid.

The Special Magistrate directed Mr. Bartolome to pay the administrative fee of \$150, and when this was done he would remove the additional fines.

ITEM #IV.5

***TAKEN OUT OF SEQUENCE**

Case #:13030007

Property Owner: Lillianne And Sons LLC

Address/Folio: 1941 W. Terra Mar Drive

Code Section(s): Chapter 6 - Building and Building Regulations Section 6-40(b)

Officer Tuchette Torres reviewed the case as indicated in the backup and detailed the violation as follows: overgrowth of grass and weeds on the vacant lot. On April 15, 2013, she took pictures of the property and asked that they be accepted into evidence, as they accurately depicted the current condition of the property. The property had not come into compliance, and she requested an administrative fee of \$150, stating the property had been previously cited with four courtesy notices in reference to tree debris and overgrowth in May, July, October and December of 2012. Thus, this was a recurring violation that had never been issued a final order, so she wished to get a final order, so if the violation was not addressed, it would be a repeat violation. Since this was a vacant lot, she requested nuisance abatement, so the Town could move forward with rectifying the nuisance if the property owner failed to address it. She believed the neighbors were illegally dumping tree debris on the vacant lot, as anonymously reported by a neighbor, and bulk pickup was coming around to dispose of the trash at no added cost to the property owner.

The Special Magistrate accepted the proffered evidence and ordered an administrative fee of \$150, along with a fine of \$100 per day with 15 days to comply, after which the fine would begin running.

ITEM #IV.6

Case #: 12090003 - Certification of Lien

Property Owner: MJB Chelsea LLC

Address/Folio: 235 Commercial Boulevard

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

Officer Tuchette Torres mentioned the subject case was continued by the Special Magistrate at the last code hearing to allow the property owner time to get the required permit. She submitted into evidence email correspondence with the County Official Dan O'Linn, noting the permit was still expired. She spoke with the property owner, who stated Mr. O'Linn told him he needed to get the original plans, as there had been a plumbing final inspection, as well a final mechanical inspection disapproved, however the windows and doors were approved upon inspection. The property owner was aware of the hearing and chose not to attend, though they attended previous hearing, and the administrative fee of \$150 was still unpaid, and a fine of \$50 a day had already been imposed but was stopped at the last hearing, at which time the fines totaled \$5,850. She stated the lien could be certified for that amount and the property owner could go before the Town Commission for mitigation.

The Special Magistrate ordered the administrative fee of \$150, as well as certifying the lien for \$5,850.

ITEM #IV.8

***TAKEN OUT OF SEQUENCE**

Case #: 12120011 - Certification of Lien

Property Owner: Dyane Breitberg

Address/Folio: 1931 Waters Edge

Code Section(s): Chapter 6 - Building and Building Regulations Section 6-38(2)

Officer Michael Torres reviewed the case as indicated in the backup, stating the case was initiated by Officer Sanchez; he detailed the violation as follows: stagnant water in the pool. The fine was initiated on February 4, 2013, for \$50 per day, and the property was brought into compliance on February 12, 2013, so the fine ran for eight days, totaling \$400, along with an administration fee of \$50.

John McCann, the property owner's husband, stated they hired and paid a monthly fee for a pool maintenance company to service their pool, and they had documents to substantiate that. In the middle of December 2012, the pool was turned from green to blue and the pool company continued to bill them monthly, which they continued to pay, and when they checked on the property, it appeared everything was okay, though the pool was a little cloudy, and they ask the pool company to adjust the pool. He stated they had not been back to the property since then, as his wife was currently going through treatment for breast cancer. There were currently tenants occupying the property

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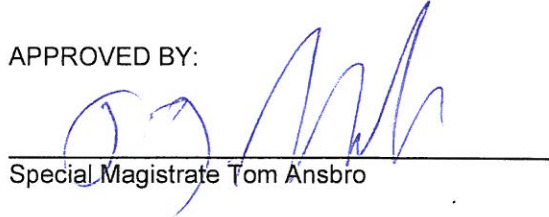
Officer Tuchette Torres mentioned the previous inspector spoke to Mrs. Breitberg, but Officer Mike Torres had not spoken with them. She mentioned another case to Mr. McCann in which the subject property already had a lien in reference to another violation, so she was inclined to dismiss the minor violations, but the owners needed to ensure the property was maintained, as the subject violation originated from a neighbor's complaint about noise, possibly of the pool pump, and that was corrected in eight days. The Town was willing to abate the fines if the owner paid the administrative costs.

The Special Magistrate ordered the administrative cost of \$50 be paid within 15 days from the date of the present meeting by the property owner, and the fine for \$400 would be removed. He stressed the need to maintain the pool according to Town code requirements, and to periodically check to see if the company hired to maintain the pool was doing what they were contracted to do.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on April 15, 2013.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


Eleanor Norena Secretary for Special Magistrate
Town of Lauderdale-By-The-Sea, Florida