

**CODE ENFORCEMENT BOARD**  
**CITY COMMISSION MEETING ROOM**  
**100 NORTH ANDREWS AVENUE**  
**MAY 26, 2009**  
**9:00 A.M. – 3:01 P.M.**

<b><u>Board Members</u></b>	<b><u>Attendance</u></b>	2/2009 through 1/2010	
		<b><u>Present</u></b>	<b><u>Absent</u></b>
Sam Mitchell, Chair	P	4	0
Genia Ellis, Vice Chair	P	4	0
Margaret Croxton [9:05]	P	3	1
William Lamont	A	1	3
Howard Nelson	P	1	0
Ronald Perkins	P	3	1
Jan Sheppard	P	4	0
Howard Elfman [Alternate]	P	1	0
Ronald Major [Alternate]	A	0	1

**Staff Present**

Dee Paris, Administrative Aide  
Ginger Wald, Assistant City Attorney  
Bruce Jolly, Board Attorney  
Brian McKelligett, Clerk /Special Magistrate Supervisor  
Deb Maxey, Clerk III  
Yvette Ketor, Secretary, Code Enforcement Board  
Lindwell Bradley, Code Enforcement Supervisor  
Burt Ford, Building Inspector  
George Oliva, Building Inspector  
Gerry Smilen, Building Inspector  
Tammy Arana, Fire Inspector  
Robert Kisarewich, Fire Inspector  
Nikial Buchreau, City of Fort Lauderdale Human Resources Department  
J. Opperlee, Recording Secretary

**Communication to the City Commission**

- The Board thanked the City Commission for making appointments to the Board.
- The Board requested that Mr. Elfman be made a permanent Board member when a vacancy opened up

**Respondents and Witnesses**

CE05011400: Robert Siano, owner  
CE06120242: Alexander Johnson  
CE08051667: Bevon Petit, owner's daughter  
CE08051341: Joy Ganaishlal, owner

CE06040061: Joel Lavender, owner  
CE08051719: Jerome Teppes, owner Bevon Petit, owner's daughter  
CE09031164: Marie Wanda Jean  
CE08061112: Alexander Robinson, contractor; Janet Clarke, estate representative  
CE08060101: Maria Cruz, owner  
CE08071153: Theon Eames, owner  
CE05111040: Grace Testa, owner  
CE07021312: Leonvil Noel, owner  
CE08071908: Nelson Valladares, owner; Candice Valladares, owner  
CE08070335: Yoan Castro, owner  
CE07031444: Michael Madfis, architect  
CE08042519: Lisa Ann Dumetz, owner  
CE08090023: Bradford Scaccetti, owner  
CE08030272: Zulfiqar Lakha, owner  
CE07040542: Aldo Disorbo, owner; Gamalys Alejandro, owner's assistant  
CE06081617: Richard Lawrence, general contractor  
CE06091178: Richard Seabrook, general contractor  
CE07120173: Yves Richardson, owner  
CE06210242: Leo Salomon, architect  
CE08070403: Chelsea Flowers, owner  
CE08050335: Jeron Linder, owner  
CE08051983: Diana Schneller, owner  
CE08032046: August Pujol, engineer  
CE09011440: Claire Francois, owner  
CE08021810: Jack Snyder, owner  
CE08011105: Lynn Smith, owner; Jeffrey Fenster, owner  
CE06061258: William Huegele, owner  
CE08060234: Jose Hernandez, general contractor  
CE08031845: Harris Glaser, tenant  
CE07080497: Harold Osborne, owner  
CE06072287: Steven Gottlieb, bank representative  
CE08042004: Bharat Patel, owner  
CE08072570: Tony O'Hara, contractor; Marianne Mertus, owner  
CE08072324: Robert Hayling, owner; Jeremiah Carter, owner  
CE08121685: Leila Anderson, attorney for the owner; Arsenio Ravelo, contractor  
CE08020181: Robert Caspenello, owner  
CE08051038: Stuart Smith, attorney  
CE08050944: David Vandermost, builder

Chair Mitchell called the meeting to order at 9:03 a.m., introduced Board members and explained the procedures for the hearing.

Chair Mitchell wanted to make it clear that his remarks at the March meeting regarding meetings starting late because of the lack of a quorum were meant to "apologize to the

citizens for this Board not being prepared or being properly staffed and wasting your time sitting here...waiting for us to get started.”

**Individuals wishing to speak on any of the cases on today’s agenda were sworn in.**

**Case: CE08031845**

First Industrial L P  
4720 Northwest 15 Avenue # C  
Tenant: Midnight Express

This case was first heard on 10/28/08 to comply by 11/25/08. Violations and extensions were as noted in the agenda. The property was not complied, the order had been recorded, and the City was requesting imposition of a \$16,200 fine, which would continue to accrue until the property complied.

Mr. Harris Glaser, tenant, explained that he had his permits and construction was ongoing at the new property. He presented his permit and showed photos of the work being done. He said he was trying his best to make progress, but much of it was out of his hands. He confirmed for Chair Mitchell that work was continuing at the Fort Lauderdale location because he had government contracts.

Mr. Nelson asked if Mr. Glaser had DEP or EPD air licenses. Mr. Glaser said he had licenses for both the new and old locations. Mr. Glaser hoped the work would be complete in two weeks; inspections and the Certificate of Occupancy would follow. He stated he could complete a move in approximately three days.

Mr. Lindwell Bradley, Code Enforcement Supervisor, presented into evidence recent photos of the property showing work was still being done there. He strongly urged the Board to impose the fines to put pressure on the tenant to get this done.

Chair Mitchell asked Mr. Jolly what the tenant's responsibility would be if the Board imposed the fine. Mr. Jolly explained that it could be stated in the tenant's lease. He said, “Theoretically, the lien also runs against the tenant, the personal property inside, those kinds of things, but I would suggest for the most part, probably the lien runs against the land owner.”

Chair Mitchell was concerned that for the duration of the case, the community had suffered and Mr. Glaser had not addressed their concerns.

**Motion** made by Mr. Perkins, seconded by Ms. Sheppard, to find the violations were not complied by the Order date, and to impose the \$16,200 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 6 – 1 with Ms. Croxton opposed.

**Case: CE08011105**

Jeffrey M Fenster  
3022 Northeast 26 Street

This case was first heard on 3/24/09 to comply by 5/26/09. Violations and extensions were as noted in the agenda. The property was not complied, and the City was requesting imposition of the fines that would begin on 5/27/09, and would continue to accrue until the property complied.

Mr. Jeffrey Fenster, owner, stated he had submitted the plans, which were returned twice for deficiencies. His engineer had worked with the City and redrafted the plans, and should resubmit them within the week. Mr. Fenster requested 60 days to get the permit and four months for construction.

Mr. Fenster informed Ms. Ellis he had purchased the property in 2005 without knowledge of the violations. Ms. Ellis informed Mr. Fenster that pulling the permit would comply the violations.

Mr. Burt Ford, Building Inspector, said he had spoken many times with Mr. Fenster, but he did not feel that good progress was being made. The plans had been ready for pickup on 3/16/09 but had still not been returned. Since this case had been subject to a stipulated agreement, Inspector Ford recommended imposition of the fines.

Mr. Fenster explained to Mr. Nelson that there had been a survey issue regarding the setbacks relative to the seawall. Mr. Fenster stated he would have the plans resubmitted within 10 days at the very latest. He said he would not have signed the stipulated agreement if he had not believed his professionals would comply. Inspector Ford believed that Mr. Fenster's engineer should have realized the survey was incorrect the first time the plans were returned.

Inspector Ford confirmed for Mr. Nelson that Mr. Fenster's permit applications covered all of the violations.

**Motion** made by Mr. Perkins, seconded by Ms. Croxton, to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 5/27/09 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 6 – 1 with Mr. Nelson opposed.

**Case: CE08070403**

Chelsea Blaine-Flowers, 1/2 Interest  
Herman Flowers  
651 Southwest 26 Avenue

This case was first heard on 11/25/08 to comply by 2/24/09. Violations and extensions were as noted in the agenda. All violations but one had been complied without fine.

The City was requesting imposition of a \$1,350 fine, which would continue to accrue until the property complied.

Ms. Chelsea Blaine-Flowers, owner, explained that all of the permits but one had been issued. She requested a 30-day extension to get this last permit. Ms. Flowers informed Mr. Nelson that when she first went to the City, she had been told that the “main building permit” was all she needed, but she had found out that day that she needed a permit for the air conditioner as well.

Mr. George Oliva, Building Inspector, stated Ms. Flowers had been unaware that she needed a permit for the air conditioner, but he had explained this to her.

**Motion** made by Ms. Ellis, seconded by Ms. Sheppard, to grant a 63-day extension to 7/28/09, during which time no fines would accrue. In a voice vote, motion passed 7 – 0.

**Case: CE08071153**

Theon Eames  
1300 Northwest 2 Avenue

This case was first heard on 9/23/08 to comply by 11/25/08. Violations and extensions were as noted in the agenda. The property was not complied, and the City was requesting imposition of the fines that would begin on 5/27/09 and would continue to accrue until the property complied.

Mr. Theon Eames, owner, stated he had drawings from the engineer and had found a contractor. He had also met at the property with the plumber and air conditioner technician. Chair Mitchell was concerned that the case had not progressed faster. Mr. Eames stated the delay had been caused by lack of finances and his having a new baby.

Mr. Lindwell Bradley, Code Enforcement Supervisor, said no permits had been applied for as yet. Mr. Eames requested a 63-day extension.

**Motion** made by Ms. Croxton, seconded by Mr. Nelson, to grant a 63-day extension to 7/28/09, during which time no fines would accrue. In a voice vote, motion passed 7 – 0.

**Case: CE07040542**

Victoria's Corporate Plaza LLC  
6245 Northwest 9 Avenue

This case was first heard on 5/22/07 to comply by 7/24/07. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$27,500 and the City was recommending imposition of \$1,600 in administrative costs.

[The respondent was not present and the Board heard other cases until he returned.]

Upon returning to the case, Mr. Aldo Disorbo, owner, confirmed the property was complied.

Ms. Tammy Arana, Fire Inspector, stated the property was complied, and requested a \$1,600 fine for administrative costs.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard, to find that the violations were not complied by the Order date, and to impose a fine of \$1,600 for administrative costs. In a voice vote, motion passed 7 – 0.

**Case: CE08060234**

Rosa M Molina  
3524 Southwest 14 Street

This case was first heard on 3/24/09 to comply by 5/26/09. Violations were as noted in the agenda. The property was not complied, and the City was requesting imposition of the fines that would begin on 5/27/09 and would continue to accrue until the property complied.

Mr. Jose Hernandez, general contractor, informed the Board that most of the violations had been corrected except for the mechanical violations. The original contractor had applied for the permit, but the application had been rejected and the contractor had some health problems and was not moving forward. Mr. Hernandez said he needed some additional time, and if the original contractor did not pull the permits, he would have another contractor do it. Mr. Hernandez requested 63 days.

Mr. George Oliva, Building Inspector, stated he would not object to the extension because the original mechanical inspector had been arrested for taking the deposit and leaving town.

**Motion** made by Ms. Ellis, seconded by Ms. Sheppard, to grant a 63-day extension to 7/28/09, during which time no fines would accrue. In a voice vote, motion passed 7 – 0.

**Case: CE08021810**

Jack L Snyder  
2900 Northeast 30 Street # G-5

This case was first heard on 11/25/08 to comply by 2/24/09. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$6,900 and the City was recommending abatement.

Mr. Jack Snyder, owner, confirmed that his contractor had the permit. The delay had occurred because his first contractor had been prohibited by the City from doing the work so he had needed to find a second contractor.

Mr. Burt Ford, Building Inspector, did not object to full abatement.

**Motion** made by Ms. Sheppard, seconded by Mr. Perkins, to abate the fines. In a voice vote, motion passed 7 – 0.

**Case: CE08051719**

Jerome L Tepps  
823 Northeast 14 Place

This case was first heard on 1/27/09 to comply by 4/28/09. Four of the violations were now complied; the other violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$5,400 fine, which would continue to accrue until the property complied.

Mr. Jerome Tepps, owner, stated the property had been transferred on 4/6/09 to a corporation. Ms. Paris confirmed that the City was aware of this.

Mr. Tepps said he wanted to demolish the property, but there was a large mortgage on it. He had tried to communicate with the bank, but Washington Mutual had never responded after sending someone to inspect the property. Mr. Tepps was now preparing to board up the building unless the bank would consent to demolition. He requested 63 days.

Mr. Burt Ford, Building Inspector, stated he had met with Mr. Tepps the previous week to discuss what had been done and what still must be done to comply. Inspector Ford recommended imposition of the fines.

Inspector Ford informed Ms. Ellis that the property was in fair condition, was secure and was vacant. Mr. Tepps said the exterior of the house was in the same condition as the surrounding properties.

**Motion** made by Ms. Ellis, seconded by Mr. Nelson, to find the violations were not complied by the Order date, and to impose the \$5,400 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 6 – 1 with Chair Mitchell opposed.

**Case: CE08051341**

Premnath Ganaishlal  
710 TO 726 & Rear Northwest 5 Avenue

This case was first heard on 9/23/08 to comply by 10/28/08. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of the fines that would begin on 5/27/09 and would continue to accrue until the property complied.

Ms. Joy Ganaishlal, owner, stated at her last visit, her lawyer had begun eviction proceedings which she believed would be resolved by now, but she had a hearing for

possession scheduled for June 10. She hoped that after the hearing the tenant would be out and she could demolish the work.

Mr. George Oliva, Building Inspector, had no objection to an extension. He reported the tenant had ceased doing business but his equipment was still in the store and he was refusing Ms. Ganaishlal access.

**Motion** made by Ms. Croxton, seconded by Mr. Nelson, to grant a 63-day extension to 7/28/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE07031444**

Bill Richardson Trust  
2491 State Road 84

This case was first heard on 11/25/08 to comply by 1/27/09 and 2/24/09. Violations and extensions were as noted in the agenda. The property was not complied, the order had been recorded and the respondent had been ordered to reappear at this hearing.

Mr. Michael Madfis, architect, requested a 91-day extension. He explained that he had been hired by the owner two weeks ago. He reminded the Board that the owner had been ill for approximately three months. Mr. Madfis stated they had contracted a structural engineer, a fire protection engineer, and electrical engineer and still needed a mechanical engineer. He estimated it would take 45 days to prepare the plans and 45 days to pull the permit to start the work.

Mr. Nelson asked Mr. Madfis if the property was safe for employees, given the fire code violations. Mr. Madfis stated the property was safe, and explained that the employees were familiar with the conditions and the existing fire safety apparatus.

Ms. Croxton was very concerned about the violations and believed they presented a danger to the surrounding properties. Chair Mitchell said the owners had already addressed the immediate life safety concerns. Ms. Croxton asked about the NFPA violations on page 23 of the agenda.

Mr. Robert Kisarewich, Fire Inspector, stated he had met with the George Cable, his architect and fire protection engineer at the property to discuss the fire code violations. Inspector Kisarewich reported:

- NFPA 101:39.2.4.1 was complied.
- NFPA 1:18.2.2.5.8: there were signs, but they did not meet current code, and changing the parking configuration was not feasible, so the Fire Marshall and owner must agree how to address this issue.
- NFPA 303:2.1: A few areas still require signs.
- NFPA 303:4.10.2: This requires a permit.
- NFPA 303:4.3.2: There was a water supply issue; the fire protection engineer should determine how to address this issue.
- NFPA 303:4.4.1: Another a water supply issue.



- NFPA 303:4.5: Another a water supply issue.
- NFPA 33:5.1: Much of this had been removed, but the main spray booth still stood; the fire protection engineer would address this issue.
- NFPA 33:6.3.1: This had been addressed.
- NFPA 33:7.1: Another a water supply issue.

Mr. Gerry Smilen, Building Inspector, stated the owner and architect were making progress, and he did not oppose an extension.

Inspector Kisarewich stated he would not object to a 91-day extension because the immediate dangers had been addressed.

**Motion** made by Mr. Nelson, seconded by Ms. Croxton, to grant a 28-day extension to 6/23/09, during which time no fines would accrue. In a roll call vote, motion failed 2 – 5 with Mr. Elfman, Ms. Ellis, Mr. Perkins, Ms. Sheppard and Chair Mitchell opposed.

**Motion** made by Ms. Sheppard, seconded by Mr. Nelson, to grant a 63-day extension to 7/28/09, during which time no fines would accrue. In a voice vote, motion passed 2 – 5 with Ms. Croxton and Mr. Nelson opposed.

**Case: CE07080497**

Harold J & Corinne Osborne  
4825 Northeast 19 Avenue

This case was first heard on 1/27/09 to comply by 3/24/09. Violations and extensions were as noted in the agenda. The property was not complied.

Mr. Harold Osborne, owner, explained the paver permit was ready for pickup, and the generator permit was returned for corrections.

Mr. Burt Ford, Building Inspector, clarified that only the paver permit had passed; the other permits had failed and must be picked up for corrections. He said he did not oppose to an extension.

**Motion** made by Ms. Sheppard, seconded by Mr. Elfman, to grant a 28-day extension to 6/23/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE08050335**

Jeron F Linder Jr  
1061 Northwest 25 Avenue

This case was first heard on 2/24/09 to comply by 4/28/09. Violations were as noted in the agenda. A request for an extension at the Board's April hearing had been denied. The property was not complied, and the City was requesting imposition of a \$3,375 fine, which would continue to accrue until the property complied.

Mr. Jeron Linder, owner, stated he had hired a contractor and the property was boarded up; he was now awaiting inspection. Chair Mitchell asked when Mr. Linder could begin work on complying the violations and Mr. Linder stated he was having financial problems.

Mr. Gerry Smilen, Building Inspector, confirmed the Board-up permit had been issued, but no inspections had been scheduled. He stated the City's main concern had been to see that the house was secure.

**Motion** made by Ms. Sheppard, seconded by Ms. Ellis, to grant a 119-day extension to 9/22/09, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE06091178**

Victor M Estrada  
211 Southeast 16 Avenue #2

This case was first heard on 3/24/09 to comply by 5/26/09. Portions of several violations were complied; the other violations were as noted in the agenda.

Mr. Richard Seabrook, general contractor, stated they were accepting bids for the remainder of the work and requested 91 days. Mr. Seabrook informed Mr. Nelson that the property was occupied. They had shored up the stairs until they could be replaced and the rear windows had been unscrewed.

Mr. Burt Ford, Building Inspector, stated he did not oppose an extension since progress was being made. He recommended 91 to 119 days.

**Motion** made by Ms. Croxton, seconded by Mr. Nelson, to grant a 119-day extension to 9/22/09, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE08090023**

Andrea Mignoni &  
Bradford N Scaccetti  
2715 North Ocean Boulevard # 9D

This case was first heard on 3/24/09 to comply by 5/26/09. Violations were as noted in the agenda. The property was not complied.

Mr. Bradford Scaccetti, owner, stated he had hired a contractor, who submitted permit applications that were returned for corrections. Mr. Scaccetti had also hired an electrical contractor, who noted problems that must be addressed before the electrical portion of the permit application could be completed. Ms. Scaccetti was working with an electrician now to resolve those issues. Once this was accomplished, his contractor could resubmit the application. Mr. Scaccetti requested 91 days. Chair Mitchell reminded Mr. Scaccetti that he, not his contractor, was responsible for complying the violations, and advised him to get in touch with his inspector.

Mr. Burt Ford, Building Inspector, reported that the permits had failed all reviews and he had phoned Mr. Scaccetti on 5/13 to advise him to pick up the plans for corrections, but they had still not been retrieved. Inspector Ford did not believe the contractor could make corrections without the plans. Inspector Ford recommended a 28 to 63-day extension, since progress had been lacking so far.

**Motion** made by Ms. Sheppard, seconded by Mr. Elfman, to grant a 28-day extension to 6/23/09, during which time no fines would accrue. In a voice vote, motion passed 2 – 5 with Ms. Croxton and Mr. Nelson opposed.

**Case: CE09011440**

Citigroup Global Markets  
C/O Americas Servicing  
1527 Northwest 11 Street

This case was first heard on 3/24/09 to comply by 4/28/09. Violations were as noted in the agenda. The property was not complied, and a respondent who did not represent the bank was present to speak.

Ms. Claire Francois, owner, said she received a final judgment for the property in 2001. Ms. Francois became quite distraught, and Mr. Jolly advised that the City could call an interpreter. Chair Mitchell called a recess.

Ms. Nikial Buchreau, City of Fort Lauderdale Human Resources Department, interpreted for Ms. Francois.

Mr. Elfman was concerned because the bank currently owned the property and it was for sale. Ms. Francois stated the property had been “granted” to her and that she was “the owner forever of the property.”

Ms. Wald suggested the case be withdrawn from the Board’s agenda, and stated the City would research ownership of the property and re-notice to the proper owner(s).

**Case: CE05111040**

One Point One LLC  
1300 Northwest 3 Avenue

This case was first heard on 4/22/08 to comply by 7/22/08. Violations and extensions were as noted in the agenda. The property was not complied and fines had accrued to \$3,100.

Ms. Grace Testa, owner, said she had considered applying for a variance, but had moved sections of the fence to comply instead.

Mr. Burt Ford, Building Inspector, did not oppose a 28-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard, to grant a 28-day extension to 6/23/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE07021312**

Conceptia Silien, 1/2 Interest  
Leon Vel Noel  
1320 Northwest 7 Terrace

This case was first heard on 9/23/08 to comply by 11/25/08. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Leonvil Noel, owner, said he had submitted the permit application, but it had failed for the survey. He requested additional time.

Mr. George Oliva, Building Inspector, said he did not oppose an extension because the only remaining problem was the survey. He recommended 63 days.

**Motion** made by Ms. Croxton, seconded by Mr. Nelson, to grant a 63-day extension to 7/28/09, during which time no fines would accrue. In a voice vote, motion passed 5 - 2 with Ms. Sheppard and Chair Mitchell opposed.

**Case: CE08051983**

D P & D C Schneller Revocable Living Trust  
Diana C Schneller, Trustee  
1146 Northwest 3 Avenue

This case was first heard on 10/28/08 to comply by 1/27/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Ms. Diana Schneller, owner, reminded the Board that the previous owner had open permits he had never closed out. She described work already completed at the property, and stated the storm shutters were being installed by her licensed contractor. Ms. Schneller requested 90 days to finish the work.

Mr. Gerry Smilen, Building Inspector, confirmed that the fence permit was finalized and the storm panel permit had been issued 4/15/09. Once the window issue was addressed, the storm panels and windows could both be complied. Inspector Smilen confirmed that Ms. Schneller had "inherited" the problems when she purchased the house. He remarked she was putting in a lot of effort to comply, and suggested a 90-day extension, since the windows still needed plans and a permit.

**Motion** made by Ms. Sheppard, seconded by Ms. Ellis, to grant a 91-day extension to 8/25/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE06040061**

Joel & Ileana Lavender  
743 Northeast 17 Court

This case was first heard on 7/22/08 to comply by 1/27/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting the January order be amended to change the extended compliance date to May 26, 2009 which would result in there being no outstanding fines.

**Motion** made by Ms. Ellis, seconded by Ms. Sheppard, to amend the Board's January order to change the extended compliance date from April 28, 2009 to May 26, 2009. In a voice vote, motion passed 7-0.

Mr. Nelson announced he would recuse himself from this case because he was a friend of Ms. Lavender.

Mr. Joel Lavender, owner, requested a 90-day extension. Chair Mitchell asked what progress had been made since the last extension. Mr. Lavender explained that the plans had been rejected, he had met with City staff and revised the plans. His new contractor had resubmitted the plans on approximately May 5.

Mr. George Oliva, Building Inspector, informed the Board that Mr. Lavender's master drawing had been cancelled by Chief Building Official Chris Augustin, who had requested new drawings to meet the 2007 Florida Building Code. The new drawings for seven permits had been resubmitted and were in the process. Inspector Oliva recommended a 63-days extension to complete the process for permit approval. He explained that the original plans referred to the South Florida Building code and the 2004 Florida Building Code, and the wind mitigation must be recalculated.

**Motion** made by Ms. Croxton to grant a 63-day extension to 7/28/09. Motion died for lack of a second.

**Motion** made by Ms. Ellis, seconded by Mr. Elfman, to grant a 91-day extension to 8/25/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE06081617**

Sheldon Friedberg  
9 Fort Royal Isle

This case was first heard on 2/24/09 to comply by 5/26/09. One violations and two portions of another were complied; the remaining violations were as noted in the agenda.

Mr. Richard Lawrence, general contractor, informed the Board that the Chickee hut and electrical had been removed, but he was having problems pulling the window and door permit. Mr. Lawrence had received a deposit from the owner to purchase the shutters

as soon as the engineering was available. He requested a 90-day extension because he would be away for two weeks in July.

Mr. Burt Ford, Building Inspector, did not oppose an extension.

Mr. Lawrence confirmed the property was for sale and the owner was "very motivated" to comply the violations.

**Motion** made by Mr. Perkins, seconded by Mr. Nelson, to grant a 91-day extension to 8/25/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE08071908**

Nelson & Gisela Valladares  
1345 Southwest 22 Terrace

This case was first heard on 2/24/09 to comply by 4/28/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,350 fine, which would continue to accrue until the property complied.

Ms. Candice Valladares, owner, stated the first engineer had never provided plans for the columns so they had hired another engineer on May 7. The application had been submitted for the permit. Ms. Valladares requested 33 days.

Mr. George Oliva, Building Inspector, confirmed all violations except the column were complied and the permit application had been submitted on May 18. He recommended a 63-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Croxton, to grant a 63-day extension to 7/28/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE08042004**

Lalji Inc  
1900 South Federal Hwy

This case was first heard on 2/24/09 to comply by 5/26/09. Violations were as noted in the agenda and the property was not complied.

Mr. Bharat Patel, owner, requested an extension because he had learned he needed to apply for a variance for the parking area sealing and striping, and he was scheduled to request the variance on August 12.

Chair Mitchell asked how Mr. Patel would address the second violation, regarding the work done without permits. Mr. Burt Ford, Building Inspector, explained that this coincided with the first violation; the permit would take care of both. He confirmed Mr. Patel would apply in July to be added to the August Board of Adjustment agenda. He

added that Mr. Patel had tried very hard to comply, and he recommended a minimum of 154-180 days to get past the Board of Adjustment's August meeting.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to grant a 154-day extension to 10/27/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE06061258**

William Todd Huegele  
3166 Northwest 67 Court

This case was first heard on 6/24/08 to comply by 8/26/08. Violations and extensions were as noted in the agenda. The property was not complied.

Mr. William Huegele, owner, informed the Board that he had received the variance and resubmitted the plans, which had been returned for corrections. The architect had made corrections twice and he had resubmitted the plans the previous Friday, when the City informed him he needed a roof permit and a new survey. Mr. Huegele said he was not willing to spend another \$200 for another survey. He was upset at having additional requirements as he progressed. Mr. Huegele intended to meet with Chief Building Official Chris Augustin regarding this.

Mr. Gerry Smilen, Building Inspector, agreed this "seems like a lot of work for a shed and a roof permit." He said Mr. Huegele had gone above and beyond the call of duty to try to comply the shed. Inspector Smilen felt there "might be a little lapse of coordination on this internally" and he had advised Mr. Huegele to confer with the Chief Building Official.

**Motion** made by Mr. Nelson, seconded by Ms. Croxton, to grant a 63-day extension to 7/28/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE08030272**

Zulfiqar Lakha  
3521 Riverland Road

This case was first heard on 11/25/08 to comply by 1/27/09. Violations and extensions were as noted in the agenda. The property was not complied.

Mr. Zulfiqar Lakha, owner, informed the Board that the permit application had been submitted the previous week and it was in process. He stated the back portion of the property was still vacant.

Mr. George Oliva, Building Inspector, said he would not oppose and extension; Mr. Lakha had been working hard to comply. He recommended 63 days.

**Motion** made by Ms. Croxton, seconded by Mr. Elfman, to grant a 63-day extension to 7/28/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE09031164**

Ithelind Moise  
1032 Northwest 1 Avenue

This case was first heard on 4/28/09 to comply by 5/26/09. Violations were as noted in the agenda. The property was not complied, the order had been recorded, and the City was requesting imposition of the fines that would begin on 5/27/09 and would continue to accrue until the property complied.

Ms. Marie Wanda Jean, co-owner, stated they had purchased the property in October 2006. She said they had made no changes or repairs to the building except to replace one of the air conditioners. She confirmed for Chair Mitchell that they had the building inspected prior to the purchase, but no violations were revealed. Chair Mitchell stated the Board had already determined that the violations did exist, and Ms. Jean was responsible to correct the violations. He advised her to confer with her inspector to determine exactly what must be done to comply.

Ms. Jean stated her sister-in-law had signed for the notice and she had not seen it. Her brother was the co-owner, and the Board agreed that since his wife had accepted the notice, service was proper.

Mr. Lindwell Bradley, Code Enforcement Supervisor, said no permit applications had been submitted and there had been no contact from the owner. He recommended imposition of the fine.

**Motion** made by Mr. Perkins, seconded by Mr. Elfman, to find that the violations were not complied by the Order date, and therefore, the fines as stated in the first Order would begin on 5/27/09 and continue to accrue until the violations were corrected.

Chair Mitchell felt "there may be some ...misunderstanding of the laws in this case" and suggested granting a short extension to give the owners a chance to determine what was going on with the property. Mr. Perkins said he "would feel a lot better about that sentiment if I saw anything from the respondent to accept any personal responsibility."

In a roll call vote, motion passed 4-3 with Ms. Croxton, Mr. Nelson and Chair Mitchell opposed.

**Case: CE06120242**

Alexander P Johnson  
420 Southeast 13 Street

This case was first heard on 1/22/08 to comply by 7/22/08. Violations and extensions were as noted in the agenda. The property was not complied, the order had been recorded, and the City was requesting imposition of the fines that would begin on 5/27/09 and would continue to accrue until the property complied.



Mr. Alexander Johnson, owner, reported that all of the violations were complied except for the DRC review.

Mr. Leo Salomon, architect, confirmed the plans had been submitted to the DRC for the change of use and they were waiting for the request to be heard. They had no agenda date, but as soon as the DRC approved the request, they would submit for a permit and begin construction. Mr. Salomon said Mr. Johnson had made corrections to some of the violations.

Ms. Croxton remarked that the DRC process took quite some time, and she did not believe 63 days would be long enough.

Mr. Salomon confirmed that the building was being used as an office, but there had been no improvements made to the property. He explained they had originally hoped to go through the Building Department process only, but had been informed they must go through the change of use. Mr. Johnson said the building was now a single-person law office.

Ms. Sheppard asked if the property was for sale, and Mr. Johnson said it was listed for sale as a home. Mr. Johnson confirmed there were other commercial-use properties in this area because it was RO zoning.

Mr. George Oliva, Building Inspector, said the only permit application was the garage door enclosure on May 20, 2009. There was no application for the air conditioner and the other violations were not complied. He opposed any extension.

Mr. Johnson stated the air conditioning had been passed by the City. He said he had reversed the work done by the previous owner enclosing the garage. The only remaining issue was the change of use.

Ms. Wald informed the Board that FBC 105.2.11, the air conditioner violation, was complied.

**Motion** made by Ms. Croxton to grant a 91-day extension during which time no fines would accrue.

Mr. Nelson stated he would second the motion "with the grave reservation of seconding an extension of time for a person whose profession it is to know the law and know you should have gone through DRC when you first looked at it."

Inspector Oliva clarified that the garage door permit application had been submitted and other permits had expired. Ms. Wald stated the permit had been rejected because the case must go through the DRC for the change of use.

In a roll call vote, motion failed 3 – 4 with Mr. Elfman, Mr. Perkins, Ms. Sheppard and Chair Mitchell opposed.

**Motion** made by Mr. Elfman, seconded by Mr. Nelson, to grant a 63-day extension to 7/28/09, during which time no fines would accrue. In a voice vote motion passed 7 – 0.

**Case: CE08060101**

Jose & Maria Cruz  
1210 Northwest 1 Avenue

This case was first heard on 11/25/08 to comply by 2/24/09. Two violations and portions of another violation were complied; the other violations and extensions were as noted in the agenda. The property was not complied, the order had been recorded and the City was requesting imposition of fines that would begin on 5/27/09 and would continue to accrue until the property complied.

Ms. Maria Cruz, owner, requested 63 more days, explaining that her husband had undergone surgery and was not working.

Mr. George Oliva, Building Inspector, reported the owners had applied for the window and shutter permit, and had removed the sheds and water heater. The only thing that remained was the air conditioner permit. He recommended a 91-day extension.

**Motion** made by Ms. Sheppard, seconded by Ms. Croxton, to grant a 91-day extension to 8/25/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE08061112**

Alberta Williams Estate  
1207 Northwest 11 Place

This case was first heard on 11/25/08 to comply by 1/27/09. Violations and extensions were as noted in the agenda. The property was not complied, the order had been recorded, and the City was requesting imposition of a \$2,550 fine, which would continue to accrue until the property complied.

Ms. Janet Clarke, estate representative, said she had hired a contractor, who would submit the permit application and also repair the roof.

Mr. Alexander Robinson, contractor, stated they needed time for the permit to be issued, which he felt would take 30 days.

Mr. George Oliva, Building Inspector, agreed Mr. Robinson had all of the documents for the permit and would submit them after they left the hearing. He felt the permit would be issued in approximately three weeks and recommended a 28-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard, to grant a 28-day extension to 6/23/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE07120173**

Gy-Rich Inc  
301 West Sunrise Boulevard

This case was first heard on 4/28/09 to comply by 5/26/09. Violations were as noted in the agenda. The property was not complied.

Mr. Yves Richardson, owner, said he had hired a contractor and submitted plans to the City two weeks ago.

Mr. Gerry Smilen, Building Inspector, confirmed that the application for the parking area had been submitted on 5/18/09. He believed the owner would work on complying one violation at a time. Mr. Richardson said all the repairs were shown on the plans he submitted.

Mr. Richardson presented his permit application, and Ms. Ellis stated this only covered the parking lot, not the other items. Inspector Smilen stated the City was only aware of the parking lot application. He reminded the Board that this was a former service station that the tenant wanted to use for food service. Mr. Richardson clarified that the tenant had tried to install a kitchen and he was arguing with the tenant. He presented the tenant's plan for the interior of the property. Inspector Smilen stated the permit application was expired and it only addressed mechanical and ventilation issues.

Mr. Richardson said the tenant believed that there were no problems on the property and did not want to allow him access. He presented a copy of a letter he had sent to the tenant.

Ms. Wald explained that the 2007 permit was for a kitchen hood only and it had passed. This had been presented as a change of use, and because the interior was changed to a kitchen, additional items required permitting.

Mr. Nelson pointed out that the owner's attorney had sent the letter to the tenant before the first hearing, beginning the legal process to force the tenant to provide him access and to allow him to comply.

**Motion** made by Mr. Nelson, seconded by Ms. Croxton, to grant a 91-day extension to 8/25/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE08032046**

Virginia Maricochi  
1248 South Ocean Drive

This case was first heard on 9/23/08 to comply by 11/25/08. Violations and extensions were as noted in the agenda. The property was not complied.

Mr. August Pujol, engineer, said he had hoped Inspector Strawn would be available, since he was familiar with the case. In his absence, he had been working with other inspectors. Mr. Pujol reported that some of the violations were complied as the result of his research. He requested a 63-day extension.

Ms. Croxton noted that Inspector Strawn was on emergency leave.

Mr. George Oliva, building Inspector, said he would not oppose a 63-day extension.

**Motion** made by Ms. Ellis, seconded by Ms. Sheppard, to grant a 63-day extension to 7/28/09, during which time no fines would accrue. In a voice vote, motion passed 7 – 0.

**Case: CE08042519**

Lisa Dumetz  
2506 Northeast 30 Street

This case was first heard on 2/24/09 to comply by 5/26/09. Portions of two violations were complied; the remaining violations were as noted in the agenda. The property was not complied and the City was requesting imposition of fines that would begin on 5/27/09 and would continue to accrue until the property complied.

Ms. Lisa Ann Dumetz, owner, stated one of the reasons for the delay was that the property had been in foreclosure, but she had taken care of this. Ms. Dumetz requested 91 days to comply the last item.

Ms. Dumetz explained that the door only, not the doorframe, had been replaced, so this was complied. She said the electrical was the only violation remaining.

Mr. Burt Ford, Building Inspector, said the former Building Official was of the opinion that if only the door slab was changed, no permit was needed. He said Ms. Dumetz had a plumbing permit and a fence permit in with the City, but the other interior alterations were not covered: all of 105.2.5 still required permitting. Ms. Dumetz might also need a structural permit for interior alterations.

**Motion** made by Ms. Ellis, seconded by Mr. Perkins, to grant a 91-day extension to 8/25/09, during which time no fines would accrue. In a voice vote, motion passed 7 – 0.

**Case: CE08072324**

Robert B & Athea W Hayling, and  
Jeremiah Carter  
1036 Northwest 9 Avenue

This case was first heard on 9/23/08 to comply by 11/25/08. Violations and extensions were as noted in the agenda. The property was not complied, and the order had been recorded, and the City was requesting imposition of the fines that would begin on 5/27/09 and would continue to accrue until the property complied.

Mr. Jeremiah Carter, owner, stated they had received the permit for the sink and they had submitted an application for the parking lot painting. Mr. Carter stated they had made no changes to the lines in the lot; the original lines had been repainted. Regarding the waste line, Mr. Carter explained a cap had blocked the line.

Mr. Gerry Smilen, Building Inspector, confirmed that the plumbing permit had been issued on 5/19/09. Nothing had been done to address the parking lot problem. Inspector Smilen presented photos of the parking lot lines, and remarked that the current configuration did not comply with any handicapped parking requirements. Even if this were just a repainting of existing lines, the repainting did require a permit. Mr. Nelson asked if the parking lot could have been installed prior to ADA requirements and grandfathered in, but Inspector Smilen did not know.

Mr. Carter provided a control number for the parking lot application and said this was currently in review.

Ms. Wald reminded the Board that they had already determined the violations existed, and a permit was required for compliance.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to grant a 91-day extension to 8/25/09, during which time no fines would accrue. In a voice vote, motion passed 7 – 0.

**Case: CE08070335**

Yoan A Castro &  
Nancy Anicia Licea  
2450 Southwest 7 Street

This case was first heard on 3/24/09 to comply by 5/26/09. Violations were as noted in the agenda. The property was not complied, the order had been recorded and the City was requesting imposition of fines that would begin on 5/27/09 and would continue to accrue until the property complied.

Code Enforcement Officer Mario Sotolongo acted as translator for the owner.

Mr. Yoan Castro, owner, explained that there had been a fire at the house approximately one year ago. The house was now in foreclosure.

Ms. Wald informed the Board that the lis pendens had been filed on 4/3/09 but the sale had not occurred.

Mr. Castro had hired an attorney regarding the insurance claim, but nothing had been paid on the claim yet. Ms. Sheppard remarked that if a home was insured as a single-family, the insurance would not pay out if it was used as a multi-family. The violations indicated the property had been subdivided into four rental apartments. Mr. Castro stated the house had been subdivided into four rooms for family members. Mr. Castro

said there had not been three kitchens, the main kitchen was being remodeled, and family members were using cooking appliances elsewhere in the house.

Chair Mitchell stated the Board had already determined the violations existed. He said the last time the case was heard, Mr. Castro's mother had appeared and the Board had allowed her time to determine what her plans were for the property.

Mr. George Oliva, Building Inspector, presented photos of the property and pointed out there were three other kitchens in the house. The fire had been caused by an electrical overload from the central air conditioner that was installed without a permit. He drew the Board's attention to the two illegal bathrooms in the house.

**Motion** made by Mr. Perkins, seconded by Ms. Sheppard, to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 5/27/09 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 – 0.

**Case: CE08051667**

Myrtle Gunter  
601 West Melrose Circle

This case was first heard on 3/24/09 to comply by 5/26/09. Violations were as noted in the agenda. The property was not complied.

Ms. Bevon Petit, the owner's daughter, said the application had been submitted at the beginning of May.

Mr. George Oliva, Building Inspector, remarked that a few violations were already complied and permits were in process. He recommended a 63-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard, to grant a 63-day extension to 7/28/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE08050944**

Patricia Ann T & Steven J Miga  
3209 Northeast 36 Street # 4B

Mr. Burt Ford, Building Inspector,

This case was first heard on 2/24/09 to comply by 4/28/09. Violations and extensions were as noted in the agenda. There had been a stipulated agreement to comply. The property was not complied, and the City was requesting imposition of the fines that would begin on 5/27/09 and would continue to accrue until the property complied.

Mr. David Vandermost, builder, stated the permit application had been submitted and requested a 63-day extension. He said the owners had tried to work with another contractor, but he had disappeared.

Mr. Burt Ford, Building Inspector, said progress had been very slow, but he would not oppose an extension.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to grant a 63-day extension to 7/28/09, during which time no fines would accrue. In a roll call vote, motion failed 3 – 4 with Ms. Croxton, Mr. Perkins, Ms. Sheppard and Chair Mitchell opposed.

**Motion** made by Ms. Ellis, seconded by Mr. Elfman, to grant a 28-day extension to 6/23/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

[The Board took a break from 1:15 to 1:30]

**Case: CE08121685**

Ortal Vaknin-Emerly  
1122 Northwest 4 Avenue

Service was via posting on the property on 4/22/09 and at City Hall on 5/14/09.

Mr. Gerry Smilen, Building Inspector, testified to the following violations:  
FBC 105.2.5

THE ELECTRICAL SYSTEM HAS BEEN ALTERED WITHOUT OBTAINING THE REQUIRED PERMITS. THE ALTERATIONS INCLUDE THE INSTALLATION OF A NEW DISTRIBUTION PANEL, LIGHTING IN THE CARPORT AND AN UPGRADE OF THE SERVICE CONNECTION TO F.P.L.

9-280(b)

A DECORATIVE COLUMN SUPPORTING THE FRONT ROOF PROJECTION IS SEVERELY BENT.

9-313(a)

THE BUILDING IS NOT NUMBERED AS REQUIRED.

FBC 105.1

THE BUILDING HAS BEEN ALTERED AND IMPROVED WITHOUT OBTAINING THE REQUIRED BUILDING PERMITS OR THE PERMITS WERE ALLOWED TO EXPIRE AND BECOME NULL AND VOID WITHOUT PASSING THE FIELD INSPECTIONS. THE ALTERATIONS INCLUDE THE FOLLOWING:

1. WINDOWS AND DOORS HAVE BEEN REMOVED AND REPLACED.
2. WOOD FENCING HAS BEEN INSTALLED.
3. A CLOSET HAS BEEN INSTALLED IN THE NORTHEAST BEDROOM. THE BACK OF THIS CLOSET COVERS THE NORTH WINDOW OF THE BEDROOM.

FBC 105.2.11

THE BUILDING HAS BEEN ALTERED BY THE INSTALLATION OF AN AIR CONDITIONING SYSTEM WITHOUT OBTAINING THE REQUIRED PERMIT.

FBC 105.2.4

A KITCHEN SINK AND A WATER HEATER HAVE BEEN INSTALLED WITHOUT OBTAINING THE REQUIRED PLUMBING PERMIT.

FBC 106.10.3.1

THE PERMIT TO BUILD A FENCE (# 05070975) AND THE PERMIT TO INSTALL WINDOWS AND DOORS (# 05040829) HAVE EXPIRED WITHOUT PASSING FIELD INSPECTION. THE WORK NOW EXISTS AS NON-PERMITTED ALTERATIONS.

FBC 1612.1.2

THE DOORS AND WINDOWS AND THE AIR CONDITIONING COMPRESSOR THAT HAVE BEEN INSTALLED HAVE NOT DEMONSTRATED RESISTANCE TO THE MINIMUM WIND LOADING THAT IS REQUIRED IN A HIGH VELOCITY HURRICANE ZONE. THESE REQUIREMENTS ARE ADDRESSED THROUGH THE PERMITTING PROCESS.

FBC 1626.1

THE WINDOWS AND DOORS THAT HAVE BEEN INSTALLED HAVE NOT DEMONSTRATED COMPLIANCE WITH THE MINIMUM RESISTANCE TO THE IMPACT OF WIND-BORNE DEBRIS THAT IS REQUIRED IN A HIGH VELOCITY HURRICANE ZONE. ADHERENCE TO THIS MINIMUM REQUIREMENT IS ASSURED THROUGH THE PERMITTING PROCESS.

Inspector Smilen stated there had been no effort to comply the property. He submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, requested a finding of fact and recommended ordering compliance within 28 days or a fine of \$150 per day, per violation.

Ms. Leila Anderson, attorney for the owner, said her client, Ms. Ortal Vaknin-Emery, had purchased the property through foreclosure in November 2008, unaware of the violations. In January, Ms. Anderson had performed a municipal lien report and discovered the issues at the property. Ms. Vaknin-Emery had hired a contractor, but then developed brain cancer and returned to Israel for treatment. This had delayed progress on the property. Ms. Anderson requested 90 days.

Mr. Elfman asked Ms. Anderson if all of the violations pre-dated her client's ownership of the property. Ms. Anderson read a list of violations she had discovered from the municipal lien report.



**Motion** made by Mr. Nelson, seconded by Mr. Perkins, to find in favor of the City and order compliance within 63 days, by 7/28/09, or a fine of \$150 per day, per violation and to record the order. In a voice vote, motion passed 7 - 0.

**Case: CE06072287**

Lucneur J & Antoinette Cadet  
419 Carolina Avenue

Certified mail sent to the owner was accepted on 4/27/09.

Mr. George Oliva, Building Inspector, testified to the following violations:  
FBC 105.1

THE BUILDING HAS BEEN CHANGED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS OR INSPECTIONS:

1. ONE FRONT DOOR WAS REMOVED AND THE OPENING WAS ENCLOSED.
2. THERE IS A NEW DOUBLE FRENCH STYLE GLASS DOOR ON THE REAR.
3. NEW SHINGLED ROOF.
4. SOME OF THE PROPERTY WINDOWS WERE REPLACED.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS THROUGH THE PERMITTING AND INSPECTION PROCESS.

FBC 1604.1

THE STRUCTURE FOR THE DOOR OPENING THAT WAS CLOSED AND THE GLASS FRENCH DOUBLE DOOR DOES NOT MEET THE STANDARD FOR GRAVITY LOADING AND HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS.

FBC 1626.1

ALL THE WINDOWS AND DOOR INSTALLATIONS HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS. ALL THE NEW WINDOWS AND DOOR WITH GLASS NEED TO BE IMPACT RESISTANT OR BE PROTECTED BY AN APPROVED HURRICANE PROTECTION SYSTEM.

Inspector Oliva stated he had first inspected the property on March 1, 2007. He submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, requested a finding of fact and recommended ordering compliance within 63 days or a fine of \$100 per day, per violation, and to record the order.

Mr. Elfman reported that this property was scheduled to close in the next three days.

Mr. Steven Gottlieb, bank representative, confirmed that the property was in foreclosure and under contract. Notice of the hearing had been faxed to him on May 21. He stated the closing had been postponed, and the bank was sending a contractor to the property to assess it.

Mr. Jolly explained that the bank now had an obligation to disclose the violations to any prospective buyer.

Ms. Wald stated the City had cited the previous owners, the Cadets, because they were still listed as the owners. There had been a foreclosure proceeding and a sale, but the Certificate of Title had yet to be recorded, so the bank was not shown as the owner in the public record. Ms. Wald confirmed for Mr. Nelson that Mr. Gottlieb's appearance at the hearing waived any notice defect.

**Motion** made by Ms. Croxton, seconded by Ms. Sheppard, to find in favor of the City and order compliance within 63 days, by 7/28/09, or a fine of \$100 per day, per violation, and to record the order. In a voice vote, motion passed 7 - 0.

**Case: CE08020181**

Robert T Caspanello  
3644 Southwest 22 Street

Service was via posting on the property on 4/23/09 and at City Hall on 5/14/09.

Mr. George Oliva, Building Inspector, testified to the following violations:  
9-281(b)

1. BUILDING IS NOT STRUCTURALLY SOUND AND MAINTAINED IN A SECURE AND ATTRACTIVE MANNER.
2. EXTERIOR DOOR AND WINDOW INSTALLATIONS ARE INCOMPLETE.
3. WINDOWS ARE INOPERABLE.
4. T1-11 PLYWOOD USED ON THE PORCH AND CARPORT ENCLOSURES IS NOT AN APPROVED FINISHING MATERIAL.

FBC 105.1

THE BUILDING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS OR INSPECTIONS:

1. THE CARPORT HAS BEEN ENCLOSED.

FBC 105.2.5

THE ELECTRICAL SYSTEM FOR THE FACILITY HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER, INCLUDING BUT NOT LIMITED TO:

1. ELECTRICAL LOAD DEMAND WAS INCREASED BY ADDING ADDITIONAL ROOM LIGHTS AND WALL OUTLETS THAT HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED LOADING THROUGH THE PERMITTING PROCESS.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS THROUGH THE PERMITTING AND INSPECTION PROCESS.

FBC 117.1.2

STRUCTURES COMMENCED WITHOUT A PERMIT OR THE PERMIT FOR WHICH HAS EXPIRED PRIOR TO COMPLETION AND NO CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED, SHALL BE PRESUMED AND DEEMED UNSAFE.

FBC 1604.1

THE STRUCTURE FOR THE CARPORT CONVERSION DOES NOT MEET THE STANDARD FOR GRAVITY LOADING AND HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS.

Inspector Oliva stated a permit application had been submitted September 18, 2008, but had failed review. He submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, requested a finding of fact and recommended ordering compliance within 63 days, by 7/28/09, or a fine of \$100 per day, per violation, and to record the order.

Mr. Robert Caspenello, owner, explained he had answered the structural problems and resubmitted the application that day, and he hoped the permit would be issued within two weeks.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman, to find in favor of the City and order compliance within 63 days, by 7/28/09, or a fine of \$100 per day, per violation, and to record the order. In a voice vote, motion passed 7 - 0.

**Case: CE08051038**

Carlos Benitez

1507 Northeast 15 Avenue

Service was via posting on the property on 4/23/09 and at City Hall on 5/14/09.

Mr. George Oliva, Building Inspector, testified to the following violations:

FBC 105.1

THE BUILDING HAS BEEN CHANGED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS OR INSPECTIONS:

1. A JACUZZI WAS INSTALLED.
2. A SHED WAS INSTALLED.
3. FRONT DOORS WERE REPLACED.
4. WINDOWS WERE REMOVED AND REPLACED.
5. TWO CONCRETE SLABS WERE POURED WITH AN EXPIRED PERMIT.

FBC 105.2.5

THE ELECTRICAL SYSTEM OF THE FACILITY HAS BEEN CHANGED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER, INCLUDING BUT NOT LIMITED TO:

1. ELECTRICAL LOAD DEMAND WAS INCREASED BY ADDING TWO CENTRAL A/Cs WITH ELECTRICAL HEATER USING 220 VOLT 50 AMPS EACH AND HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED AMPERAGE LOADING THROUGH THE PERMITTING PROCESS.

FBC 106.10.3.1

TWO SLABS PERMITTED UNDER 96011153 WERE NEVER INSPECTED AND THE WORK ABANDONED.

FBC 105.2.11

THE MECHANICAL SYSTEM OF THE FACILITY HAS BEEN CHANGED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER, INCLUDING BUT NOT LIMITED TO:

1. THERE ARE TWO CENTRAL A/Cs WITH DUCT WORK AND ELECTRICAL HEATER THAT WERE INSTALLED ON THE PROPERTY.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, requested a finding of fact and recommended ordering compliance within 63 days or a fine of \$100 per day, per violation, and to record the order.

Ms. Croxton asked if Mr. Benitez still owned the property or if the bank had taken ownership. Mr. Stuart Smith, attorney, stated the bank was proceeding with foreclosure; the final judgment hearing was set for the end of June. Mr. Smith said Mr. Benitez still resided at the property. Inspector Oliva was unsure if Mr. Benitez or a tenant resided at the property.

Mr. Smith requested time for the bank to acquire title to the property and then fix the problems. He explained that when a sale took place, the clerk issued a Certificate of Title. This usually took ten days, but with the current backlog, it was taking 30 to 45 days. Until that document was issued, the bank had no legal right to remove anyone from the property or to assume any responsibilities of ownership.

Mr. Smith confirmed that the bank would comply the violations because they wanted "marketable title" meaning it was free of all of these problems.

**Motion** made by Mr. Nelson, seconded by Ms. Croxton, to find in favor of the City and order compliance within 63 days, by 7/28/09, or a fine of \$100 per day, per violation, and to record the order. In a voice vote, motion passed 6 – 1 with Ms. Sheppard opposed.

**Case: CE08072570**

Marianne W Mertus  
440 Southwest 31 Avenue

Service was via posting on the property on 4/23/09 and at City Hall on 5/14/09.

Mr. George Oliva, Building Inspector, testified to the following violations:  
FBC 105.1

THE BUILDING HAS BEEN CHANGED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS OR INSPECTIONS:

1. CARPORT WAS ENCLOSED INTO A GARAGE WITH A WINDOW AND ENTRANCE DOOR.
2. SOME OF THE WINDOWS HAVE BEEN REPLACED ON THE PROPERTY.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS THROUGH THE PERMITTING AND INSPECTION PROCESS.

FBC 1604.1

THE STRUCTURE FOR THE CARPORT CONVERSION DOES NOT MEET THE STANDARD FOR GRAVITY LOADING AND HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS.

FBC 1612.1.2

ALL THE WINDOWS, GARAGE DOOR, AND DOOR INSTALLATIONS HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS.

FBC 1626.1

THE NEW WINDOWS AND DOOR WITH GLASS NEED TO BE IMPACT RESISTANT OR BE PROTECTED BY AN APPROVED HURRICANE PROTECTION SYSTEM.

Inspector Oliva stated the owner had applied for a building permit but the application had expired and the work had never been done. He submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, requested a finding of fact and recommended ordering compliance within 63 days or a fine of \$100 per day, per violation, and to record the order.

Ms. Marianne Mertus, owner, said the violations existed when she purchased the house in 1996. She stated she had used an inspector when she purchased the house and was assured everything was fine. She had contacted the realtor after she received the notice and he had informed her that the garage must be demolished. Ms. Mertus had tried to get the permit herself but had been unsuccessful, and had subsequently hired a contractor.

Mr. Tony O'Hara, contractor, said he had submitted plans in October 2008 and they had been returned a couple of times for revisions. They now had to apply for a septic tank permit from the Health Department. The City would not issue the building permit until the septic tank issue was resolved. He stated they could not currently connect to the new sewer line because there was a problem with a pumping station. Mr. O'Hara confirmed that the owner's intention was to make the garage legal living space.

Inspector Oliva said the contractor could get a temporary permit to continue construction until the sewer connection issue was resolved.

**Motion** made by Mr. Nelson, seconded by Ms. Croxton, to find in favor of the City and order compliance within 91 days, by 8/25/09, or a fine of \$100 per day, per violation, and to record the order. In a voice vote, motion passed 7 - 0.

### **For the Good of the City**

Chair Mitchell explained that when he had left the room with Ms. Francois earlier, it was to try to encourage her to calm down; he had not discussed anything else with her.

Mr. McKelligett informed Ms. Ellis that the City Commission was considering the Board's suggestion to have a training session for new Code Enforcement Board members.

### **Case: CE07090342**

Deutsche Bank National Trust Co Trustee  
C/O Citi Residential Lending Inc  
5231 Northeast 15 Avenue

Service was via posting on the property on 5/14/09 and at City Hall on 5/14/09.

Mr. Burt Ford, Building Inspector, testified to the following violations:  
FBC(2007) 105.1

- THE BUILDING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS:
1. INSTALLED NEW WOOD FENCE.
  2. A KITCHEN REMODEL HAS BEEN DONE.
  3. BATHROOM(S) REMODEL(S) HAS BEEN DONE.
  4. CONCRETE WALKS AND PATIO HAVE BEEN INSTALLED.
  5. NEW WINDOWS HAVE BEEN INSTALLED.
  6. NEW DOORS HAVE BEEN INSTALLED.
  7. NEW HURRICANE SHUTTERS HAVE BEEN INSTALLED.

FBC(2007) 105.4.4

- THE PLUMBING SYSTEM OF THE BUILDING HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER:
1. PIPING, FIXTURES, AND APPLIANCES HAVE BEEN ADDED/ALTERED/INSTALLED DURING THE KITCHEN AND

**BATHROOM REMODELS.**

FBC(2007) 105.4.5

THE ELECTRICAL SYSTEM OF THE BUILDING HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER:

1. CIRCUITS HAVE BEEN ALTERED/ADDED DURING THE KITCHEN AND BATHROOM REMODELS.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

FBC(2007) 1612.1.2

THE WINDOWS, DOORS, AND HURRICANE SHUTTERS HAVE NOT BEEN PROVEN TO SUFFICIENTLY WITHSTAND ESTIMATED OR ACTUAL IMPOSED DEAD, LIVE, WIND, OR ANY OTHER LOADS THROUGH THE PERMIT AND INSPECTION PROCESS.

FBC(2007) 1626.1

THE NEW WINDOWS AND NEW DOORS WITH GLASS NEED TO BE IMPACT RESISTANT OR BE PROTECTED BY AN APPROVED HURRICANE PROTECTION SYSTEM.

Inspector Ford submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, requested a finding of fact and recommended ordering compliance within 28 days or a fine of \$150 per day, per violation, and to record the order.

**Motion** made by Ms. Ellis, seconded by Mr. Nelson, to find in favor of the City and order compliance within 28 days, by 6/23/09, or a fine of \$250 per day, per violation, and to record the order. In a voice vote, motion passed 7 - 0.

**Case: CE08062585**

James White  
3019 Northeast 19 Street

This case was first heard on 2/24/09 to comply by 5/26/09. Violations were as noted in the agenda. The property was not complied.

Mr. Burt Ford, Building Inspector, explained the permit was ready to issue, but a neighbor had hired an attorney to stop the City from issuing it. He recommended a 91-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Croxton, to grant a 91-day extension to 8/25/09, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE07031221**

Michael Sefcik  
1610 Northwest 9 Avenue

This case was first heard on 4/28/09 to comply by 5/26/09. Violations were as noted in the agenda. The property was not complied, the order had been recorded and the City was requesting imposition of fines that would begin on 5/27/09 and would continue to accrue until the property complied.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 5/27/09 and would continue to accrue until the violations were corrected, and to record the order. In a voice vote, motion passed 7 - 0.

**Case: CE08050975**

Shay Sasson  
1313 Northwest 14 Court

This case was first heard on 10/28/08 to comply by 11/25/08. Violations and extensions were as noted in the agenda. The property was not complied, and the City was requesting imposition of a \$905,000 fine, which would continue to accrue until the property complied.

Chair Mitchell recused himself from voting on this case.

**Motion** made by Mr. Nelson, seconded by Ms. Croxton, to find the violations were not complied by the Order date, and to impose the \$905,000 fine, which would continue to accrue until the violations were corrected. In a voice vote, with Chair Mitchell recusing himself, motion passed 6 - 0.

**Case: CE08061863**

Angela Denise Bryant &  
Jason M Dennis  
1480 Southwest 29 Avenue

This case was first heard on 4/28/09 to comply by 5/26/09. Violations were as noted in the agenda. The property was not complied, the order had been recorded, and the City was requesting imposition of fines that would begin on 5/27/09 and would continue to accrue until the property complied.

**Motion** made by Mr. Perkins, seconded by Mr. Nelson, to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 5/27/09 and would continue to accrue until the violations were corrected, and to record the order. In a voice vote, motion passed 7 - 0.

**Case: CE08090285**

Sandra Ines Prados  
3137 Southwest 15 Court



This case was first heard on 4/28/09 to comply by 5/26/09. Violations were as noted in the agenda. The property was not complied, the order had been recorded and the City was requesting imposition of fines that would begin on 5/27/09 and would continue to accrue until the property complied.

**Motion** made by Ms. Sheppard, seconded by Mr. Perkins, to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 5/27/09 and would continue to accrue until the violations were corrected, and to record the order. In a voice vote, motion passed 7 - 0.

**Case: CE08091700**

Lancaste Investments LLC Trustee  
3733 Land Trust  
3733 Southwest 12 Court

This case was first heard on 3/24/09 to comply by 4/28/09. Violations were as noted in the agenda. The property was not complied, the order had been recorded and the City was requesting imposition of a \$16,200 fine, which would continue to accrue until the property complied.

**Motion** made by Ms. Sheppard, seconded by Mr. Perkins, to find the violations were not complied by the Order date, and to impose the \$16,200 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**Case: CE08100875**

Jorge Popovitch  
6720 Northwest 29 Lane

This case was first heard on 2/24/09 to comply by 4/28/09. Violations were as noted in the agenda. The property was not complied, the order had been recorded and the City was requesting imposition of a \$4,050 fine, which would continue to accrue until the property complied.

**Motion** made by Ms. Sheppard, seconded by Mr. Perkins, to find the violations were not complied by the Order date, and to impose the \$4,050 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**Case: CE08110860**

Maurice & Sonia Martin Walker  
631 Carolina Avenue

This case was first heard on 4/28/09 to comply by 5/26/09. Violations were as noted in the agenda. The property was not complied, the order had been recorded and the City was requesting imposition of fines that would begin on 5/27/09 and would continue to accrue until the property complied.

**Motion** made by Mr. Perkins, seconded by Mr. Nelson, to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 5/27/09 and would continue to accrue until the violations were corrected, and to record the order. In a voice vote, motion passed 7 - 0.

**Case: CE07022035**

Omadath Ramkelawan  
660 Southwest 31 Avenue

This case was first heard on 2/24/09 to comply by 5/26/09. Violations were as noted in the agenda. There had been a stipulated agreement to comply. The property was not complied and the City was requesting imposition of fines that would begin on 5/27/09 and would continue to accrue until the property complied.

Mr. George Oliva, Building Inspector, said he had spoken with the owner and advised him to go to Ted's Sheds to obtain pre-approved drawings to submit for the shed permit. He believed the owner was working on it.

**Motion** made by Chair Mitchell, seconded by Ms. Croxton, to grant a 28-day extension to 6/23/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE07070012**

W James Reimer  
3020 North Atlantic Boulevard

This case was first heard on 6/24/08 to comply by 9/23/08. Two of the violations, and portions of another violation were complied. The other violation and extensions were as noted in the agenda. The property was not complied and the City was recommending imposition of fines that would begin on 5/27/09 and would continue to accrue until the property complied.

**Motion** made by Ms. Ellis, seconded by Ms. Sheppard, to grant a 28-day extension to 6/23/09, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE07080633**

Robert E Vaughan III  
431 Arizona Avenue

This case was first heard on 1/27/09 to comply by 4/28/09. The property was not complied and the City was requesting imposition of a \$10,800 fine, which would continue to accrue until the property complied.

**Motion** made by Ms. Sheppard, seconded by Ms. Ellis, to find the violations were not complied by the Order date, and to impose the \$10,800 fine, which would continue to accrue until the violations were corrected, and to record the original final order. In a voice vote, motion passed 7 - 0.

**Case: CE07120298**

Christopher White, ½ Interest  
Bethoyia Powell  
2708 Sea Island Drive

This case was first heard on 1/27/09 to comply by 4/28/09. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$13,500 fine, which would continue to accrue until the property complied.

**Motion** made by Mr. Perkins, seconded by Ms. Sheppard, to find the violations were not complied by the Order date, and to impose the \$13,500 fine, which would continue to accrue until the violations were corrected, and to record the original final order. In a voice vote, motion passed 7 - 0.

**Case: CE08050439**

Vincent Matraxia  
1032 Northeast 16 Avenue

This case was first heard on 10/28/08 to comply by 1/27/09. Violations and extensions were as noted in the agenda. The property was not complied, the order had been recorded and the City was requesting imposition of a \$10,800 fine, which would continue to accrue until the property complied.

**Motion** made by Ms. Sheppard, seconded by Mr. Perkins, to find the violations were not complied by the Order date, and to impose the \$10,800 fine, which would continue to accrue until the violations were corrected, and to record the original final order. In a voice vote, motion passed 7 - 0.

**Case: CE08051014**

Mandalay View Corporation  
C/O Lori E Halprin  
1353 Bayview Drive

This case was first heard on 4/28/09 to comply by 5/26/09. Violations were as noted in the agenda. The property was not complied, the order had been recorded and the City was requesting imposition of fines that would begin on 5/27/09 and would continue to accrue until the property complied.

**Motion** made by Ms. Sheppard, seconded by Mr. Perkins, to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 5/27/09 and would continue to accrue until the violations were corrected, and to record the order. In a voice vote, motion passed 7 - 0.

**Case: CE08081656**

Maria Amelia Vincente  
812 Southwest 8 Avenue

This case was first heard on 4/28/09 to comply by 5/26/09. Violations were as noted in the agenda. The property was not complied, the order had been recorded, and the City was requesting imposition of the fines that would begin on 5/27/09 and would continue to accrue until the property complied.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 5/27/09 and would continue to accrue until the violations were corrected, and to record the order. In a voice vote, motion passed 7 - 0.

### **Approval of Meeting Minutes**

**Motion** made by Ms. Croxton, seconded by Ms. Ellis, to approve the minutes of the Board's March 2009 meeting as amended. In a voice vote, motion passed 7 - 0.

Ms. Croxton withdrew her motion and Ms Ellis. withdrew her second of the previous motion.

Chair Mitchell asked that his statement in the March minutes admonishing Board members who arrived late be removed. He stated his remark had been "an apology to the citizens of this City for this Board not being properly prepared to start the meeting and conduct the meeting." He stated neither the Chair nor any Board member had the right to admonish any other Board member.

**Motion** made by Mr. Nelson, seconded by Ms. Croxton, to approve the minutes of the Board's April meeting as presented. In a voice vote, motion passed 7 - 0.

### **Cases Complied**

Ms. Paris 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:

CE08010635	CE08071365	CE08070945	CE08100085
CE08050749	CE05011400	CE08081586	

### **Cases Withdrawn**

Ms. Paris 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:

CE08120395	CE08020559	CE07110919	CE08061782
CE08061254	CE08070934	CE08042116	CE08070611

There being no further business to come before the Board, the meeting adjourned at  
**3:01 P.M.**

  
\_\_\_\_\_  
Chair, Code Enforcement Board

ATTEST:

  
\_\_\_\_\_  
Clerk, Code Enforcement Board

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

Minutes prepared by: J. Opperee, ProtoType Inc.