

CODE ENFORCEMENT BOARD
CITY COMMISSION MEETING ROOM
100 NORTH ANDREWS AVENUE
OCTOBER 27, 2009
9:00 A.M. – 2:17 P.M.

<u>Board Members</u>	<u>Attendance</u>	2/2009 through 1/2010	
		<u>Present</u>	<u>Absent</u>
Sam Mitchell, Chair	P	9	0
Genia Ellis, Vice Chair	P	9	0
Howard Elfman	P	3	3
Joan Hinton	A	3	2
Howard Nelson	P	6	0
Ronald Perkins	A	6	3
Jan Sheppard	P	9	0
Chad Thilborger [Alternate]	P	3	1
Paul Dooley [Alternate]	P	1	0

Staff Present

Bruce Jolly, Board Attorney
 Brian McKelligett, Clerk /Special Magistrate Supervisor
 Lindwell Bradley, Code Enforcement Supervisor
 Dee Paris, Administrative Aide
 Deb Maxey, Clerk III
 Lori Grossfeld, Clerk III
 Yvette Ketor, Secretary, Code Enforcement Board
 Burt Ford, Building Inspector
 George Oliva, Building Inspector
 Gerry Smilen, Building Inspector
 Tammy Arana, Fire Inspector
 Ron Tetreault, Fire Inspector
 Micka Bouchereau, City of Fort Lauderdale Human Resources Department
 J. Opperlee, Recording Secretary

Communication to the City Commission

None

Respondents and Witnesses

CE08100091: Sean Frampton, owner
 CE08051178: Fritz Saintus, owner
 CE05111570: David Mancini, contractor
 CE06030884: Willie Harmon, owner; Silvia Harmon, owner
 CE09020331: James Wright, owner
 CE08072176: Waltraud Pawlik, owner

CE08101015: James Hollingsworth, architect
CE08040779: Jake Watkins, owner
CE06081617: Richard Lawrence, contractor
CE09031279: Sherine Makar, bank representative
CE08090676; CE07060475; CE08060101: Jose Ares Hernandez, contractor
CE08031925: Valerie Adebayo, daughter of the owner
CE09011033: John Joseph Francavilla, owner
CE08073224: Robert Hayling, owner
CE08121112: Stewart Donaldson, owner
CE08120690: Gabriel Rodriguez, property manager
CE09020950: Ominque Paul, owner
CE07101002: Rick Lentz, owner
CE09100512: Rodney Fiedler, representative of management
CE09010728: Jean Charles, owner
CE08080683: Tyler Tuchow, owner
CE08060235: Thomas Hempstead, owner
CE08121039: Andree Beaulac, owner; Dagobert Schmalhaus, owner
CE04111959: John Michael Ross, owner's representative

Chair Mitchell called the meeting to order at 9:02 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: CE08100091

Jonathan Olsen & Sean Frampton
414 Southeast 12 Court

This case was first heard on 8/25/09 to comply by 10/27/09. Violations were as noted in the agenda. The property was not complied and the order had been recorded. Certified mail sent to the owner was accepted on 10/10/09.

Mr. Sean Frampton, owner, stated he was working with Inspector Ford regarding issues at the house. He said he had a permit and had hired gas, electric and plumbing contractors and a general contractor. Mr. Frampton requested an additional 90 days.

Mr. Burt Ford, Building Inspector, said he had met with the owner and contractor. He believed they were moving in the right direction and said he would not object to a 91-day extension.

Motion made by Ms. Ellis, seconded by Mr. Nelson to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08051178

Fritz Saintus Jr
735 Northwest 17 Street

This case was first heard on 1/27/09 to comply by 4/28/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of the fine, which would continue to accrue until the property complied. Service was via posting on the property on 10/13/09 and at City Hall on 10/15/09.

Mr. Fritz Saintus, owner, said Inspector Strawn had advised him to have an electrician address the electrical problems in the kitchen. Mr. Saintus felt the City had dragged its feet in approving his plans after they were re-submitted for corrections. Chair Mitchell noted it was the architect's responsibility to contact the City regarding the plans.

Mr. George Oliva, Building Inspector, reported the application had been submitted for the master permit. He noted that if the plans were not returned with corrections by November 7, the application would expire. Inspector Oliva recommended imposition of the fines.

Motion made by Mr. Nelson, 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 10/28/09 and would continue to accrue until the violations were corrected and to record the order. In a voice vote, motion passed 7 - 0.

Case: CE05111570

Annieopa LLC
3051 Northeast 32 Avenue

This case was first heard on 8/26/08 to comply per stipulated agreement 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 \$23,800 fine, which would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 10/14/09.

Mr. David Mancini, contractor, explained their permit expediter had failed to obtain the permits. He apologized for the delay and stated he had one permit and was still working on the plans. Mr. Mancini requested 90 days for phase one; he was unsure how long the entire project would take.

Mr. Burt Ford, Building Inspector, reported the demo permits had been issued. When demolition was complete, which he estimated would take two to three months, the violations would be 90% complied. Inspector Ford recommended a 147-day extension for 100% compliance.

Mr. Mancini admitted that the owner had a financial issue and they were working as economically as possible.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 147-day extension to 3/23/10, during which time no fines would accrue. In a roll call vote, motion passed 5 – 2 with Mr. Nelson and Chair Mitchell opposed.

Case: CE06030884

James & Sylvia Harmon
817 Northwest 15 Terrace

This case was first heard on 3/24/09 to comply by 7/28/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded. Ms. Paris noted violations that were now complied.

Ms. Sylvia Harmon, owner, said the contractor had informed her that they were waiting for the permit applications to be processed. The contractor had applied for the permit on October 7. Ms. Harmon requested 119 days.

Mr. George Oliva, Building Inspector, said he supported a 119-day extension for the permits to be issued, the work done and inspected. He noted the owner had already removed the shutters and shed.

Motion made by Mr. Nelson, seconded by Ms. Ellis to grant a 119-day extension to 2/23/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09020331

James R Wright
361 Delaware Avenue

This case was first heard on 7/28/09 to comply by 10/27/09. Violations were as noted in the agenda. The property was not complied and the order had been recorded. Service was via personal service on 10/13/09 and posting on the property on 10/15/09.

Mr. James Wright, owner, confirmed that the shed and fences were complied. He was about to re-submit the window, door and shutter permits with corrections.

Mr. Wright informed Mr. Nelson that the permit applications had first been submitted on 10/9/09. Since July, he had hired an architect, who had drawn the plans and submitted them to the Building Department.

Mr. George Oliva, Building Inspector, added that Mr. Wright had removed 60% of the violations, including the carport roof and the rear addition. He recommended a 119-day extension.

Motion made by Ms. Sheppard, seconded by Mr. Nelson to grant a 119-day extension to 2/23/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08072176

Waltraud Pawlik
1221 Northeast 1 Avenue

This case was first heard on 8/25/09 to comply by 10/27/09. 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 fine, which would begin on 10/28/09 and would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 10/15/09.

Ms. Waltraud Pawlik, owner, explained she had removed her storage unit in the rear yard because it had been infested with termites. This had delayed her working on the violations. Ms. Pawlik requested another six to seven weeks to comply.

Ms. Pawlik said she might keep the garage door, but she intended to remove the rest of the enclosure. She had not yet contacted an architect regarding a permit for the garage door.

Mr. Gerry Smilen, Building Inspector, confirmed that nothing had been done on the property and this concerned him. He stated there were items stored on the front porch and around the enclosed garage area. Ms. Pawlik explained she had held a garage sale two weeks ago and some of the items remained in the front area. She agreed she could remove these items within one week.

Motion made by Mr. Elfman, seconded by Ms. Ellis to grant a 28-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 5 – 2 with Mr. Nelson and Mr. Thilborger opposed.

Case: CE08101015

Washington Mutual Bank
1522 Davie Boulevard

This case was first heard on 8/25/09 to comply by 10/27/09. Violations were as noted in the agenda. The property was not complied and the order had been recorded. Certified mail sent to the owner was accepted on 9/8/09.

Mr. James Hollingsworth, architect, reported the property had been sold to his client, and he was drawing plans to renovate the residence, complying all code violations. He estimated it would take six months to complete the work.

Mr. Hollingsworth explained to Ms. Ellis that the property had already been cleaned up, boarded and lighted to discourage vandals.

Mr. Gerry Smilen, Building Inspector, recommended a 91-day extension to be sure the plans were submitted.

Motion made by Mr. Nelson, seconded by Ms. Ellis to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08040779

Jake Watkins Jr
1028 Northwest 7 Terrace

This case was first heard on 6/24/08 to comply by 7/22/08. Violations and extensions were as noted in the agenda. The property was not complied, fines had accrued to \$21,700 and the order had been recorded.

Mr. Jake Watkins, owner, reported he had removed the screened-in porch in the rear, and requested additional time to comply. He noted that his work would be very slow until January or February.

Mr. George Oliva, Building Inspector, reported Mr. Watkins had submitted the application for a master permit and had removed the enclosed porch. When the master permit was approved, the violations would be complied. Inspector Oliva did not object to a 182-day extension.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 91-day extension to 1/26/10, 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. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded. Ms. Paris noted violations that were now complied.

Mr. Richard Lawrence, contractor, reported only the door and window violations remained. He had just re-submitted the plans and requested a 91-day extension.

Mr. Burt Ford, Building Inspector, agreed to the request for a 91-day extension.

Motion made by Ms. Ellis, seconded by Mr. Nelson to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09031279

G 4 A Holdings Corp
721 Southwest 8 Terrace

This case was first heard on 6/23/09 to comply by 7/28/09. 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 the fine, which would begin on 10/28/09 and would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 10/14/09.

Ms. Sherine Makar, bank representative, reported the property was in foreclosure. She informed Mr. Nelson that her client was not protecting the property from pedestrian access. Ms. Makar said the owner had applied for bankruptcy, so the bank was not able to proceed regarding the property.

Mr. Gerry Smilen, Building Inspector, stated the property was secured and presented no life safety issue and he would not object to an extension.

Motion made by Ms. Ellis, seconded by Ms. Sheppard to grant a 28-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Mr. Elfman asked how the impending change of ownership would affect the City's case. Mr. Jolly felt no enforcement action of any kind could be taken once the property was in bankruptcy. Ms. Wald thought this was arguable, and noted the only thing the City could not do in such a case was lien a property.

Case: CE08010621

Minnie Brown
1023 Northwest 7 Terrace

This case was first heard on 7/28/09 to comply by 10/27/09. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Jose Ares Hernandez, contractor, stated they had the windows and doors permits. The shed permit had been approved, but the owner could not afford the fees. The owner intended to remove the dog cages in the rear when he determined what he could do with the dogs. The owner had indicated to him that she could afford to pay for the permits in a couple of weeks.

Mr. George Oliva, Building Inspector, stated only two items remained, and he recommended a 28-day extension for the owner to remove the shed and the dog cages or to pull a permit. If this were not done in 28 days, he would recommend imposition of the fines.

Motion made by Mr. Nelson to grant a 28-day extension to 11/24/09. Motion died for lack of a second. Fines would begin to accrue on 10/28/09.

Case: CE07060475

Bernardo Rodriguez &
Marena Moreira

1380 Southwest 34 Avenue

This case was first heard on 7/28/09 to comply by 9/22/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Jose Ares Hernandez, contractor, reported the architect was making corrections to the plans. He requested a 91-day extension. He said the owner's plan was to legalize the rear addition and to enclose the carport. Ms. Sheppard asked if the zoning would allow this. Mr. Hernandez felt this would be permitted once the plans were corrected.

Mr. George Oliva, Building Inspector, reported the application for the master permit had been submitted on 10/2/09 and the plans were returned for corrections on 10/23/09. He stated compliance required final inspection, and recommended a 91-day extension. Inspector Oliva clarified that the plans would go to zoning after they went through the Building Department, plumbing and electrical.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a toll call vote motion failed 3 – 4 with Mr. Elfman, Mr. Nelson, Mr. Thilborger and Chair Mitchell opposed.

Motion made by Mr. Nelson, seconded by Mr. Elfman to grant a 28-day extension to 11/24/09, during which time no fines would accrue. In a voice vote motion passed 7 - 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. The property was not complied and the order had been recorded. Certified mail sent to the owner was accepted on 10/10/09. Ms. Paris noted violations that were now complied.

Mr. Jose Ares Hernandez, contractor, stated he had already pulled the window, door and insulation permits.

Mr. George Oliva, Building Inspector, reported the permits for the windows and shutters had been issued the previous day. He recommended a 119-day extension for the owner to be able to afford to comply the other violations. Inspector Oliva explained the owner had undergone surgery, and this was why he was short of funds. He stated the work must pass final inspection to comply.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 119-day extension to 2/23/10, during which time no fines would accrue. In a roll call vote, motion **failed** 2 – 5 with Mr. Dooley, Mr. Elfman, Mr. Nelson, Mr. Thilborger and Chair Mitchell opposed.

Motion made by Mr. Nelson, seconded by Mr. Elfman to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote, motion passed 7 – 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 and the order had been recorded.

Ms. Valerie Adebayo, daughter of the owner, explained that her designer had corrected the plans, but they had been returned with the same notes. The designer had spoken with the plans reviewer, who indicated her electrician, Mr. Hardin, must draw a panel schedule. Mr. Hardin had been in the hospital, but had informed her he should be able to complete the drawings by this Wednesday or Thursday.

Mr. Burt Ford, Building Inspector, confirmed the plans had passed all but electrical, as Ms. Adebayo had indicated. He recommended only one more extension, at the Board's discretion.

Motion made by Ms. Sheppard, seconded by Mr. Nelson, to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09011033

John Francavilla
1001 Southwest 4 Street

This case was first heard on 7/28/09 to comply by 10/27/09. 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 fine, which would begin on 10/28/09 and would continue to accrue until the property complied. Service was via posting on the property on 10/13/09 and at City Hall on 10/15/09.

Mr. John Francavilla, owner, stated he had received permits the previous day. He explained that the permit had been issued to the new address: 1009 Southwest 4th Street. He requested a 180-day extension because he must obtain approval from the Historic Preservation Board [HPB] for his windows and doors. Mr. Francavilla thought he would need to wait until March to appear before the HPB, but Ms. Wald informed him that the HPB met every month, not every three months. The Sailboat Bend Historic Commission met every three months and this was the first step in the process Mr. Francavilla must go through. Mr. Francavilla requested a 180-day extension.

Mr. Gerry Smilen, Building Inspector, pointed out that there were several expired permits that must be renewed; the windows were a minor part of the property's

compliance. Inspector Smilen was concerned because the property had been sitting “for ages” and the City would like reassurance that work would progress. He suggested activating all expired permits for the rest of the construction on the property.

Mr. Francavilla said he could not “close up the inside unless the windows and doors [were] in place.” He felt paying for the other permits was a waste until the windows and doors were approved.

Chair Mitchell asked Mr. Francavilla when he would apply for renewal of the expired permits. Mr. Francavilla estimated he would do this within 90 days.

Inspector Smilen reported the relocation permit had expired in April 2009, after the house had been moved. He noted that since the house had been moved, the new permits must be obtained under the new address. Inspector Smilen pointed out that there were two buildings in structural distress with no active permits. Ms. Ellis confirmed that the relocation permit should be closed out. Mr. Francavilla said he could have this permit closed out within 30 days.

Motion made by Mr. Nelson, seconded by Ms. Sheppard, to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a roll call vote motion passed 4 – 3 with Mr. Elfman, Ms. Ellis and Mr. Thilborger opposed.

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.

Mr. Robert Hayling, owner, explained the permit application had been submitted. He had been told the permit would take 30 to 60 days. Once he had the permit, the work would take less than a week.

Mr. George Oliva, Building Inspector, recommended a 91-day extension. He said Mr. Hayling needed a survey showing the other parking spaces. Inspector Oliva had approved Mr. Hayling to get an owner’s permit in to help resolve this case.

Motion made by Mr. Nelson, seconded by Mr. Thilborger to grant a 119-day extension to 2/23/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE08121112

Stewart Donaldson
410 Southwest 7 Street

This case was first heard on 8/25/09 to comply by 10/27/09. 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 fine, which would begin on 10/28/09 and would continue to accrue until the property complied. Service was via posting on the property on 10/13/09 and at City Hall on 10/15/09.

Mr. Stewart Donaldson, owner, reminded the Board that he had been laid off. Since the last hearing he had met with four roofing companies and he intended to sign a contract with one.

Mr. Gerry Smilen, Building Inspector, confirmed the roof would not require destructive testing and once the permit was issued, the property would be complied.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 119-day extension to 2/23/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

The Board took a brief break.

Case: CE09050449

Richard Address & Peter Young
3220 Bayview Drive # 101

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

Mr. Ron Tetreault, Fire Inspector, reported the first violation was complied. He recommended a 91-day extension for all of the 3220 Bayview Drive cases.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 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 and extensions 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 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 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 and extensions 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 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 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 and extensions 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 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09050467

Yrsa Rincones Roberts
3220 Bayview Drive # 112

This case was first heard on 8/25/09 to comply by 9/22/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Motion made by Ms. Ellis, seconded by Ms. Sheppard to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09050469

Steven L & Donna J Ranner
3220 Bayview Drive # 114

This case was first heard on 8/25/09 to comply by 9/22/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Motion made by Ms. Sheppard, seconded by Mr. Thilborger to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09050475

Joseph R Proto
3220 Bayview Drive # 115

This case was first heard on 8/25/09 to comply by 9/22/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Motion made by Ms. Sheppard, seconded by Mr. Nelson, to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09050525

Ana R & Michael J Corsaro
3220 Bayview Drive # 201

This case was first heard on 8/25/09 to comply by 9/22/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Motion made by Ms. Sheppard, seconded by Mr. Thilborger, to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09050527

Alfredo & Aura M Alvarado
3220 Bayview Drive # 202

This case was first heard on 8/25/09 to comply by 9/22/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Motion made by Ms. Sheppard, seconded by Mr. Thilborger, to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09050529

Ivan De Biase & Monica Trujillo
3220 Bayview Drive # 203

This case was first heard on 9/22/09 to comply by 10/27/09. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

Motion made by Mr. Dooley, seconded by Mr. Nelson to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09050530

Charles F Peel
3220 Bayview Drive # 204

This case was first heard on 9/22/09 to comply by 10/27/09. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

Motion made by Mr. Elfman, seconded by Mr. Thilborger to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09050531

Andrea Capponi & Rossana Rossi
3220 Bayview Drive # 211

This case was first heard on 9/22/09 to comply by 10/27/09. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

Motion made by Mr. Thilborger, seconded by Mr. Nelson to grant a 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09050533

Alan Flora
3220 Bayview Drive # 212

This case was first heard on 9/22/09 to comply by 10/27/09. 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 91-day extension to 1/26/10, during which time no fines would accrue. In a voice vote motion passed 7 - 0.

Case: CE09050535

Angela Ligitori
3220 Bayview Drive # 214

This was a request to vacate the Final Order dated 9/22/09.

Motion made by Mr. Nelson, seconded by Ms. Ellis, to vacate the final order dated 9/22/09. In a voice vote, motion passed 7 - 0.

Case: CE07120458

Riverside Condo Association
of Broward, Inc
1548 Southwest 5 Place

This was a request to vacate the Order Imposing a Fine dated 5/27/08 and the Final Order dated 2/26/08.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to vacate the Order Imposing a Fine dated 5/27/08. In a voice vote motion passed 7 - 0.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to vacate the Final Order dated 2/26/08. In a voice vote motion passed 7 - 0.

Case: CE08091566

Melissa Fojtik
1029 Northwest 1 Avenue

This was a request to vacate the Final Order dated 4/28/09.

Motion made by Mr. Nelson, seconded by Mr. Thilborger to vacate the Final Order dated 4/28/09. In a voice vote, motion passed 7 - 0.

Case: CE07032115

Michael Fiermonte &
E Daniel Morton
2153 Northeast 62 Street

This case was first heard on 9/22/09 to comply by 10/27/09. 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 fine, which would begin on 10/28/09 and would continue to accrue until the property complied. Service was via posting on the property on 10/9/09 and at City Hall on 10/15/09.

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 10/28/09 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 – 0.

Case: CE08032088

Max Weiss
2900 Northeast 30 Street # L-6

This case was first heard on 9/22/09 to comply by 10/27/09. 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 fine, which would begin on 10/28/09 and would continue to accrue until the property complied. Service was via posting on the property on 10/9/09 and at City Hall on 10/15/09.

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 10/28/09 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 – 0.

Case: CE04090141

Constantine Patsimas
1434 Northwest 9 Street

This case was first heard on 7/28/09 to comply by 10/27/09. 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 fine, which would begin on 10/28/09 and would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 10/10/09.

Motion made by Mr. Nelson, 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 10/28/09 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 – 0.

Case: CE08021649

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

This case was first heard on 8/25/09 to comply by 10/27/09. 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 fine, which would begin on 10/28/09 and would continue to accrue until the property complied. Service was via posting on the property on 10/13/09 and at City Hall on 10/15/09.

Motion made by Mr. Nelson, 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 10/28/09 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 – 0.

The Board took a break from 11:08 a.m. to 12:00 noon.

Case: CE09050536

Rose Balsamo
C/O Marie Gregov
3220 Bayview Drive # 215

Service was via posting on the property on 10/8/09 and at City Hall on 10/15/09.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 1:4.4.5

There is an unprotected vertical opening.

Inspector Tetreault recommended ordering compliance within 91 days.

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 1/26/10 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE09050539

Robert V & Jane L Wackell
3220 Bayview Drive # 301

Certified mail sent to the owner was accepted on 10/8/09.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 1:4.4.5

There is an unprotected vertical opening.

Inspector Tetreault recommended ordering compliance within 91 days or a fine of \$500 per day.

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 1/26/10 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE09050541

Oscar Enrique Zayas Bazan
3220 Bayview Drive # 302

Service was via posting on the property on 10/8/09 and at City Hall on 10/15/09.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 1:4.4.5

There is an unprotected vertical opening.

Inspector Tetreault recommended ordering compliance within 91 days or a fine of \$500 per day.

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 91 days, by 1/26/10 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE09050543

Natalia Alvarado-Stadler
Kai Stadler
3220 Bayview Drive # 303

Certified mail sent to the owner was accepted on 10/2/09.

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 1:4.4.5

There is an unprotected vertical opening.

Inspector Tetreault recommended ordering compliance within 91 days or a fine of \$500 per day.

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 91 days, by 1/26/10 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE09050550

Krzysztof & Tina E Matysek
3220 Bayview Drive # 304

Certified mail sent to the owner was accepted [no date].

Mr. Ron Tetreault, Fire Inspector, testified to the following violation:
NFPA 1:4.4.5

There is an unprotected vertical opening.

Inspector Tetreault recommended ordering compliance within 91 days or a fine of \$500 per day.

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 91 days, by 1/26/10 or a fine of \$500 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE09100512

William F Brunner &
John Boscarino
561 Bayshore Drive #2

Certified mail sent to the owner was accepted on 10/13/09.

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

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

1.REPAIRED, SEALED, AND RE-STRIPED PARKING AREA IN
THE FRONT OF THE BUILDING.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING
THE REQUIRED APPROVALS.

Inspector Ford submitted photos of the property into evidence and explained that when he took over the case, he had been promised by the original contractor that he would pull the permits, but he had never done so. The owner had hired a new contractor, and the plans were currently in review. Inspector Ford requested a finding of fact and recommended ordering compliance within 91 days or a fine of \$25 per day, per violation.

Inspector Ford stated there had been a stop work order on the property and the work was subsequently completed before he had taken over the case.

Mr. Rodney Fiedler, representative of management, requested an extension.

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 91 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 7 - 0.

Mr. Fiedler stated he had power of attorney for 561 Bayshore Drive units 2 and 3 only.

Case: CE08081197

John A Boscarino, 1/2 Interest
William F Brunner
561 Bayshore Drive #3

Service was via posting on the property on 10/9/09 and at City Hall on 10/15/09.

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

FBC(2007) 105.1

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

1. REPAIRED, SEALED, AND RE-STRIPED PARKING AREA IN
THE FRONT OF THE BUILDING.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING
THE REQUIRED APPROVALS.

Inspector Ford stated this case was the same as the previous case. He requested a finding of fact and recommended ordering compliance within 91 days or a fine of \$25 per day, per violation.

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 91 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 7 - 0.

Case: CE09020950

Ominique Paul
210 Southwest 29 Avenue

Certified mail sent to the owner was accepted on 10/3/09.

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. WINDOWS AND FRONT DOOR WERE REPLACED.
2. THERE IS STUCCO WORK BEING DONE.

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. A CENTRAL A/C WAS INSTALLED WITH DUCT WORK AND ELECTRIC HEATERS.

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 WITH ELECTRIC HEATERS, ADDITIONAL LIGHTS AND WALL OUTLETS THAT HAVE 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 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.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and informed the Board that he had tried to contact the owner several times. Inspector Oliva requested a finding of fact and recommended ordering compliance within 119 days or a fine of \$10 per day, per violation and to record the order.

Ms. Micka Bouchereau, City of Fort Lauderdale Human Resources Department, translated for the owner, Mr. Ominique Paul.

Mr. Paul explained that the home had been damaged in hurricane Wilma and he had been unaware that permits were needed. He informed Chair Mitchell that an acquaintance had performed the repairs; there was no licensed contractor involved. Mr. Paul now understood that permits were required.

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 119 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 motion passed 7 - 0.

Case: CE08080683

Tyler Tuchow
1538 Northeast 3 Avenue

Certified mail sent to the owner was accepted [no date].

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

9-281(a)

RUBBISH AND TRASH ARE LITTERING THE PREMISES.
REMOVE TRASH AND DEBRIS.

FBC(2007) 105.1

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

1. WINDOWS WERE INSTALLED.
2. DOORS WERE INSTALLED.
3. A FENCE WAS INSTALLED.
4. VINYL SIDING WAS INSTALLED.
5. INTERIOR ALTERATIONS AND DRYWALL WERE DONE.
6. KITCHEN AND BATH REMODELING HAVE BEEN DONE.

FBC(2007) 105.4.11

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

1. WALL AND WINDOW UNITS HAVE BEEN INSTALLED.

FBC(2007) 105.4.4

THE PLUMBING SYSTEM HAS BEEN ALTERED IN THE

FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS:

1. A WASHER WAS INSTALLED.
2. PIPING AND FIXTURES HAVE BEEN INSTALLED FOR THE KITCHEN AND BATH REMODELING.

FBC(2007) 105.4.5

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

1. CIRCUITS HAVE BEEN ADDED/ALTERED FOR WINDOW AND WALL A/C UNITS.
2. CIRCUITS HAVE BEEN ADDED/ALTERED FOR WASHER AND DRYER THAT WERE INSTALLED.
3. CIRCUITS HAVE BEEN ADDED/ALTERED FOR THE KITCHEN AND BATH REMODELING.
4. CIRCUITS HAVE BEEN ADDED/ALTERED IN THE GENERAL INTERIOR WORK BEING DONE.

FBC(2007) 109.10

WORK HAS BEEN COVERED UP WITHOUT FIRST HAVING OBTAINED THE REQUIRED INSPECTION APPROVALS.

Inspector Ford reported the case was begun in November 2005 and had been updated to a 2008 case with the Florida Building Code revisions. The owner, his contractor and his attorney had met with a building inspector and supervisor in March 2009 to determine what must be done to comply. Since then, nothing had been done. 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 91 days or a fine of \$25 per day, per violation.

Mr. Tyler Tuchow, owner, stated he had bought the property in October 2008 and filed for bankruptcy in February 2009. He had been unable to spend any money to repair the property since the bankruptcy. Mr. Tuchow had hired a landscaper to maintain the property. He confirmed the property was vacant and secure.

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 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 7 - 0.

Case: CE08060235

Thomas Douglas & Bobby Hempstead
2210 Southwest 36 Avenue

Certified mail sent to the owner was accepted [no date].

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

FBC(2007) 105.1

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

1. FIRE DAMAGED THE REAR OF THE PROPERTY. REPAIRS WERE DONE IN THE UTILITY ROOM AND FAMILY ROOM.
2. THE BREEZEWAY WAS REMOVED DUE TO FIRE DAMAGES.
3. THE SLIDING GLASS DOORS WERE REPLACED DUE TO FIRE DAMAGE.

FBC(2007) 105.4.5

THE ELECTRICAL SYSTEM OF THE FACILITY HAS BEEN DAMAGED DUE TO THE FIRE; PERMIT IS NEEDED IN THE FOLLOWING MANNER, INCLUDING BUT NOT LIMITED TO:

1. ALL ELECTRICAL SUPPLY AND RUNS BETWEEN ELECTRICAL PANELS AND SUPPLY OUTLETS MUST BE CHECKED FOR FIRE DAMAGES AND REPAIR AS NEEDED.

FBC(2007) 109.10

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

FBC(2007) 1604.1

THE STRUCTURE FOR THE STORAGE ROOM AND THE ROOF AT THE REAR OF THE PROPERTY THAT WAS DAMAGED BY FIRE DOES NOT MEET THE STANDARD FOR GRAVITY LOADING AND HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS. ALL THE STRUCTURES THAT WERE DONE ILLEGALLY ARE UNSAFE AND THEY MUST BE REMOVED.

FBC(2007) 1612.1.2

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

Inspector Oliva stated the case had been opened by Code Enforcement Officer Mark Campbell in June 2008 because there had been a fire at the property. Inspector Oliva submitted photos of the property into evidence and stated he had also posted the property as an unsafe structure. He had given the owner time to work with the insurance company and make repairs, but the work had been done without permits and a neighbor had called expressing concern. Inspector Oliva had issued a stop work order, but there were still no permit applications on file. He requested a finding of fact and recommended ordering compliance within 91 days or a fine of \$20 per day, per violation, and to record the order. Inspector Oliva said the Fire Department's report indicated this had been an electrical fire.

Inspector Oliva believed work had continued after he had issued the stop work order.

Mr. Thomas Hempstead, owner, said the fire was not electrical; the report stated the cause was undetermined. He said he had been doing the work himself, and admitted he had not followed up on the permit process. He said he now had all of the papers in order for the permits. Mr. Hempstead said the property was occupied now.

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 1/26/10 or a fine of \$20 per day, per violation would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE09010728

Jean F Charles
621 Southwest 28 Way

Certified mail sent to the owner was accepted [no date].

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 WINDOWS WERE REPLACED ON THE PROPERTY.

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.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He stated the owner had applied for the permits on 10/20/09. Inspector Oliva recommended ordering compliance within 91 days or a fine of \$10 per day, per violation.

Mr. Jean Charles, owner, explained he had replaced windows himself after hurricane Wilma. Inspector Oliva confirmed that the owner had applied for window and shutter permits.

Motion made by Mr. Nelson, seconded by Mr. Elfman, 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 1/26/10 or a fine of \$10 per day, per violation would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE07101002

Rick Lentz
500 Southwest 11 Street

Certified mail sent to the owner was accepted on 10/7/09.

Mr. Gerry Smilen, Building Inspector, testified to the following violation:
FBC(2007) 105.4.11

A NEW A/C CONDENSING UNIT 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. He explained that a mechanical permit application was submitted in July 2000 but the permit was never issued. The owner had been trying to get the mechanical permit since June 2009. The owner's contractor, Frank from Air System Control was supposed to apply for the permit, but it had not been renewed. The owner had been unsuccessful getting the original contractor to apply for the permit.

Inspector Smilen requested a finding of fact and recommended ordering compliance within 28 days or a fine of \$15 per day.

Mr. Rick Lentz, owner, said Frank from Air System Control had given him a quote of \$1,200 just to do the paperwork for the permit, so Mr. Lentz had called the original contractor, who claimed not to remember doing the work. Mr. Nelson advised Mr. Lentz to inform Inspector Smilen who the original contractor had been. Chair Mitchell doubted that 28 days would be enough time to comply.

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 119 days, by 2/23/10 or a fine of \$5 per day would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE04011959

VYCD 1 New River LLC
3000 State Road 84

Certified mail sent to the owner was accepted on 10/2/09.

Mr. George Oliva, Building Inspector, testified to the following violations:
FBC(2007) 105.10.3.1

- THERE ARE FIVE EXPIRED PERMITS:
1. ATF CODE VIOLATIONS P#99051499.
 2. ATF PLUMBING P#0210119.
 3. ELECTRIC P#02100185.
 4. REPLACE 25 WINDOWS P#02091349.

5. ATF REMODEL 1 AND 2 FLOOR OFFICES P#02052127.

FBC(2007) 109.10

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

FBC(2007) 1604.1

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

FBC(2007) 1612.1.2

ALL THE WINDOWS, SHUTTERS AND DOOR INSTALLATIONS 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 and explained that the work had been done with permits, but the permits had expired. He stated the marina had a new owner and the City was willing to work with him to comply the property. Inspector Oliva requested a finding of fact and recommended ordering compliance within 91 days or a fine of \$20 per day, per violation.

Mr. Nelson declared he had a conflict, recused himself from this case and stepped down from the dais.

Mr. John Ross, the owner's representative, explained that the owner had been unaware of the open permits when he purchased the property in 2005. He stated the owner intended to re-open the permits and have the work inspected to close them. The owner also had plans to redevelop the property in the future, for which he already had City approval. Mr. Ross explained that there was a mortgage on the property, so demolition was not an option.

Motion made by Ms. Sheppard, 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 119 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, motion passed 6 – 0 with Mr. Nelson recusing himself.

Case: CE08120690

Thor Gallery At Beach Place LLC

Thomson C/O K Fahey

17 South Fort Lauderdale Beach Boulevard # 216

Certified mail sent to the owner was accepted on 10/2/09.

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. INTERIOR REMODELING HAS BEEN DONE.

FBC 105.2.5

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

1. ELECTRICAL CIRCUITS HAVE BEEN ADDED/ALTERED DURING THE INTERIOR REMODELING.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

Inspector Ford reported a stop work order had been issued at the property in December 2008. In January 2009, the contractor had applied for permits and in February the plans had been approved. In March, Inspector Ford spoke with the contractor, Robert Hickey, who informed him he would not pick up the permits because he had never been paid for work he had done. Inspector Ford had informed the property manager that the small wall separating the kitchen area from the seating area could be removed after the electric was professionally terminated in order to comply.

Inspector Ford submitted photos of the property into evidence, requested a finding of fact and recommended ordering compliance within 28 days or a fine of \$25 per day, per violation.

Mr. Gabriel Rodriguez, property manager, reported the restaurant had closed in late March. He said he had not received any notice prior to receiving the Notice of Violation. Mr. Rodriguez was willing to take Inspector Ford's advice regarding removal of the wall to comply. He requested 45 days to coordinate this in-house. Mr. Rodriguez reported a new restaurant had contracted to move into the space within 60 days.

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 11/24/09 or a fine of \$25 per day, per violation would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE08121039

Dagobert Schmalhaus &
Andree Beaulac
2488 Southwest 6 Court

Service was via posting on the property on 10/6/09 and at City Hall on 10/15/09.

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 SCREEN PORCH HAS BEEN ENCLOSED INTO AN ILLEGAL CONVERSION APARTMENT WITH A BEDROOM AND BATHROOM ON THE SOUTHWEST CORNER.

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. EXHAUST DUCT ILLEGALLY INSTALLED FROM ORIGINAL STRUCTURE INTO AN ILLEGAL CONVERTED BEDROOM.
2. NEW AIR CONDITIONER INSTALLED.

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 ADDITIONAL LIGHTS AND WALL OUTLETS THAT HAVE 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 SCREEN PORCH CONVERSION AND FRONT PORCH DOES NOT MEET THE STANDARD FOR GRAVITY LOADING AND HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS.

Withdrawn:

FBC 105.1 2, 3 & 4

FBC 105.2.4

FBC 1612.1.2

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 119 days or a fine of \$20 per day, per violation and to record the order.

Mr. Dagobert Schmalhaus, owner, stated he intended to make the screen enclosure legal, and requested 119 days to hire an engineer and get the permits. He was unsure if anyone was living in the house. Mr. Schmalhaus said he had purchased the house

with the work done in 1996 and was unable to find records on the house. Inspector Oliva confirmed that the carport had been built with a permit in 1969.

Motion made by Mr. Nelson, seconded by Mr. Elfman, to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 119 days, by 2/23/10 or a fine of \$20 per day, per violation would be imposed, and to record the order. In a voice vote motion passed 7 - 0.

The Board took a brief break.

Case: CE08101135

Anthony & Dominic Provenzale
1826 Southwest 29 Street

Service was via posting on the property on 10/8/09 and at City Hall on 10/15/09.

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

AN ADDITION AND RENOVATION WORK HAVE BEEN DONE WITHOUT PERMITS.

FBC(2007) 105.4.11

THE AIR CONDITIONING SYSTEM HAS BEEN ALTERED TO ACCOMMODATE THE ADDITIONS WITHOUT OBTAINING THE REQUIRED PERMITS INCLUDING BUT NOT LIMITED TO:

1. A NEW CONDENSING UNIT HAS BEEN INSTALLED.
2. A NEW AIR HANDLER HAS BEEN INSTALLED.
3. A WALL A/C UNIT HAS BEEN INSTALLED.

FBC(2007) 105.4.5

THE ELECTRICAL SYSTEM HAS BEEN ALTERED WITHOUT PERMITS IN THE FOLLOWING MANNER TO ACCOMMODATE THE ADDITION TO THE EXISTING HOUSE INCLUDING BUT NOT LIMITED TO:

1. PREMISE WIRING FOR THE ADDITION.
2. ADDITIONAL CIRCUITRY AND CONNECTION FOR A HOT WATER HEATER.
3. ADDITIONAL CIRCUITRY AND CONNECTIONS FOR THE A/C SYSTEM.
4. ADDITIONAL CIRCUITRY AND CONNECTIONS FOR A WASHER AND DRYER.
5. WIRING FOR SECURITY LIGHTING.
6. WIRING FOR A NEW KITCHEN.

FBC(2007) 105.4.4

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

1. INSTALLATION OF NEW BATHROOM FIXTURES.

2. RELOCATION OF A HOT WATER HEATER.
3. RELOCATION OF A WASHING MACHINE.
4. PLUMBING FOR A NEW KITCHEN.

Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He stated he had met with the owner in October 2008 and confirmed the violations, and the owner had subsequently hired architect Bill Osborne to draw the plans. The permit application had been submitted in March 2009 and the plans had been out for their second round of corrections since June 2009. Mr. Osborne had informed Inspector Smilen that he had made the corrections, but the homeowner had not picked them up.

When he saw For Rent signs on the property lawn, Inspector Smilen had been concerned that the owner intended to rent the garage area as an efficiency apartment.

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 11/24/09 or a fine of \$25 per day, per violation would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE08071795

Deutsche Bank National Trust Co Trustee
C/O Florida Default Law Group PL
3512 Riverland Road

Service was via posting on the property on 10/14/09 and at City Hall on 10/15/09.

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

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

1. WINDOWS AND FRONT DOOR WERE REPLACED.
2. A GLASS SLIDING DOOR WAS INSTALLED FACING THE SOUTH END OF THE PROPERTY.
3. KITCHEN AND BATHROOMS WERE REMODELED.

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. A CENTRAL A/C SYSTEM WITH DUCT WORK AND AN ELECTRIC HEATER WERE INSTALLED.

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. KITCHEN AND BATHROOMS WERE REMODELED AND NEW FIXTURES WERE INSTALLED.

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 WITH AN ELECTRICAL HEATER, ADDITIONAL KITCHEN LIGHTS AND WALL OUTLETS THAT HAVE 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 STRUCTURAL SUPPORT AROUND THE SLIDING GLASS 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 1612.1.2

ALL THE WINDOWS 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 explained he had witnessed the previous owner doing work without permits. He had issued a stop work order and the house subsequently went into foreclosure and was taken back by the bank. The bank hired a contractor, but no permits had ever been issued. The house was for sale and Inspector Oliva said the bank was not disclosing the violations. He submitted photos of the property into evidence.

Mr. Elfman informed the Board that the house had been transferred to the bank and it was expected to close with a new owner on November 21. He noted that the listing disclosed the violations and that the buyer would be responsible to repair them.

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 11/24/09 or a fine of \$100 per day, per violation would be imposed and to record the order.

The Board and staff discussed the process for imposition of the fines and the lien, since the bank was in possession of the property but intended to sell it. Mr. McKelligett explained that the \$800 per day fines Mr. Nelson had moved to impose would be against the new owner, who had been given no opportunity to address the violations.

Mr. Nelson amended his motion:
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 1/26/10 or a fine of \$100 per day, per violation would be imposed and to record the order. Ms. Sheppard agreed to the amendment.

Mr. Elfman suggested a lower fine amount. Ms. Paris remarked that if the \$800 per day fines accrued and this caused the sale to fall through, "that house will sit there forever." She stated staff had experience with properties that had large fines accruing that never sold. Mr. Nelson agreed to reduce the fine amount to \$10 per day, per violation and Ms. Sheppard agreed to the amendment.

In a voice vote **motion** passed 6 – 1 with Chair Mitchell opposed.

Case: CE06110950

Fram Fed Five Inc
1611 North Federal Highway

Certified mail sent to the owner was accepted [no date].

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. THE PARKING LOT HAS BEEN BLACK TOPPED AND
RE-STRIPED.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING
THE REQUIRED APPROVALS.

Withdrawn

FBC 105.2.5

FBC 106.10.3.1

Inspector Ford said he had spoken with the property manager prior to the hearing, and the manager informed him he was confident he would have a permit in hand by next month. Inspector Ford submitted photos of the property, requested a finding of fact and recommended ordering compliance within 28 days or a fine of \$25 per day, per violation.

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 11/24/09 or a fine of \$25 per day, per violation would be imposed and to record the order. In a voice vote motion passed 7 - 0.

Case: CE09100513

Dorothy Zender Beliveau
561 Bayshore Drive #7

Certified mail sent to the owner was accepted on 10/13/09.

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

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

1. REPAIRED, SEALED, AND RE-STRIPED PARKING AREA IN THE FRONT OF THE BUILDING.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

Inspector Ford recommended ordering compliance within 91 days or a fine of \$25 per day, per violation.

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 91 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 7 - 0.

Case: CE09100510

Gregory R Price
561 Bayshore Drive #9

Service was via posting on the property on 10/9/09 and at City Hall on 10/15/09.

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

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

1. REPAIRED, SEALED, AND RE-STRIPED PARKING AREA IN THE FRONT OF THE BUILDING.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

Inspector Ford requested a finding of fact and recommended ordering compliance within 91 days or a fine of \$25 per day, per violation.

Motion made by Mr. Nelson, seconded by Mr. Dooley, 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 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 7 - 0.

Approval of Meeting Minutes

[This item was heard out of order]

Motion made by Mr. Nelson, seconded by Ms. Sheppard, to approve the minutes of the Board's September, 2009 meeting. In a voice vote motion passed 7 - 0.

Communication to the City Commission

None

For the Good of the City

[This item was heard out of order]

Ms. Ellis noted that the Board alternates were listed as absent on days they were not called to serve on the Board and asked staff to determine whether this was necessary. Mr. McKelligett agreed to discuss this with the City Clerk's office. Ms. Ellis asked that an alternate only be listed in the minutes when he/she served on the Board.

Chair Mitchell disclosed that Ms. Hinton had phoned him to inform him she would not be attending today's hearing.

Mr. McKelligett informed the Board that a Special Magistrate would hear the 40-year inspection cases.

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:

CE07021312
CE08030272
CE08092060

CE07120173
CE09050128
CE08111292

CE08082310
CE04120647
CE09011019

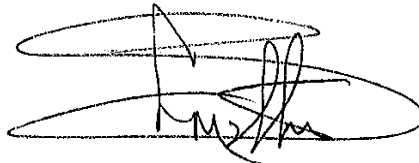
CE08090676
CE07080650

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:

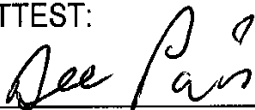
CE08031427

There being no further business to come before the Board, the meeting adjourned at **2:17 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. Opperlee, ProtoType Inc.