

**CODE ENFORCEMENT BOARD**  
**CITY COMMISSION MEETING ROOM**  
**100 NORTH ANDREWS AVENUE**  
**AUGUST 25, 2009**  
**9:00 A.M. – 3:34 P.M.**

| <b><u>Board Members</u></b> | <b><u>Attendance</u></b> | <b>2/2009 through 1/2010</b> |                      |
|-----------------------------|--------------------------|------------------------------|----------------------|
|                             |                          | <b><u>Present</u></b>        | <b><u>Absent</u></b> |
| Sam Mitchell, Chair         | P                        | 7                            | 0                    |
| Genia Ellis, Vice Chair     | P                        | 7                            | 0                    |
| Joan Hinton                 | A                        | 2                            | 1                    |
| Howard Nelson               | P                        | 4                            | 0                    |
| Ronald Perkins              | P                        | 5                            | 2                    |
| Jan Sheppard                | P                        | 7                            | 0                    |
| Howard Elfman [Alternate]   | A                        | 1                            | 3                    |
| Chad Thilborger [Alternate] | P                        | 2                            | 0                    |

**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  
Lori Grossfeld, 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  
Mario Sotolongo, Code Enforcement Officer  
Robert Kisarewich, Fire Inspector  
Thomas Clements, Fire Inspector  
J. Opperlee, Recording Secretary

**Communication to the City Commission**

The Board wished the City Commission to be aware of the benefits of the training workshop that staff had arranged the previous week. The Board agreed the workshop had been well planned and executed and was informative for both Board members and staff (addressed hearing procedures, lien settlement process, impact of foreclosures on cases, Attorney General opinion on lis pendens filing and other items of interest).

**Respondents and Witnesses**

CE06120242: Alexander Johnson, owner  
CE09061774: Gus Carbonell, architect; Hector Vargas, registered agent  
CE08031427: Scott Simpkins, owner

CE08051983: Diana Schneller, owner  
CE08031925: Valerie Adebayo, owner  
CE06110317: Jose Florez, owner's attorney  
CE08030272: Zulfiqar Lakha, owner  
CE06081617: Richard Lawrence, contractor  
CE08060101: Jose Cruz, owner  
CE07100923: Carol Storms, owner  
CE08042519: Lisa Dumetz, owner  
CE08100204: Nino Barone, owner  
CE06040917: Rosemarie Morsello, owner  
CE07031444: Michael Madfis, architect  
CE08072324: Robert Hayling, owner  
CE07120173: Yves Richardson, owner  
CE08072570: Marianne Mertus, owner  
CE08061254: Glenn Lastella, contractor  
CE07080152: Donovan Stanford, tenant; Mostafa Momenzadeh, tenant  
CE09010708: James Barber, general contractor  
CE06110858: Jorg Medina, contractor  
CE07071088: Jerome Petrisko, owner  
CE07080497: Harold Osborne, owner  
CE08101409: Robert Salomon, engineer  
CE08090934: Osman Navarro, owner  
CE08031384: Marks Harms, owner; Luciana Ugarte, bank attorney  
CE08081725: Joanne Law, owner; Charles Law, owner  
CE08021649: D. Ellett Morton, owner; Lanny Couch, neighbor  
CE08100091: Sean Frampton, owner  
CE08121112: Stewart Donaldson, owner  
CE09020159: Kathy Colangelo, owner  
CE08072176: Waltraud Pawlik, owner  
CE07022245: Lynda Damerow, power of attorney  
CE08082310: Michael Wall, owner

Chair Mitchell called the meeting to order at 9:04 a.m., introduced Board members and explained the procedures for the hearing.

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

**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 and the order had been recorded.

Mr. Alexander Johnson, owner, reported on 7/28/09 he had met with the DRC review Board, which had issued 15 pages of comments. He now needed to hire several consultants and meet with City and neighborhood representatives. He thought all of the physical violations were now complied.

Mr. Johnson informed Mr. Nelson that the immediately adjacent properties were both residence/offices.

Mr. Gerry Smilen, Building Inspector, said the occupancy change would not be addressed until the DRC comments were addressed. Inspector Smilen noted that compliance would entail significant expense, and he wondered if Mr. Johnson would ultimately make this investment. Chair Mitchell said the Board was concerned with the impact of the non-conforming use.

Mr. Johnson said he could comply with the home office rules just by removing the signage. He had believed he would only need to stripe the parking lot and install a wheelchair ramp. He stated he had first submitted the plans to the DRC over one year ago.

**Motion** made by Mr. Nelson, seconded by Mr. Perkins to grant a 63-day extension, during which time no fines would accrue. In a roll call vote, with Ms. Ellis, Ms. Sheppard, Mr. Thilborger and Chair Mitchell opposed, motion **failed** 2 - 4. Fines would begin to accrue on 8/26/09.

**Case: CE09061774**  
2G Investments LLC  
408 Southwest 9 Street

This case was first heard on 7/28/09 to comply by 8/25/09. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Gus Carbonell, architect, explained that due to economic conditions, construction had stopped after the second floor was poured. Mr. Carbonell was now redesigning the project as a two-story unit. He requested an extension to prepare the documents and obtain the permits. .

Mr. Gerry Smilen, Building Inspector, reported the owner had secured the first floor and maintained the property. He recommended a 91-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 91-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 6-0.

**Case: CE07080497**

Harold J & Corinne Osborne  
4825 Northeast 19 Avenue

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

Mr. Harold Osborne, owner, said the permit was ready to be picked up, and requested a 28-day extension.

Mr. Burt Ford, Building Inspector, confirmed that the plans had passed all reviews.

**Motion** made by Ms. Ellis, seconded by Ms. Sheppard to grant a 28-day extension to 9/22/09, during which time no fines would accrue. In a voice vote motion passed 6-0.

**Case: CE06110858**

Hezreco LLC  
1640 Northwest 12 Court

This case was first heard on 1/22/08 to comply per stipulated agreement by 5/27/08. Violations and extensions were as noted in the agenda. Service was via posting on the property on 8/12/09 and at City Hall on 8/12/09. The property was complied, fines had accrued to \$10,675 and the City was requesting imposition of \$765 for administrative costs.

Mr. Jorg Medina, contractor, showed photos depicting shutters that had been installed. On behalf of the owner, he requested that fines be waived.

Mr. George Oliva, Building Inspector, recommended imposing only administrative costs.

**Motion** made by Ms. Sheppard, seconded by Mr. Nelson to find that the violations were not complied by the Order date, and to impose \$765 for administrative costs. In a voice vote, motion passed 6 – 0.

**Case: CE08031427**

Heather Holtz &  
Scott M Simpkins  
2900 Northeast 30 Street # M-4

This case was first heard on 3/24/09 to comply per stipulated agreement by 6/23/09. Violations and extensions were as noted in the agenda. The property was not complied.

Mr. Scott Simpkins, owner, reported he had met with a general contractor and was waiting for the plumbing permit. He requested an extension.

Mr. Burt Ford, Building Inspector, said the owner was on track and recommended a 63-day inspection.

Mr. Simpkins explained there had been a delay because the tenant had interfered with his attempts to have the property repaired and he had needed to evict her.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 63-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion passed 6-0.

**Case: CE07071088**

Dana A Fahey  
3500 Vista Park

This case was first heard on 1/27/09 to comply per stipulated agreement by 3/24/09. Violations and extensions were as noted in the agenda. The property was not complied, the order had been recorded and fines had accrued to \$4,050.

The City was requesting the Board amend the Order dated 3/24/09 to indicate a 6/23/09 compliance deadline

**Motion** made by Ms. Ellis, seconded by Ms. Sheppard to amend the Order dated 3/24/09 to indicate a 6/23/09 compliance deadline. In a voice vote motion passed 6 – 0.

Mr. Jerome Petrisko, owner, said he had provided the correct plans to Chief Zoning Examiner Terry Burgess. He had provided Inspector Smilen with the corrected engineering forms. He requested a 60-day extension to move the slabs.

Mr. Gerry Smilen, Building Inspector, reminded the Board that the air conditioning units had been sited in the front setback. He recommended a 63-day extension because after the units were moved, a new survey was needed and there must be a final inspection.

**Motion** made by Ms. Sheppard, seconded by Mr. Nelson to grant a 91-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 6-0.

**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. Service was via posting on the property on 8/12/09 and at City Hall on 8/12/09. The property was complied, fines had accrued to \$5,400, and the City was requesting abatement of fines.

Ms. Diana Schneller, owner, stated when she purchased the property, no one had found the open permits. She said she had acted diligently to comply.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to abate the fines. In a voice vote, motion passed 6-0.

**Case: CE08031925**

Roberta Banks  
1640 Northwest 25 Avenue

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, fines had accrued to \$3,400 and the order had been recorded.

The City was requesting the Board amend the Order dated 11/25/08 to indicate a 4/28/09 compliance deadline.

**Motion** made by Ms. Sheppard, seconded by Ms. Ellis, to amend the Order dated 11/25/08 to indicate a 4/28/09 compliance deadline. In a voice vote motion passed 6-0.

Ms. Valerie Adebayo, owner, reported corrections had been made and the drawings had been re-submitted. She explained her designer had been out of the country and unable to return her drawings.

Mr. Burt Ford, Building Inspector, informed the Board that the plans had been re-submitted on 8/21/09. He recommended a 63-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 63-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion passed 6 – 0.

Inspector Ford clarified for the Board that the City allowed after-the-fact owner/builder permits except for condominiums.

**Case: CE07080152**

John Jr Field, Patricia Coleman, &  
Clara E F Gettman  
1355 West Sunrise Boulevard

This case was first heard on 4/28/09 to comply by 6/23/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Donovan Stanford, tenant, said they had tracked down the sign company, who had applied for the permit the previous Friday. He requested an extension.

Mr. Gerry Smilen, Building Inspector, confirmed the sign company had applied for the electric and signs. He noted that the roof permit could not pass final inspection until the sign permits were issued.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 63-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion passed 6-0.

**Case: CE06110317**

Jamie L Smith  
1636 Northwest 6 Avenue

This case was first heard on 2/26/08 to comply by 4/22/08. Violations and extensions were as noted in the agenda. Service was via posting on the property on 8/12/09 and at City Hall on 8/12/09. The property was not complied and the City was requesting imposition of a \$8,450 fine, which would continue to accrue until the property complied.

Mr. Jose Florez, the owner's attorney, stated the architect had provided the engineering numbers and the building department was reviewing the elevation. He requested a 63-day extension. Mr. Florez confirmed there was a tenant in the building.

Mr. George Oliva, Building Inspector, confirmed which violations were included in the plans being reviewed and which were complied. He recommended a 63-day extension. Mr. Nelson was concerned that there was an electrical load issue while there was a tenant in the building.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 63-day extension, during which time no fines would accrue. In a voice vote, with only Mr. Thilborger voting yes, motion **failed** 1 - 5.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard, to find the violations were not complied by the Order date, and to impose the \$8,450 fine, which would continue to accrue until the violations were corrected and to record the order. In a voice vote, motion passed 6 – 0.

**Case: CE09010708**

Jerry P Shaw  
1413 Northeast 14 Place

This case was first heard on 6/23/09 to comply by 7/28/09. Violations were as noted in the agenda. The property was not complied fines had accrued to \$5,400.

Mr. Jim Barber, contractor, said the property would be complied the following day.

Mr. Burt Ford, Building Inspector, said he had been informed that the kitchen had been removed. He did not object to a 28-day extension to reinspect the property.

Ms. Paris explained that the case was due to be heard in July but the City could not accommodate the case on the July agenda.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to amend the Order dated 6/23/09 to indicate an 8/25/09 compliance deadline. In a voice vote motion passed 6 – 0.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 28-day extension to 9/22/09, during which time no fines would accrue. In a voice vote motion passed 6 – 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, the order had been recorded, and fines had accrued to \$54,000.

Mr. Zulfiqar Lakha, owner, said he needed to meet with Mr. Malik and the structural design reviewer regarding a bathroom that had been permitted 20 years ago. The only work the new plans needed to address was the enclosure of a garage door; the other work had been removed months ago. Mr. Lakha reminded the Board that though he had owned the property for three years, he had only been able to make decisions regarding the property for the past year.

Ms. Paris stated there might have been some miscommunication that prevented this case from appearing on the Board's July agenda and the Board could consider amending the compliance deadline.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to amend the Order dated 5/26/09 to indicate an 8/25/09 compliance deadline. In a voice vote motion passed 6 – 0.

Mr. Lakha informed the Board that he had shown up at the July hearing and been informed his case was not on the agenda.

Mr. George Oliva, Building Inspector, stated the violation concerned the garage enclosure. He recommended a 63-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 63-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion passed 6-0.

**Case: CE06081617**

Sheldon Friedberg  
9 Fort Royal Isle

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



Mr. Richard Lawrence, contractor, reported they were down to the door and window permitting. He stated he had hired a new engineer for this.

Mr. Burt Ford, Building Inspector, explained only one engineer could be used and he must perform some calculations. He did not object to the request for an extension.

**Motion** made by Ms. Sheppard, seconded by Mr. Perkins to grant a 63-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion passed 6-0.

**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 and extensions were as noted in the agenda. Ms. Paris noted items that were in compliance or withdrawn.

Mr. Yves Richardson, owner, said they had the parking lot permit and this should be finished in a week or so. He anticipated having to evict the tenant to comply the inside violations, and presented a letter he had sent to the tenant regarding this.

Mr. George Oliva, Building Inspector, stated the owner was working to comply, and once the master permit was approved the remaining violations should be taken care of. Inspector Oliva recommended a 63-day extension.

**Motion** made by Ms. Sheppard, seconded by Mr. Thilborger to grant a 63-day extension to 10/27/09, during which time no fines would accrue. In a voice vote motion passed 6 – 0.

**Case: CE08060101**

Jose Cruz 1/2 Interest  
Maria Cruz  
1210 Northwest 1 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. Service was via posting on the property on 8/12/09 and at City Hall on 8/12/09. The property was not complied and the City was requesting imposition of the fine that would begin on 8/26/09 and would continue to accrue until the property complied.

Mr. Jose Cruz, owner, stated his air conditioning contractor had refused to pull a permit for the work unless Mr. Cruz paid him another \$1,000.

Mr. George Oliva, Building Inspector, said Mr. Cruz had been working to comply the other violations. He had advised Mr. Cruz to contact Detective George Maura to press

criminal charges against the air conditioning contractor. Inspector Oliva recommended a 63-day extension.

**Motion** made by Mr. Nelson, seconded by Mr. Perkins to grant a 63-day extension to 10/27/09, during which time no fines would accrue. In a voice vote, motion passed 6-0.

**Case: CE07100923**

Carol & Norma M Storms  
2817 North Atlantic Boulevard

This case was first heard on 3/24/09 to comply by 4/28/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Ms. Carol Storms, owner, reported on August 21 the plans had been submitted for permit. She requested a 90-day extension.

Mr. Burt Ford, Building Inspector, confirmed that the plans had been submitted and he believed everything on the Notice of Violation was covered. He recommended a four-month extension, since the plans must be reviewed, and the work must be inspected. Inspector Ford informed Mr. Nelson that there were no longer exposed circuits in the breaker box.

Ms. Storms indicated that the architect had seen the property and addressed all of the violations on the plans.

**Motion** made by Ms. Ellis, seconded by Mr. Perkins to grant a 91-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 6-0.

**Case: CE08042519**

Lisa Dumetz  
2506 Northeast 30 Street

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

Ms. Lisa Dumetz, owner, stated she had applied for two of the four permits. She explained she had brought the property out of foreclosure. The cabinetmaker Ms. Dumetz had used was no longer in business and she had needed to hire a new one, for an additional fee. She requested another 91 days.

Ms. Dumetz informed Mr. Nelson that she had the plumbing and fence permit applications submitted. She stated this was supposed to be an income property, but it was currently vacant. Ms. Dumetz said she had not anticipated the costs when she

signed the stipulated agreement and all of her funds were going toward the mortgage and property taxes.

Mr. Burt Ford, Building Inspector, said Ms. Dumetz was trying to move forward and he did not object to an extension at this time. He recommended a minimum of 63 days.

Ms. Sheppard was concerned about electrical issues and wanted to grant a short extension.

**Motion** made by Ms. Sheppard to grant a 28-day extension. Motion died for lack of a second.

**Motion** made by Mr. Perkins, seconded by Ms. Ellis to grant a 63-day extension to 10/27/09, during which time no fines would accrue. In a roll call vote, with Mr. Nelson, Ms. Sheppard, Mr. Thilborger and Chair Mitchell opposed, motion **failed** 2 - 4.

**Motion** made by Ms. Ellis to grant a 91-day extension. Motion died for lack of a second.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard, to grant a 28-day extension to 9/22/09, during which time no fines would accrue. In a roll call vote, with Ms. Ellis and Mr. Perkins opposed, motion passed 4 - 2.

**Case: CE08100204**

Nino & Sean Paul Barone  
5890 Northeast 21 Drive

This case was first heard on 3/24/09 to comply per stipulated agreement by 6/23/09. Violations and extensions were as noted in the agenda. The property was not complied. Ms. Paris noted that the violation regarding the shed was now complied.

Mr. Nino Barone, owner, said he had submitted plans on August 18 and complied the shed issue. He requested a 28-day extension for the plans to be approved.

Mr. Burt Ford, Building Inspector, recommended 63 to 91 days for the plans to go through the permitting process.

**Motion** made by Mr. Thilborger, seconded by Mr. Perkins, to grant a 91-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 6-0.

**Case: CE06040917**

Josephine Land Trust  
Rosemarie Morsello, Trustee  
1411 Bayview Drive

This case was first heard on 6/23/09 to comply by 8/25/09. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

Ms. Rosemarie Morsello, owner, said she would pick up the permits the following morning and needed to have the property inspected. She requested 28 days.

Mr. Burt Ford, Building Inspector, recommended 91 days.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to grant a 91-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 6–0.

**Case: CE07031444**

Ordered to reappear

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 and the order had been recorded.

Mr. Michael Madfis, architect, stated he had completed the fire and electrical portions of the plans and they were working with the new Fire Marshall to investigate and alternate method to preserve a portion of the wood structure. He stated appearing each month kept pressure on the owner to continue progress. Mr. Madfis said plans would be ready in a few weeks and they would try to use the expedited permit process. He requested 28 days to provide another progress report.

Mr. Madfis reminded the Board that many of the fire violations were related to fire hydrants, sprinklers and lines, which were contained in the drawings. Some electrical violations were included in the plans as well. There was still some pending structural work. He said several minor violations had been corrected.

Mr. Burt Ford, Building Inspector, confirmed that after-the-fact permits could not go through the expedited permit process because the subcontractor did not wish to do them.

Mr. George Oliva, Building Inspector, recommended a 91-day extension.

Mr. Robert Kisarewich, Fire Inspector, reminded the Board that the City had acknowledged when this case was begun that the process would take some time. He noted that the fire protection drawings did include the hydrants, fire line and sprinklers. Inspector Kisarewich said progress was made every month, so he favored continuing the time extensions. He explained that the company had installed portable fire protection equipment for first response.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 91-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 6–0.

**Case: CE08061254**

Sherri Friend  
1112 Southwest 20 Street

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 fines had accrued to \$11,200. The City was requesting the Board amend the Order dated 4/28/09 to indicate a 6/24/09 compliance deadline.

**Motion** made by Ms. Ellis, seconded by Mr. Nelson to amend the Order dated 4/28/09 to indicate a 6/24/09 compliance deadline. In a voice vote motion passed 6 – 0.

Mr. Glenn Lastella, contractor, reported the permits had been issued and the work had begun. He requested another 91 days.

Mr. Gerry Smilen, Building Inspector, informed the Board that six of the original eight violations were complied by issuance of the permits; FBC 109.6 and FBC 1626.1 remained. He recommended a 91-day extension.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 91-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 6-0.

**Case: CE08072324**

Robert B & Athea W Hayling & 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.

Mr. Robert Hayling, owner, presented a letter from his architect promising the plans would be delivered by the first week in September. He requested a 28-day extension.

Mr. George Oliva, Building Inspector, stated the plumbing violation was complied. He recommended a 28-day extension.

**Motion** made by Mr. Nelson, seconded by Mr. Perkins to grant a 63-day extension to 10/27/09, during which time no fines would accrue. In a voice vote, with Ms. Sheppard out of the room, motion passed 5 – 0.

[The Board took a 10-minute break]

**Case: CE07090342**

Deutsch Bank National Trust Company Trustee  
C/O Citi Residential Lending Inc  
5231 Northeast 15 Avenue

This was a request to vacate the Final Order dated 5/26/09 and the Order Imposing a Fine dated 6/23/09. Ms. Paris explained that the property had been foreclosed upon, and the first hearing had been against the bank, but the City was concerned that there were notice issues. The City intended to bring the case back before the Board.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard, to vacate the Final Order dated 5/26/09 and the Order Imposing a Fine dated 6/23/09. In a voice vote, motion passed 6 – 0.

**Case: CE08050944**

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

This case was first heard on 2/24/09 to comply per stipulated agreement by 4/28/09. Violations and extensions were as noted in the agenda. The property was not complied fines had accrued to \$5,400. Ms. Paris presented a written request from the owner for an extension. In the request, the owner indicated he had experienced a family medical emergency, but that he intended to comply as soon as he could coordinate the contractor.

Mr. Burt Ford, Building Inspector, informed the Board that the demolition permit had been issued on 7/23/09, but the contractor had informed him that he had not picked it up or authorized anyone to pick it up. In the permit notes, Earl Devo was listed as receiving the permit. The contractor informed Inspector Ford he would call to have the permit voided. He stated the owner had not paid him, so he would not pick up the permit and he believed the owner had paid for and picked up the permit without his authorization.

Inspector Ford recommended not granting any extension. Ms. Paris advised this would be scheduled for a hearing to impose fines in September if the Board did not grant an extension.

**Motion** made by Mr. Nelson, seconded by Mr. Perkins, to grant a 28-day extension to 9/22/09, during which time no fines would accrue. In a voice vote, motion **failed** 0 – 6.

**Case: CE07070397**

Larry Jureski  
1429 Northeast 5 Terrace

This case was first heard on 4/22/08 to comply per stipulated agreement by 8/26/08. Violations were as noted in the agenda. Service was via posting on the property on 8/12/09 and at City Hall on 8/12/09. The property was not complied and the City was requesting imposition of a \$145,200 fine, which would continue to accrue until the property complied. Ms. Paris explained that the fines had reached this amount because the property had been in foreclosure and the foreclosure had been cancelled.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to find the violations were not complied by the Order date, and to impose the \$145,200 fine, which would continue to accrue until the violations were corrected and to record the order. In a voice vote, motion passed 6 – 0.

**Case: CE06091017**

Ronald D Melendez  
1437 Northwest 1 Avenue

This case was first heard on 2/24/09 to comply by 7/28/09. Violations were as noted in the agenda. Certified mail sent to the owner was accepted on 8/15/09. 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.

Ms. Paris said City staff had spoken with the owner and he had indicated the property was in foreclosure and he had no money to fix it.

**Motion** made by Mr. Nelson, seconded by Mr. Perkins to find the violations were not complied by the Order date, and to impose the \$3,375 fine, which would continue to accrue until the violations were corrected and to record the order. In a voice vote, motion passed 6 – 0.

**Case: CE08051943**

Robert T Adams 1/2 Interest  
& Rostell Justice  
2336 Northwest 14 Court

This case was first heard on 7/28/09 to comply by 8/25/09. Violations were as noted in the agenda. Certified mail sent to the owner had received no response. Service was via posting on the property on 8/11/09 and at City Hall on 8/12/09. The property was not complied, the order had been recorded, and the City was requesting imposition of the fine that would begin to accrue on 8/26/09.

Mr. George Oliva, Building Inspector, said he had not communicated with the property owner.

**Motion** made by Mr. Nelson, 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 8/26/09 and would continue to accrue until the violations were corrected and to record the order. In a voice vote, motion passed 6 – 0.

**Case: CE08071908**

Nelson & Gisela Valladares  
1345 Southwest 22 Terrace

This case was first heard on 2/24/09 to comply per stipulated agreement by 4/28/09. Violations and extensions were as noted in the agenda. Certified mail sent to the owner was accepted on 8/14/09. The property was complied, fines had accrued to \$2,300 and the City was requesting imposition of \$479 for administrative costs.

**Motion** made by Mr. Nelson, seconded by Mr. Perkins to find that the violations were not complied by the Order date, and to impose \$479 for administrative costs. In a voice vote, motion passed 6 – 0.

**Case: CE08102173**

Yimer Carrasco  
1350 Southwest 24 Avenue

This case was first heard on 7/28/09 to comply by 8/25/09. Violations were as noted in the agenda. Certified mail sent to the owner had received no response. Service was via posting on the property on 8/13/09 and at City Hall on 8/12/09. The property was not complied, the order had been recorded and the City was requesting imposition of the fine that would begin on 8/26/09 and would continue to accrue until the property complied. Ms. Paris stated the property had gone into foreclosure last October.

Mr. George Oliva, Building Inspector, said he had spoken with the owner, who informed him that he had transferred the property to his daughter. A neighbor had indicated the property was not in foreclosure but that the daughter would refinance the house. The owner had disregarded Inspector Oliva when he suggested the owner could remove the overhang. Inspector Oliva recommended the fines be imposed.

**Motion** made by Mr. Nelson, seconded by Ms. 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 8/26/09 and would continue to accrue until the violations were corrected and that the order be recorded. In a voice vote, motion passed 6 – 0.

**Case: CE09031391**

Shanel Bhagwandin  
1145 Northwest 6 Avenue

This case was first heard on 7/28/09 to comply by 8/25/09. Violations were as noted in the agenda. Certified mail sent to the owner had received no response. Service was via posting on the property on 8/12/09 and at City Hall on 8/12/09. The property was not complied, the order had been recorded and the City was requesting imposition of the fine, which would begin on 8/26/09 and would continue to accrue until the property complied. Ms. Paris stated the property had gone into foreclosure in December 2008.

Mr. George Oliva, Building Inspector, reported the permit applications submitted in May had expired.



**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 8/26/09 and would continue to accrue until the violations were corrected and to record the order. In a voice vote, motion passed 6 – 0.

### **Approval of Meeting Minutes**

**Motion** made by Ms Ellis, seconded by Mr. Nelson, to approve the minutes of the Board's July meeting. In a voice vote, motion passed 6 – 0.

Regarding holding a hearing in December and/or holding additional monthly hearings, Mr. McKelligett said he was unsure when additional expired permit cases would be ready for a hearing, but there were a number of 40-year inspection cases that could be scheduled for a separate hearing. He informed the Board that if they desired to meet in December, the first or second Tuesday would be the preferred dates. The Board indicated they would be willing to meet at the beginning of December and Mr. McKelligett agreed to let the Board know what dates were available.

[The Board took a lunch break from 11:27 – 12:37]

[Mr. Perkins did not return from lunch break]

The following four cases at the same address were heard together:

#### **Case: CE09050449**

Richard Andress &  
Peter Young  
3220 Bayview Drive # 101

This case was first heard on 7/28/09 to comply by 8/25/09. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Thomas Clements, Fire Inspector, recommended a 28-day extension. He noted that all four cases at this address had the same remaining violation: NFPA 1:4.4.5: an unprotected vertical opening. Inspector Clements explained that in each case, a door had been replaced with a non-fire rated door. All other violations were complied.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 28-day extension to 9/22/09, during which time no fines would accrue. In a voice vote, motion passed 5 – 0.

#### **Case: CE09050456**

Donald Gross  
3220 Bayview Drive # 103

This case was first heard on 7/28/09 to comply by 8/25/09. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 28-day extension to 9/22/09, during which time no fines would accrue. In a voice vote motion passed 5 – 0.

**Case: CE09050460**

Juan G Calderon  
3220 Bayview Drive # 104

This case was first heard on 7/28/09 to comply by 8/25/09. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 28-day extension to 9/22/09, during which time no fines would accrue. In a voice vote motion passed 5 – 0.

**Case: CE09050462**

Andrea Esno  
3220 Bayview Drive # 111

This case was first heard on 7/28/09 to comply by 8/25/09. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 28-day extension to 9/22/09, during which time no fines would accrue. In a voice vote motion passed 5 – 0.

**Case: CE07022245**

Kelly S Stoddard  
1305 Northeast 3 Street #A

Certified mail sent to the owner was returned unclaimed. Service was via posting on the property on 8/5/09 and at City Hall on 8/12/09.

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

THE BUILDING HAS BEEN ALTERED IN THE FOLLOWING  
MANNER WITHOUT OBTAINING THE REQUIRED PERMITS:  
1. PAVERS HAVE BEEN INSTALLED IN THE FRONT YARD.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING  
THE REQUIRED APPROVALS.

Inspector Ford submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He explained the owner had applied for a permit. Inspector Ford requested a finding of fact and recommended ordering compliance within 63 days or a fine of \$10 per day, per violation.

Ms. Lynda Damerow, power of attorney, requested a 63-day extension. She explained the owners were out of town and she believed they would return in three weeks.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 63 days, by 10/27/09, or a fine of \$10 per day, per violation would be imposed and to record the order. In a voice vote motion passed 5 – 0.

**Case: CE08101409**

Troy David Kleinhenz

1608 Northwest 5 Avenue

Certified mail sent to the owner received no response. Service was via posting on the property on 8/7/09 and at City Hall on 8/12/09.

Mr. Burt Ford, Building Inspector, testified to the following violations:

9-280(b)

THE WINDOWS HAVE BEEN INSTALLED IMPROPERLY AND ARE NOT SEALED AGAINST THE ELEMENTS OR INSECTS.

9-280(g)

1. SIX WAY PLUGS HAVE BEEN INSTALLED ON MULTIPLE OUTLETS INSIDE THE 1610 NORTHWEST 5 AVENUE APARTMENT. ONE OF THE PLUGS HAS "DO NOT USE" WRITTEN ON IT.
2. THE DOOR TO THE INTERIOR BREAKER PANEL IS MISSING.
3. AN UNAPPROVED FIXTURE HAS BEEN INSTALLED ON THE WALL DIRECTLY ABOVE THE SHOWER NOZZLE IN THE BATHROOM SHOWER STALL.
4. MULTIPLE CIRCUITS HAVE BEEN ADDED TO THE ORIGINAL ELECTRICAL SYSTEM.

9-280(h)(1)

1. CHAIN LINK FENCE IN DISREPAIR.
2. YARD DEBRIS HAS BEEN DISPOSED OF BETWEEN THE FENCES.

FBC(2007) 105.1

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

1. BUILT A WOODEN ENCLOSURE FOR THE LAUNDRY FACILITY.
2. WINDOWS HAVE BEEN INSTALLED.
3. DOORS HAVE BEEN INSTALLED.
4. KITCHEN CABINETS HAVE BEEN INSTALLED.
5. KITCHEN COUNTERTOPS HAVE BEEN INSTALLED.
6. A SHOWER HAS BEEN INSTALLED IN 1608.
7. SOME TYPE OF PLUMBING HAS BEEN INSTALLED IN 1610 THAT COMES THROUGH THE EXTERIOR WALL.

FBC(2007) 105.4.11

THE MECHANICAL SYSTEM OF THE BUILDING HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE

FOLLOWING MANNER:

1. WINDOW A/C UNITS 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 AND FIXTURES HAVE BEEN INSTALLED IN THE UNPERMITTED LAUNDRY ROOM.
2. EXTERIOR PIPING HAS BEEN INSTALLED TO CIRCUMVENT THE DAMAGED UNDERGROUND PIPING.
3. THE GREY WATER WASTE FROM THE LAUNDRY IS BEING DISCHARGED DIRECTLY INTO THE GROUND.
4. A VENT STACK HAS BEEN INSTALLED TO SOME PLUMBING THAT COMES THROUGH THE EXTERIOR WALL OF THE 1608 APARTMENT.

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 ADDED TO POWER THE LAUNDRY ROOM APPLIANCES, OUTLETS, AND WATER HEATER.
2. CIRCUITS HAVE BEEN ALTERED/ADDED DURING THE REPLACEMENT OF KITCHEN CABINETS AND COUNTERTOPS.
3. A CIRCUIT WAS ADDED TO POWER THE KITCHEN RANGE.
4. LIGHT FIXTURES, PIPING, AND CIRCUITS HAVE BEEN INSTALLED.
5. A NON-APPROVED LIGHT FIXTURE HAS BEEN INSTALLED INSIDE THE SHOWER.
6. EXTERIOR PIPING AND CIRCUITS HAVE BEEN INSTALLED TO POWER THE FRONT WALL A/C UNIT AND OTHER FIXTURES.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

FBC(2007) 1612.1.2

THE WINDOW AIR CONDITIONING UNITS, NEW WINDOWS, NEW DOORS, AND THE LAUNDRY ENCLOSURE 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. He explained that when he first visited the property in 2008, both units had been occupied, but he had been informed that both units were now vacant. Inspector Ford requested a finding of fact and recommended ordering compliance within 182 days or a fine of \$20 per day, per violation. He stated the engineer was present, and he had contractors lined up to do the work.

Mr. Robert Salomon, engineer, explained he was also the owner's friend. He stated the owner had purchased the property in this condition in 2006. Mr. Salomon informed the Board that finances were an issue at the property. He stated he would visit the property with a structural engineer the following day.

Mr. Salomon said the units had last been occupied in May. Chair Mitchell was concerned about the electrical issues at the property in the event it was rented. Mr. Salomon clarified that the "For Rent" sign had been removed. The owner wished to sell the property, but could not sell it or rent it in its current condition. Mr. Salomon said the electricity had not yet been cut to the property.

Mr. Salomon informed Mr. Nelson that his license was from the State of Georgia. Mr. Salomon said this property was not a safe habitation, and reiterated that the owner was not offering the property for rent until certain specific problems had been taken care of.

Mr. Salomon informed Chair Mitchell that the owner's primary concern was to address the code issues and make the property safe. He said the alternative was to board the property and walk away. He reiterated the owner had purchased the property in this condition. Mr. Salomon said even though there had been a home inspection, the problems were not noted when the owner purchased the property.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 182 days, by 2/23/10 or a fine of \$20 per day, per violation would be imposed and to record the order. In a roll call vote, with Ms. Sheppard and Chair Mitchell opposed, motion passed 3 - 2.

**Case: CE08090934**

Osman Daniel Navarro  
2031 Southwest 35 Avenue

Certified mail sent to the owner was accepted on 8/5/09.

Mr. George Oliva, Building Inspector, testified to the following violations:  
FBC 109.6

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

FBC 1612.1.2

ALL THE WINDOW INSTALLATIONS HAVE NOT BEEN  
DEMONSTRATED TO WITHSTAND THE REQUIRED WIND  
LOADING THROUGH THE PERMITTING PROCESS.

FBC 105.1

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

1. PROPERTY WINDOWS WERE REPLACED.

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 \$10 per day, per violation, and to record the order.

Code Enforcement Officer Mario Sotolongo translated for Mr. Osman Navarro, the owner.

Mr. Navarro explained that he had submitted a permit application for the windows but it had been denied because he was not a citizen and the property was not shown as homesteaded. Inspector Oliva informed Officer Sotolongo that this prohibition had changed. The City now allowed homeowners to apply for permits even when the property was not homesteaded.

Mr. Lindwell Bradley, Code Enforcement Supervisor, confirmed that it would be the Building Official's decision whether or not to issue Mr. Navarro the permit.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 91 days, by 11/24/09 or a fine of \$10 per day, per violation would be imposed and to record the order. In a voice vote motion passed 5 – 0.

**Case: CE08031384**

Mark Harms

2900 Northeast 30 Street # H-2

Certified mail sent to the owner was returned attempted, not known. Service was via posting on the property on 8/5/09 and at City Hall on 8/12/09.

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. THE KITCHEN AND BATHROOMS HAVE BEEN REMODELED.

FBC(2007) 105.4.4

THE PLUMBING SYSTEM OF THE BUILDING HAS BEEN  
ALTERED WITHOUT OBTAINING A PERMIT IN THE

FOLLOWING MANNER:

1. PIPING AND FIXTURES HAVE BEEN ALTERED/ADDED DURING THE KITCHEN AND BATH REMODELING.

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 ADDED/ALTERED DURING THE KITCHEN AND BATH REMODELING.

Inspector Ford submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence.

Inspector Ford said he had not been able to contact the owner until the owner phoned him on July 30. The owner had indicated to Inspector Ford that he might allow the property to go into foreclosure. On August 14, Inspector Ford had spoken with the owner, and he had indicated that perhaps the violations were not accurate. Inspector Ford had offered to reinspect the property but the owner had admitted the kitchen was new. Inspector Ford requested a finding of fact and recommended ordering compliance within 28 days or a fine of \$20 per day, per violation.

Mr. Marks Harms, owner, said he was not responsible for any of the renovations, and the prior owner had told him she had not performed any renovations either. Mr. Harms wondered what inspector had seen the renovations because he had never admitted an inspector into his unit. Inspector Ford said Inspector Hruschka had seen the work being done on the building three years ago when it was converted to condos.

Mr. Harms admitted he was stretched financially as it was. He agreed the kitchen and baths appeared newer than 1950, when he believed the building was constructed. Mr. Nelson informed Mr. Harms that unfortunately, the City could only take action against the current owner for the violations.

Inspector Ford stated Inspector Hruschka had indicated in his notes that in June 2008, a woman had allowed him into Mr. Harms' unit and he had verified that both baths and the kitchen had been remodeled.

Ms. Luciana Ugarte, bank attorney, stated the property was in foreclosure and requested an extension to cure the violations. A summary judgment hearing would take place on 10/15/09 and a sale should take place within 60 days of summary judgment.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 154 days, by 1/26/10 or a fine of \$25 per day, per violation would be imposed and to record the order. In a voice vote motion passed 5 – 0.

**Case: CE08081725**

Charles E & Joanne Law

900 Northeast 18 Avenue # 909

Certified mail sent to the owner was accepted on 8/7/09.

Mr. Burt Ford, Building Inspector, testified to the following violations:

FBC 105.2.4

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

1. PIPING AND FIXTURES HAVE BEEN INSTALLED TO SUPPLY WATER TO THE CLOTHES WASHER.

FBC 105.2.5

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

1. CIRCUITS HAVE BEEN ADDED TO POWER THE WASHER AND DRYER.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

Inspector Ford submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He stated the owners had tried to get a permit but the homeowners association had not given its approval. Inspector Ford had explained to the owners' attorney that the washer/dryer unit must be removed, the electrical and plumbing connections must be terminated properly and the removal must be inspected. Inspector Oliva had visited the property and discovered that the unit had been disconnected, but the electrical and plumbing remained. Inspector Ford believed the owners would take his recommendation and comply the violation now.

Inspector Ford requested a finding of fact and recommended ordering compliance within 28 days or a fine of \$20 per day, per violation.

Ms. Joanne Law, owner, confirmed that they had contacted a plumber to cap the water connections. She was trying to find an electrician.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 63 days, by 10/27/09 or a fine of \$10 per day, per violation would be imposed and to record the order. In a voice vote motion passed 5 – 0.

Mr. Charles Law, owner, explained that they had installed the unit 12 years ago and the plumber had never mentioned the need for a permit. At that time, the president of the



condo association had informed Ms. Law that the condo's bylaws did not prohibit a washer/dryer. The new condo board had written rules to forbid it.

**Case: CE08021649**

Michael Fiermonte &  
Ellett D Morton  
900 Northeast 18 Avenue # 706

Certified mail sent to the owner was accepted on 7/28/09.

Mr. Gerry Smilen, Building Inspector, testified to the following violations:  
FBC 105.1

THE BUILDING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS, INCLUDING BUT NOT LIMITED TO:

1. BATHROOMS WERE REMODELED.
2. THE KITCHEN WAS REMODELED.
3. THE INTERIOR FLOOR PLAN LAYOUT WAS ALTERED. THE KITCHEN WAS OPENED TO THE LIVING AREA.

FBC 105.2.4

THE PLUMBING SYSTEM HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS, INCLUDING BUT NOT LIMITED TO:

1. BATH AND KITCHEN FIXTURES WERE REPLACED.
2. A JACUZZI TUB WAS INSTALLED.

FBC 105.2.5

THE ELECTRICAL SYSTEM HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS, INCLUDING BUT NOT LIMITED TO:

1. ELECTRICAL CIRCUITS WERE MOVED, ALTERED AND ADDED IN THE KITCHEN AND BATHROOMS.
2. AN ELECTRICAL CIRCUIT WAS ADDED FOR A JACUZZI TUB.

Inspector Smilen 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 \$50 per day, per violation.

Mr. Ellett D. Morton, owner, explained that he had met with the condo board, who did not object to the work because he had not moved any electrical. He said he had turned the tub and installed an extension pipe, but before his plumber could pull a plumbing permit, Mr. Morton and his realtor had started to have ownership issues with the property. This had resulted in a constructive trust lawsuit that had gone on for five years. Mr. Morton had hired a plumber recently who had inspected the tub and found

no issues. He had a meeting scheduled with an electrician the following day. Mr. Morton said he intended to fix the problems.

Mr. Morton stated he had not thought that permits were required when he performed the renovations.

Mr. Lanny Couch, downstairs neighbor, showed photos of his bathroom that depicted a hole in the ceiling. He said Mr. Morton had installed additional plumbing under a second floor and water leaked into Mr. Couch's tub at least once per year. Mr. Couch said the condo bylaws stated no structural changes could be made to the units.

Mr. Morton confirmed for Mr. Nelson that his current tenant was about to move out and he had no new tenant. Mr. Morton said other units had the same leak issues that Mr. Couch had described.

Chair Mitchell was concerned about the leak issues that appeared to affect other units in the building. Ms. Ellis noted these other units were not before the Board. Mr. Nelson said this could be addressed next year if the building underwent a 40-year inspection.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger, to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 63 days, by 10/27/09 or a fine of \$75 per day, per violation would be imposed and to record the order. In a voice vote motion passed 5 – 0.

Mr. Couch presented copies of the condo rules and regulations.

**Case: CE08100091**

Jonathan Olsen &  
Sean Frampton  
414 Southeast 12 Court

Certified mail sent to the owner received no response. Service was via posting on the property on 8/5/09 and at City Hall on 8/12/09.

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. NEW WINDOWS HAVE BEEN INSTALLED.
2. WINDOW OPENINGS HAVE BEEN FRAMED IN.

FBC(2007) 105.4.11

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

1. WINDOW A/C UNITS HAVE BEEN INSTALLED.
2. WALL A/C UNITS HAVE BEEN INSTALLED.

3. DUCT WORK FOR THE GAS WATER HEATER HAS 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. A GAS WATER HEATER HAS BEEN INSTALLED ON THE  
OUTSIDE OF THE BUILDING.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING  
THE REQUIRED APPROVALS.

FBC(2007) 1612.1.2

THE WINDOW/WALL AIR CONDITIONING UNITS AND THE  
WATER HEATER HAVE NOT BEEN PROVEN TO SUFFICIENTLY  
WITHSTAND ESTIMATED OR ACTUAL IMPOSED DEAD, LIVE,  
WIND, OR ANY OTHER LOADS THROUGH THE PERMIT AND  
INSPECTION PROCESS.

Inspector Ford submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He stated he had spoken with the owner but made no progress. Inspector Ford requested a finding of fact and recommended ordering compliance within 63 days or a fine of \$20 per day, per violation.

Mr. Sean Frampton, owner, said they had purchased the property with a few adjacent parcels intending to build townhouses there. He said they never planned to keep the property as a rental, but intended to sell it or develop it. Mr. Frampton said all modifications had existed when they purchased the property.

Mr. Frampton informed Chair Mitchell that the plans to build the townhomes had fallen through and the house had been for sale for two years. He said he did not intend to neglect the mortgage requirements, and did not intend to allow the property to go into foreclosure. He also intended to take care of the violations and agreed to work with Inspector Ford.

Chair Mitchell advised Mr. Frampton to have an architect look at the property but Mr. Frampton admitted he could not afford an architect. Mr. Nelson informed Mr. Frampton that he must move ahead to demolish the property or to comply the violations.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 63 days, by 10/27/09 or a fine of \$20 per day, per violation would be imposed and to record the order. In a voice vote motion passed 5 – 0.

**Case: CE08121112**

Stewart Donaldson  
410 Southwest 7 Street

Certified mail sent to the owner was accepted on 8/14/09.

Mr. Gerry Smilen, Building Inspector, testified to the following violation:

FBC(2007) 105.4.10

A NEW FLAT ROOF HAS BEEN INSTALLED WITHOUT A  
PERMIT.

Inspector Smilen 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 \$50 per day.

Mr. Stewart Donaldson, owner, said the roof company he had hired refused to apply for a permit. He had contacted other roofing companies about finishing the job, and was aware he would need an engineer as well. Mr. Donaldson said his company had gone out of business the previous week and he requested time to comply.

Mr. Donaldson informed Chair Mitchell he had begun the roof in 2008 and the roofer told him he would pull permits. Inspector Smilen said he had spoken with Mr. Parker, the roofer, who stated he would work with Mr. Donaldson to pull a permit. He had given Inspector Smilen the impression that his company was licensed and legal.

Mr. Donaldson said he had tried to work with Mr. Parker, but in the last two weeks, Mr. Parker had indicated he would not work with him. This was why Mr. Donaldson had sought the other estimates. Inspector Smilen confirmed that Mr. Parker's license was issued by the state and the company was registered with the City. Inspector Smilen said Mr. Donaldson could choose to file a complaint against Mr. Parker with the Department of Professional Regulation. Mr. Nelson suggested a longer compliance deadline so Mr. Donaldson could pursue a complaint against Mr. Parker. Ms. Ellis advised Mr. Donaldson to investigate another roofer in the meantime.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 63 days, by 10/27/09 or a fine of \$25 per day would be imposed and to record the order. In a voice vote motion passed 5 – 0.

**Case: CE08082310**

Michael D & Jane I Wall  
3030 Southwest 22 Street

Certified mail sent to the owner was accepted on 7/24/09.

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. THERE IS A POOL ON THE SOUTH SIDE OF THE PROPERTY THAT WAS FINISHED WITHOUT OBTAINING THE FINAL INSPECTION.

FBC 105.2.4

COMPLIED BY PASSING FINAL INSPECTION

FBC 105.2.5

COMPLIED BY OBTAINING A PERMIT AND FINAL INSPECTION.

FBC 106.10.3.1

THERE IS AN EXPIRED BUILDING PERMIT FOR THE POOL #02091266 WHICH FAILED FINAL INSPECTION ON AUGUST 13, 2003. THE STEEL INSPECTION FAILED ON DECEMBER 13, 2003 BECAUSE THE CONCRETE POURING WAS DONE COVERING THE STEEL WITHOUT PASSING THE STEEL INSPECTION.

FBC 109.6

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

FBC 1604.2

THE STRUCTURE FOR THE POOL AND DECK DOES NOT MEET THE STANDARD FOR GRAVITY LOADING AND HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He said the property owner was trying to work with him, but was having a very hard time getting the contractor to finish work on the pool. Inspector Oliva requested a finding of fact and recommended ordering compliance within 63 days or a fine of \$10 per day, per violation. He stated he had spoken with a general contractor who had been present earlier and they had arrived at a solution for the pool.

Inspector Oliva explained an engineer must testify that the pool had been built according to Florida Building code at the time it was constructed in order to reopen the permit.

Mr. Michael Wall, owner, wondered why the pool contractor was still allowed to pull permits in the City. Inspector Oliva said he would request to flag the contractor's license and file a complaint with the state.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 63 days, by 10/27/09 or a fine of \$10 per day, per violation would be imposed and to record the order. In a voice vote motion passed 5 – 0.

**Case: CE09020159**

Kathy W Colangelo  
921 Southwest 29 Avenue

Certified mail sent to the owner was accepted on 7/25/09.

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. COMPLIED.
2. THERE ARE WINDOWS AND HURRICANE SHUTTERS THAT  
WERE INSTALLED. THERE IS NO PERMIT RECORD FOR  
THEM.

FBC 109.6

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

FBC 1612.1.2

ALL THE WINDOWS, SHUTTERS, 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.

FBC 106.10.3.1

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He reported that as soon as the owner had received the Inspection Report, she had begun working to comply the case. The problem was that the windows' NOA had expired. He had advised the owner to have an engineer give her a letter stating the windows were compliant at the time they were installed. Inspector Oliva requested a finding of fact and recommended ordering compliance within 63 days or a fine of \$10 per day, per violation.

Ms. Kathy Colangelo, owner, said she had applied for the permit years ago, but after her daughter had been killed in an accident, they had forgotten about it. She had applied to the Housing Rehabilitation Replacement Program, and explained they had a

special needs child who broke windows. Chair Mitchell asked Ms. Colangelo what her alternative plan was if they did not qualify for help from the Housing Rehabilitation Replacement Program. Ms. Colangelo said they had applied for refinancing, but did not qualify because they could not make the additional payment.

**Motion** made by Chair Mitchell, seconded by Mr. Nelson to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 182 days, by 2/23/10 or a fine of \$5 per day, per violation would be imposed and to record the order. In a voice vote motion passed 5 – 0.

**Case: CE08072176**

Waltraud Pawlik  
1221 Northeast 1 Avenue

Certified mail sent to the owner was accepted on 8/5/09.

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

AN OPEN CARPORT HAS BEEN ENCLOSED ON THE SINGLE  
FAMILY DWELLING WITHOUT OBTAINING THE REQUIRED  
PERMITS.

FBC(2007) 105.4.17

AN OVERHEAD GARAGE DOOR HAS BEEN INSTALLED IN AN  
ILLEGALLY ENCLOSED CARPORT WITHOUT A PERMIT.

Inspector Smilen 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 \$25 per day, per violation.

Ms. Waltraud Pawlik, owner, said she had closed the latticework in with plywood. She requested until January to do the work because January would be her last house payment and she could not afford to have the work done until then. She explained to Chair Mitchell that she had installed the garage door as well.

**Motion** made by Ms. Sheppard, seconded by Mr. Thilborger to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 182 days, by 2/23/10 or a fine of \$10 per day, per violation would be imposed and to record the order. In a voice vote, with Ms. Ellis, Mr. Nelson and Chair Mitchell opposed motion **failed** 2 - 3.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 63 days, by 10/27/09 or a fine of \$10 per day, per violation would be imposed and to record the order. In a voice vote motion passed 5 – 0.

**Case: CE09021706**

John E Eckard  
2780 Southwest 3 Court

Service was via posting on the property on 7/29/09 and at City Hall on 8/12/09.

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. THE WOOD FENCE WAS REPLACED WITH A PVC FENCE.
2. POOL AND PATIO SCREEN COVERS WERE DONE WITH AN EXPIRED PERMIT.

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 IS A NEW CENTRAL A/C CONDENSER UNIT THAT WAS INSTALLED REPLACING THE EXISTING ONE ACCORDING TO THE OWNER, BUT THERE IS NO RECORD OF ANY PERMIT TO INSTALL A CENTRAL A/C UNIT WITH DUCT WORK AND ELECTRIC HEATER ON THE PROPERTY.

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 A CENTRAL A/C UNIT WITH AN ELECTRICAL HEATER THAT HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED AMPERAGE 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 1604.1

THE STRUCTURE FOR THE PVC FENCE AND THE SCREEN COVER DOES NOT MEET THE STANDARD FOR GRAVITY LOADING AND HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS.

Ms. Paris read a notice of conflict/request for continuance she had received via email from the owner, Mr. Eckard, who was an attorney. She informed the Board that this



case had been reset to August from July at the request of the owner, and she had received two requests from him to continue the case in August. In the letter, the owner stated he had a professional scheduling conflict and his belief that a power of attorney "will not suffice to permit someone to represent me at a hearing." Mr. Eckard brought up due process, and stated, "These same considerations affect that ability of the Board to make any finding or ruling in my absence after being provided with adequate knowledge and reason for the conflict with the Board's unilaterally selected date and time selected for a hearing."

Ms. Wald explained that the City's normal practice was to grant one continuance when an owner requested it and to reschedule the case for the following month. Thereafter, the respondent must either attend the hearing or file a formal notice for continuance in writing, which Mr. Eckard had done. Because he had made this formal request, the City did not object to the request for a continuance, but Ms. Wald requested that the Board move to create an order indicating that the case would be rescheduled for September 22, 2009.

Mr. Jolly explained that if the Board approved a motion to grant the continuance and rescheduled the case, Mr. Eckard would receive an order indicating the Board had approved his motion for a continuance. Ms. Ellis was concerned because the City had already accommodated Mr. Eckard once.

Ms. Wald informed Mr. Nelson that the new order would be mailed to Mr. Eckard by the following week. Mr. Nelson asked if staff could also email or leave a voice mail for Mr. Eckard informing him of the Board's decision. Ms. Paris said she intended to email Mr. Eckard.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a continuance to the 9/22/09 Code Enforcement Board hearing. In a voice vote, with Ms. Ellis opposed, motion passed 4 - 1.

**Case: CE08041398**

Karen Sheppard, 1/4 Interest  
Miles Dearden & Michael Sheppard  
1792 Northeast 19 Street

Certified mail sent to the owner was returned unclaimed. Service was via posting on the property on 7/29/09 and at City Hall on 8/12/09.

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

1. A BRICK PAVED DRIVEWAY AND WALKWAY WERE INSTALLED.
2. WINDOWS AND EXTERIOR DOORS WERE INSTALLED.
3. A TRELLIS WAS INSTALLED IN THE REAR.
4. A VINYL FENCE WAS INSTALLED ON THE WEST SIDE.

5. A WOOD FENCE WAS INSTALLED ON SOUTH SIDE AND PART OF THE WEST SIDE.
6. A SHED/STRUCTURE WAS BUILT TO COVER THE WATER HEATER.
7. A PROTECTIVE STRUCTURE/COVER WAS BUILT AROUND THE ELECTRIC METER.
8. A SHED WAS INSTALLED IN THE EAST SIDE SETBACK.
9. A SHED WAS INSTALLED IN THE SOUTH SIDE SETBACK.

FBC 105.2.4

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

1. A WATER HEATER WAS INSTALLED ON THE SIDE OF THE HOUSE.

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. A CIRCUIT TO POWER THE WATER HEATER WAS ALTERED/ADDED.
2. POWER OUTLETS AND LIGHT FIXTURES WERE INSTALLED IN THE REAR SHED.
3. A FAN WAS INSTALLED UNDER THE TRELLIS.

FBC 1604.1

THE SHEDS, TRELLIS, THE COVER OVER THE ELECTRICAL PANEL AND THE STRUCTURE TO COVER THE WATER HEATER WERE NOT DESIGNED OR CONSTRUCTED ACCORDING TO THE STRENGTH REQUIREMENTS FOR THE LOADS IMPOSED.

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 \$20 per day, per violation, and to record the order. He said he would not object to allowing only 28 days to comply.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger, to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 28 days, by 9/22/09 or a fine of \$25 per day, per violation would be imposed and to record the order. In a voice vote motion passed 5 – 0.

**Case: CE08101015**

Washington Mutual Bank  
1522 Davie Boulevard

Certified mail sent to the owner was accepted on 8/6/09.

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

18-27(a)

THERE IS PLANT OVERGROWTH, RUBBISH, TRASH, AND DEBRIS ON THE PROPERTY.

47-34.1.A.1.

THE SINGLE FAMILY HOME WAS CONVERTED INTO A DUPLEX, WHICH IS A PROHIBITED LAND USE IN THIS RS 8 ZONING DISTRICT.

9-280(b)

BUILDING IS NOT STRUCTURALLY SOUND AND MAINTAINED IN A SECURE AND ATTRACTIVE MANNER. THE ROOF SURFACES SHALL BE WATERTIGHT.

9-280(d)

THE EXTERIOR WALLS ARE SUBJECT TO DETERIORATION AND ARE NOT PROTECTED FROM THE ELEMENTS. PAINT IS PEELING, CRACKING AND FADING. CAULKING IS MISSING. STRUCTURAL CRACKS ALLOW WATER PENETRATION.

9-280(h)

THE FENCE IS IN DISREPAIR.

FBC 105.1

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

1. NEW WINDOWS WERE INSTALLED.
2. THE CARPORT WAS ENCLOSED, AND CONVERTED INTO AN APARTMENT.
3. A SECOND KITCHEN WAS INSTALLED IN THE CARPORT CONVERSION.
4. THE PORCH WAS ENCLOSED.
5. EXTERIOR DOORS WERE INSTALLED/REPLACED.
6. BATHROOMS WERE ADDED IN THE MAIN HOUSE & CARPORT.
7. INTERIOR WALLS WERE CONSTRUCTED TO CREATE A BEDROOM AND A BATHROOM.
8. THE FENCE WAS PARTIALLY DAMAGED AND REPLACED.
9. THE WINDOW ON THE Southwest CORNER WAS COVERED.
10. A LOAD BEARING WALL WAS PARTIALLY REMOVED BETWEEN THE HALLWAY AND THE LIVING ROOM.

FBC 105.2.11

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

1. WALL AND WINDOW UNITS WERE INSTALLED.
2. A CENTRAL A/C UNIT WAS INSTALLED.

FBC 105.2.4

THE PLUMBING SYSTEM OF THE FACILITY HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE

FOLLOWING MANNER, INCLUDING BUT NOT LIMITED TO:

1. BATHROOM SINKS AND TOILETS WERE REPLACED.
2. GENERAL ALTERATIONS TO THE PLUMBING SYSTEMS.

FBC 105.2.5

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

1. EXTERIOR AND INTERIOR OUTLETS WERE MOVED AND/OR ADDED.
2. CIRCUITS FOR CARPORT AREA WERE ADDED.
3. SERVICE WAS UPGRADED TO 200 AMPS.
4. GENERAL PREMISE WIRING WAS ALTERED.
5. A CIRCUIT TO POWER THE CENTRAL A/C UNIT WAS ADDED.
6. THE ELECTRICAL LOADS IMPOSED ON THE CIRCUITS INCLUDING BUT NOT LIMITED TO THE PORCH, BEDROOM, LIVING ROOM AND CARPORT, EXCEEDS THE CAPACITY OF THE EXISTING CIRCUITRY.

FBC 109.6

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

FBC 1604.1

THE ENCLOSURES WERE NOT CONSTRUCTED IN ACCORDANCE WITH STRENGTH REQUIREMENTS FOR THE LOADS IMPOSED.

Inspector Smilen 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 \$20 per day, per violation. Mr. Nelson asked if the bank had received notice of the previous case against the previous owner. Ms. Paris could not say for certain.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 28 days, by 9/22/09 or a fine of \$20 per day, per violation would be imposed and to record the order. In a voice vote, with only Mr. Nelson voting yes, motion **failed** 1 - 4.

**Motion** made by Ms. Sheppard, seconded by Mr. Nelson to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 63 days, by 10/27/09 or a fine of \$50 per day, per violation would be imposed and to record the order. In a voice vote motion passed 5 - 0.

The following five cases were heard together:

**Case: CE09050467**

Yrsa Rincones Roberts  
3220 Bayview Drive # 112

Certified mail sent to the owner received no response. Service was via posting on the property on 8/13/09 and at City Hall on 8/12/09.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:

NFPA 1:4.4.5

There is an unprotected vertical opening.

Complied:

MO 13-64

NFPA 101:7.9.2.1

NFPA 1:13.3.1.1 (service)

NFPA 1:13.3.3.7.2

Inspector Clements explained that for all five cases, only violation NFPA 1:4.4.5 remained. He stated the door and hardware were not fire-rated. He recommended ordering compliance with NFPA 1 4.4.5 within 28 days or a fine of \$500 per day for all five cases.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 28 days, by 9/22/09 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 5– 0.

**Case: CE09050469**

Steven L & Donna J Ranner  
3220 Bayview Drive # 114

Certified mail sent to the owner was accepted on 8/14/09.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:

NFPA 1:4.4.5

There is an unprotected vertical opening.

Complied:

NFPA 1:13.3.3.7.2

NFPA 101:7.9.2.1

MO 13-64

NFPA 1:13.3.1.1 (service)

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 28 days, by 9/22/09 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 5– 0.

**Case: CE09050475**

Joseph R Proto  
3220 Bayview Drive # 115

Certified mail sent to the owner received no response. Service was via posting on the property on 8/13/09 and at City Hall on 8/12/09.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:

NFPA 1:4.4.5

There is an unprotected vertical opening.

Complied:

NFPA 1:13.3.3.7.2

NFPA 101:7.9.2.1

MO 13-64

NFPA 1:13.3.1.1 (service)

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 28 days, by 9/22/09 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 5– 0.

**Case: CE09050525**

Ana R & Michael J Corsaro  
3220 Bayview Drive # 201

Certified mail sent to the owner was accepted on 8/12/09.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:

NFPA 1:4.4.5

There is an unprotected vertical opening.

Complied:

NFPA 1:13.3.3.7.2

NFPA 101:7.9.2.1

MO 13-64

NFPA 1:13.3.1.1 (service)

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 28 days, by 9/22/09 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 5– 0.

**Case: CE09050527**

Alfredo & Aura M Alvarado  
3220 Bayview Drive # 202

Certified mail sent to the owner was accepted on 8/12/09.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:

NFPA 1:4.4.5

There is an unprotected vertical opening.

Complied:

NFPA 1:13.3.3.7.2

NFPA 101:7.9.2.1

MO 13-64

NFPA 1:13.3.1.1 (service)

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 28 days, by 9/22/09 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 5– 0.

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

Mr. Jolly confirmed for Ms. Sheppard that a non-citizen could apply for an owner/builder permit for a single-family home, but not for a condo.

Mr. McKelligett explained that over the years, the City had imposed its own requirements regarding the owner/builder permit, but the current Building Official had determined they would abide by the State Statute. He offered to email the State Statute to Board members.

### **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:

CE08030175

CE08020181

CE08102477

CE06040743

CE08072570

CE08090956

CE07070702

### **Cases Withdrawn**

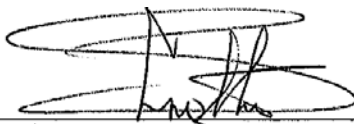
Ms. Paris announced that the below listed cases had been withdrawn. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE08110911

CE09010920

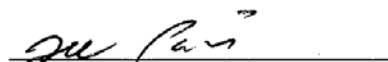
CE09030900

There being no further business to come before the Board, the meeting adjourned at **3:34 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.