

CODE ENFORCEMENT BOARD

City Commission Meeting Room

100 North Andrews Avenue

March 27, 2007

10:00 A.M. – 11:50 A.M.

<u>Board Members</u>	<u>Attendance</u>	<u>1/2007 to 12/2007</u>	
		<u>Present</u>	<u>Absent</u>
Howard Elfman	P	2	0
Genia Ellis	P	1	
Sam Mitchell	P	3	0
John Phillips	P	2	1
Rixon Rafter, Chair	P	3	0
Myrnabelle Roche, Vice Chair	A	2	1
Jan Sheppard	P	2	0

Staff Present

Assistant City Attorney
Bruce Jolly, Board Attorney
Farida Mohammed, Clerk, Code Enforcement Board
Debra Maxey, Secretary, Code Enforcement Board
Maurice Murray, Code Enforcement Supervisor
Eve Bazer, Administrative Assistant II
Mohammed Malik, Building Inspector
Wayne Strawn, Building Inspector
Jorg Hruschka, Building Inspector
Robert Kisarewich, Fire Inspector
Ivett Spence-Brown, Fire Inspector
Valerie Mahle, Technology Strategist
Jamie Opperee, Recording Secretary

Also Present:

CE05120450: Cesar Rojas, owner's representative
CE06060130: Dana Dickinson, owner
CE07012042; 07012044: Stanley Baumwald, owner; William Benson, tenant's attorney;
Albert Manning, tenant
CE04061917: Thomas Landmeier, owner
CE05120448: Mark Lauro, owner
CE06040954: John Hindenberger, owner
CE05081210; 05080073; 05080021; 05080022: Larry Shendell, attorney
CE04051739; 04051740: Anthony Zannini, owner
CE05080787: Allan Kozich, architectural engineer
CE06030354: Ghulam Usman, owner; Frederick Bamman, attorney
CE06111044: Renate Flik, manager

Chair Rafter called the meeting to order at 10:06 a.m., introduced the Board and explained the procedures for the hearing.

All individuals wishing to speak on any of the cases on today's agenda were sworn in.

Case: CE04061917

Request for Extension

Thomas Landmeier
1128 Northeast 16 Street

Ms. Mohammed announced that this case was first heard 10/26/04 to comply by 4/24/05: 4 sections at \$50 per day, per violation. Extensions had been granted from 5/24/05 to 8/23/05, from 2/28/06 to 5/23/06, from 7/25/06 to 9/26/06, from 9/26/06 to 11/28/06, from 11/28/06 to 1/23/07 and from 1/23/07 to 3/27/07. The property was not complied and the owner was requesting an extension.

Mr. Thomas Landmeier, owner, said the windows had been approved but the air conditioning had been returned for changes. He had hired an engineer and planned to resubmit the plans for the air conditioning this week, and then to call for inspections. Mr. Landmeier requested another 60 days to report back to the Board regarding the inspection process.

Mr. Mohammed Malik, Building Inspector, confirmed that all of the trades except the air conditioning had been approved.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 60-day extension to May 22, 2007. Board unanimously approved.

Case: CE06040954

Hearing to impose fine

J. A. & Helga Hindenberger
1313 Northeast 15 Avenue

Ms. Mohammed announced that this case was first heard on 10/24/06 with compliance ordered by 1/23/07: 7 sections at \$50 per day, per violation. The property was not complied and the City was requesting imposition of a \$21,700 fine and its continued accrual until the property was complied.

Mr. John Hindenberger, owner, explained that he had a permit for the roof, which was being repaired now. Mr. Hindenberger said he was selling the home and requested additional time.

Mr. Mohammed Malik, Building Inspector, said he did not know the owner's plans, as he had not communicated with him since the last hearing.

Mr. Phillips asked Mr. Hindenberger if he had a plan to hire an architect/engineer/builder. Mr. Hindenberger explained that he had filed for bankruptcy in October, and this was finalized in January. His mortgage company had begun foreclosure proceedings

against him during the bankruptcy, and he had stopped working on the house. Now that he had the roof permit, he had begun work on the house again. He said he must have friends do the work because he could not afford a contractor.

Mr. Phillips told Mr. Hindenberger he needed a contractor and permits for the room addition and the windows. Mr. Hindenberger said the addition dated to 1959 and he had bought the house in 1971.

Ms. Sheppard asked what work he had done at the property. Mr. Hindenberger said he had begun work on the roof.

Chair Rafter explained the fine process to Mr. Hindenberger.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to find the Board's order to comply was not obeyed in a timely manner, to impose a fine of \$21,700 and its continued accrual of \$50 per day per violation and to record the order. Board unanimously approved.

Case: CE07012044

Stanley Baumwald Trust
841 Northwest 57 Place

Ms. Mohammed announced that certified mail sent to the owner was accepted on 2/7/07; certified mail sent to the tenant was accepted on 2/5/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:

- FBC 105.1: INTERIOR ALTERATION WAS DONE WITHOUT A PERMIT.

Inspector Spence-Brown said she had written the original violation in November 2005, with a subsequent inspection 1/9/06. The Fire Marshall had given an extension to correct the violation, but as of today, the violation still existed.

Mr. Albert Manning, the tenant, explained that after the hurricanes, he had moved his business to this address and done some interior build-out without permits. He said he must add the installation of another door to the plans and resubmit them to the Building Department. Mr. Manning thought he should have the permit and the work done within 90 days.

Inspector Spence-Brown agreed to allow 90 days or \$100 per day, per violation.

Mr. Manning agreed to return to the June 26 hearing to report to the Board.

Mr. Phillips advised Mr. William Benson, Mr. Manning's attorney, to contact staff if they would need to be put on the June agenda to request an extension.

Motion made by Mr. Phillips, seconded by Ms. Sheppard, to order compliance within 90 days, by June 26, 2007, or \$100 per day. Board unanimously approved.

Case: CE05080787

Request for Extension

Jungle Queen Inc.
2470 Southwest 21st Street

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 11/22/05; 28 sections at \$50 per day, per violation. Extensions had been granted from 1/24/06 to 3/28/06, from 3/28/06 to 9/26/06 and from 9/26/06 to 3/27/07. The property was not in compliance and the respondent was requesting an extension.

Mr. Alan Kozich, architectural engineer, explained that many violations were complied. He explained that the owner had originally hired a contractor to reconstruct the building, but the contractor had abandoned the job and the owner was suing the contractor. The owner had changed his mind and now planned to repair the existing facility.

Mr. Kozich explained that the dining pavilion still lacked a fire sprinkler system.

Mr. Kozich informed the Board that he had met the previous week with City staff from the Building Department and the fire inspectors, and he had agreed to present plans to the Building Department by June. Mr. Kozich requested 90 days to submit the plans.

Mr. Phillips asked Mr. Kozich to indicate on the agenda which items were now complied. Mr. Kozich listed the complied and the "in process" items:

1606.1: In progress
2301.2.1: Items 1 & 2 in progress, items 3 & 4 completed, items 5 & 6 in progress
3401.6: In progress
FBC 104.1: Items 1, 3, 6 complete, items 2,4,5 in progress
FBC 104.2.4: In progress
FBC 104.2.5: In progress
FBC 106.1: Completed
NEC 220.10: Planned with Pavilion repair
NEC 225.26: Completed
NEC 230-24(a): Planned with Pavilion repair
NEC 230.28: Complete
NEC 300-5(a): Complete
NFPA: 1 10.15.3.2: Complete
NFPA 1 10.15.5: Complete
NFPA 1 11.1.3: Complete
NFPA 1 20.1.2.1: Complete
NFPA 101 13.2.9.1: Complete
NFPA 101 13.3.3.3: Complete
NFPA 101 13.3.4.1: Planned with Pavilion repair
NFPA 101 13.3.4.3.3: Planned with Pavilion repair

NFPA 101 7.2.5.2: In progress
NFPA 101 7.2.5.3.1: In progress
NFPA 101 7.7.1: Complete
NFPA 101 7.9.2.3: Planned with Pavilion repair
NFPA 17A 2.1: Complete
NFPA 17A 2.4.2.2: Complete
NFPA 17A 3.2.1.5: Complete
NFPA 17A 5.3.1(f): Complete

Mr. Robert Kisarewich, Fire Inspector, stated the following NFPA violations were indeed not in compliance: NFPA 101 13.3.3.3, NFPA 17A 2.4.2.2, NFPA 17A 3.2.1.5.

Inspector Kisarewich informed the Board that the Fire Marshal opposed any extension and wanted the fines imposed.

Mr. Wayne Strawn, Building Inspector, informed the Board that he had received a letter from the structural engineer describing the phased development that was planned to rebuild the existing structure. Plans regarding a portion of the facility were in for review when the structural engineer informed the City that emergency repairs were needed to the pavilion. The Building Official, Curtis Craig, authorized the emergency shoring to be installed to the pavilion. Mr. Craig now required a report every Thursday from the structural engineer stating that the building is safe to use, but the Building Department's opinion was that this was an unsafe structure that was temporarily shored.

Inspector Strawn informed the Board that he had prepared a Notice of Violation to present to the Unsafe Structures Board. He agreed with the Fire Marshal that another extension should not be granted.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to find the Board's order to comply was not obeyed in a timely manner, to impose a fine of \$86,800 and its continued accrual and to record the order. Board unanimously approved 6 - 0.

The following four cases for the same owner were heard together:

Case: CE05081210

Asoka Condo Association Inc.
1330 Holly Heights Drive

Case: CE05080073

Asoka Condo Association Inc.
1336 Holly Heights Drive

Case: CE05080021

Asoka Condo Association Inc.
1342 Holly Heights Drive

Case: CE05080022

Asoka Condo Association Inc.
1348 Holly Heights Drive

Ms. Mohammed announced that these cases were first heard 9/27/05 to comply by 10/25/05: 7 sections at \$250 per day, per violation. Extensions had been granted as stated on the agenda. The property was not complied and the owner was requesting additional time to comply.

Mr. Larry Shendell, the owner's attorney, requested a 60-day extension. He explained that they had called for final inspections.

Mr. Robert Pignataro, Building Inspector, had no objection to a 60-day extension.

Motion made by Mr. Phillips, seconded by Ms. Sheppard, to grant a 60-day extension to 5/22/07. Board unanimously approved.

Case: CE06060130

Dana Ray Dickinson
716 Northeast 19 Avenue

Ms. Mohammed announced that certified mail sent to the owner was accepted on 3/15/07.

Mr. Robert Pignataro, Building Inspector, testified to the following violation:

- FBC 106.10.3.1: THE FENCE APPLICATION #05120882 WAS NOT REVIEWED BY PLAN REVIEW. THUS, THERE IS NOT A PERMIT FOR A FENCE.

Inspector Pignataro said there was a sight triangle issue with the fence.

Ms. Dana Dickinson, owner, explained that sections of the fence were blown down in the 2005 hurricanes, and she had realized when they were rebuilding the fence that the fence did not meet code regarding the sight triangle. She had met with Don Morris and she was scheduled to appear at the Board of Adjustment in May to request a variance. She requested 60 days.

Chair Rafter suggested a semi-transparent fence as an alternative to an opaque wood fence. Ms. Dickinson said she had tried to recreate the fence as it had been before the hurricane.

Ms. Dickinson explained to Mr. Phillips that the pool was permitted in 1986 in its current location. Ms. Dickinson said that while the fence was down, the environment was "very challenging" because of the children and dogs in the neighborhood.

Motion made by Mr. Phillips, seconded by Ms. Sheppard, to continue the case for 120 days, to 7/24/07. Board unanimously approved.

The following two cases were heard together:

Case: CE04051739

Request for Extension

Oasis Falls Condo Association Inc.
1424 Holly Heights Drive

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 10/25/05: 9 sections at \$250 per day, per violation. Extensions had been granted as noted on the agenda. The property was not complied and the owners were requesting additional time to comply.

Mr. Anthony Zannini, owner, informed the Board that all departments except electrical had approved the master permits, and his electrician was ready to submit the revisions. He requested an additional 60 days to comply.

Mr. Robert Pignataro, Building Inspector, confirmed Mr. Zannini's statement. Inspector Pignataro had no objection to the extension.

Motion made by Mr. Phillips, seconded by Ms. Ellis, to grant a 60-day extension to 5/22/07. Board unanimously approved.

Case: CE04051740

Oasis Falls Condo Association Inc.
1430 Holly Heights Drive

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 10/25/05: 7 sections at \$250 per day, per violation. Extensions had been granted as noted on the agenda. The property was not complied and the owners were requesting additional time for compliance.

Motion made by Mr. Phillips, seconded by Ms. Ellis, to grant a 60-day extension to 5/22/07. Board unanimously approved.

Case: CE06030354

Ghulam Usman
2621 North Ocean Boulevard

Ms. Mohammed announced that certified mail sent to the owner was accepted [no date].

Mr. Robert Pignataro, Building Inspector, testified to the following violations:

- 47-19.4.D.1. : THE DUMPSTER REQUIRES AN ENCLOSURE.
- FBC 105.1 : INSTALLED A WOOD FENCE WITHOUT A PERMIT.
- FBC 105.2.11 : INSTALLED WINDOW AIR CONDITIONING UNITS WITHOUT PERMITS.

Mr. Frederick Bamman, the owner's attorney, explained that the owner was away when the property was cited, and his assistant had been hospitalized. He stated they had met with Inspector Pignataro and Ms. Maxey the previous day.

Mr. Bamman said the owner believed permits had been pulled, but these were not showing up in a search, so they must research microfiche records. Mr. Bamman said emergency repairs had been made to keep the property livable after the hurricanes. He informed the Board that the owner hoped to sell the property to developers who would demolish it in a year or so. Mr. Bamman felt the fence and dumpster enclosure repairs could be made within 45 days, and requested 90 days to resolve the window air conditioner situation.

Mr. Ghulam Usman, owner, explained that he had almost sold the property to a developer, but when the violations were discovered, the developer had walked away on the deal. Mr. Usman said he intended to comply the property, and to resolve the permit situation.

Inspector Pignataro agreed to allow 90 days to comply. He confirmed for Mr. Phillips that the dumpster wall must be permitted or replaced, not just the dumpster door.

Mr. Mitchell said it scared him that Mr. Usman intended to demolish the property within the next year, and wanted the owner to return at the May 22 hearing to inform the Board of his progress.

Motion made by Mr. Mitchell, seconded by Ms. Sheppard, to order compliance within 60 days, by 5/22/07, or \$100 per day, per violation. Board unanimously approved 6 - 0.

Case: CE05120450

Request for Extension

D & D Resources LLC
400 Northeast 13th Street

Ms. Mohammed announced that this case was originally heard on 10/24/06 with compliance ordered by 2/27/07: 3 sections at \$50 per day, per violation. An extension had been granted from 2/27/07 to 3/27/07. The property was not complied and the owner was requesting an extension.

Mr. Caesar Rojas, the tenant, informed that Board that some of the violations had been complied. The air conditioning permit had been finalized, and the sign permits were in process. He explained that Planning and Zoning wanted a clearer drawing, and he should submit this within two weeks. Mr. Rojas said there had been a question about the location of the containers, but this had been resolved yesterday with a surveyor. Once the survey was complete, they would submit a new plan for the container and canopy. Mr. Rojas said Valvoline had hired a local contractor for the signs, and the sign contractor had charged for, but never actually pulled the permits. Mr. Rojas requested a 60-day extension.

Mr. Mohammed Malik, Building Inspector, agreed to a 60-day extension.

Motion made by Ms. Sheppard, seconded by Mr. Elfman, to grant a 60-day extension to 5/22/07. Board unanimously approved.

Reference CE05120448

Hearing to Impose Fine

Progresso Holding Group, LLC
1224 Northeast 7th Avenue

Ms. Mohammed announced that this case was originally heard on 10/24/06 with compliance ordered by 1/23/07: 1 section at \$50 per day. The property was not complied and the City was requesting imposition of a \$3,100 fine and its continued accrual until the property was complied.

Mr. Mark Lauro, owner, informed the Board that he was suing his insurance company to cover the hurricane damage. An adjuster had visited the property recently, and he hoped to reach an agreement with the insurance company soon. He explained that after hurricane Wilma, he had made emergency repairs himself, and he had not found a contractor willing to pull a permit for the work he had done. Mr. Lauro did not feel it was sensible to have to remove all the work he had done and cover the roof with just a tarp. Mr. Lauro said he was unaware he needed a permit when he had made the repairs.

Inspector Pignataro explained to Mr. Mitchell that emergency repairs were permitted to secure property against further damage, but a permit *must* later be pulled. Mr. Mitchell remembered making a roof repair after the hurricane, and only laying tarpaper and a small section of shingles prior to inspection.

Mr. Lauro confirmed for Mr. Mitchell that he intended to remove his work and replace the entire roof, but needed the insurance money to be able to afford this. Mr. Mitchell asked Mr. Lauro if the insurance company would make a decision within 60 days; Mr. Lauro said he would be away on May 22, and requested 90 days. Mr. Lauro informed Ms. Sheppard that approximately 25% of the roof had been peeled back during the hurricane. Mr. Lauro said he had made the insurance company aware that he was being fined for the delay in complying the property.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 90-day extension to 6/26/07. Board unanimously approved.

Case: CE06111044

Request for Extension

Sable Resorts Inc.
3016 Bayshore Drive

Ms. Mohammed announced that this case was first heard on 2/27/07 with compliance ordered by 3/27/07, 2 sections at \$250 per day, per violation. The property was not complied and the representative was requesting an extension.

Ms. Renate Flik, representative of the owner, explained that they had submitted the permit application this morning. She requested a 60-day extension to obtain the permit and complete the work.

Mr. Robert Kisarewich, Fire Inspector, said he had spoken with the contractor and the application had been submitted. He was unsure how long the review and approval would take. He had no objection to a 60-day extension.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to grant a 60-day extension to May 22, 2007. Board unanimously approved.

Case: CE06051992

Luis & Aleidy Ramirez
3341 Southwest 20 Street

Ms. Mohammed announced that the inspector had a stipulated agreement with the owner to comply within 60 days or \$50 per day. Certified mail sent to the owner had been accepted on 3/4/07.

Mr. Robert Pignataro, Building Inspector, testified to the following violation:

- FBC 105.1 : ALTERED THIS PROPERTY TO INCLUDE, BUT NOT LIMITED TO: WOOD FENCE, DOOR, WINDOWS, AND PAVERS.

Inspector Pignataro said he had a stipulated agreement with the owner to comply within 60 days or \$50 per day.

Motion made by Mr. Phillips, seconded by Ms. Sheppard, to accept the stipulated agreement and order compliance within 60 days, by 5/22/07 or \$50 per day. Board unanimously approved.

Case: CE06050518

Firth Properties Ltd
861 Northeast 62 Street
Tenant: Jester's

Request to Vacate Orders of 7/25/06 and 10/24/06

Ms. Mohammed stated this was a request to vacate the Board's orders dated 7/25/06 and 10/24/06.

Ms. Ivett Spence-Brown, Fire Inspector, explained that the owner claimed that the delay in compliance had been caused by waiting for a permit to be issued, and he had then been informed by Structural that he did not, in fact, need a permit for the installation of the panic bars.

Mr. Phillips asked who was requesting the vacation. Ms. Bazer explained that during lien discussions with the owner's tenant, he said he had tried to comply but had waited for a permit. The Building Department and contractors the owner's tenant contacted

agreed that no permit was needed. The case was subsequently complied without a permit. Ms. Bazer confirmed that no permit was needed.

Motion made by Mr. Phillips and seconded by Ms. Sheppard to vacate the Board's orders dated 7/25/06 and 10/24/06. Motion passed 5 – 1 with Mr. Mitchell opposed.

Approval of Meeting Minutes

Motion made by Mr. Mitchell, seconded by Ms. Sheppard, to approve the minutes of the Board's January 23, 2007 meeting. Board unanimously approved.

Motion made by Mr. Mitchell, seconded by Ms. Sheppard, to approve the minutes of the Board's February 27, 2007 meeting. Board unanimously approved.

Cases Complied

Ms. Mohammed announced that the below listed cases were complied. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE07012042 CE07021448 CE05121550

Cases Pending Service

Ms. Mohammed announced that the below listed cases had been withdrawn pending service to the respondents. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE07021449 CE06030088 CE06061317 CE07012039

Cases Withdrawn

Ms. Mohammed announced that the below listed cases had been withdrawn. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE04032185 CE03121170 CE05090055 CE05090938

Approval of Meeting Minutes

There being no further business to come before the Board, the meeting adjourned at 11:50 A.M.


Chair, Code Enforcement Board

ATTEST:


CLERK, CODE ENFORCEMENT BOARD

The agenda associated with this meeting is incorporated into this record by reference.