

**CODE ENFORCEMENT BOARD
CITY COMMISSION MEETING ROOM
100 NORTH ANDREWS AVENUE
JULY 27, 2010
9:00 A.M. – 1:37 P.M.**

<u>Board Members</u>	<u>Attendance</u>	Cumulative attendance 2/2010 through 1/2011	
		<u>Present</u>	<u>Absent</u>
Sam Mitchell, Chair	P	6	0
Howard Nelson, Vice Chair	A	4	2
Howard Elfman	P	6	0
Genia Ellis	P	6	0
Joan Hinton	P	6	0
Jan Sheppard	P	6	0
Chad Thilborger	P	6	0
Paul Dooley [Alternate]	P	6	0
Frank Marino [Alternate]	A	4	2
Joshua Miron [Alternate]	P	4	0

Staff Present

Bruce Jolly, Board Attorney
 Brian McKelligett, Clerk /Code Enforcement Board Supervisor
 Peggy Burks, Code Enforcement` Supervisor
 Dee Paris, Administrative Aide
 Erin Peck, Clerk III
 Yvette Ketor, Secretary, Code Enforcement Board
 Deb Maxey, Clerk III
 George Oliva, Building Inspector
 Burt Ford, Building Inspector
 Gerry Smilen, Building Inspector
 Junia Robinson, Haitian Programs Coordinator [translator]
 J. Opperlee, Recording Secretary

Communication to the City Commission

None

Respondents and Witnesses

CE02100379: Frederic Michel Barthe, attorney
 CE09020950; CE07031751: Penny Fraser, bank attorney
 CE09020950; CE09092377: Jose Ares Hernandez, contractor
 CE09110037: Cindy Correa, contractor
 CE09090282; CE09041840: Elizabeth Lee, attorney
 CE08110858: Steven Reiss, first mortgage holder

CE09011358: Jeffrey Louis Izanec, owner's representative
CE09072678: Sonia Souffrant, owner; Karen Black-Barron, bank attorney
CE09011970: Joey Mitchell Partin
CE08071153: Theon Eames, owner
CE08101015: Mellyzye Haas, company owner; James Milton Hollingsworth, architect
CE10031191: Shawn Sturm, owner
CE09060371: Christine Webb Stiphany, realtor
CE09010920: Melissa Mazzotta, owner
CE05012419: Johnnie Slaughter, owner
CE08121039: Andree Beaulac, owner
CE04032445: Priscilla Kramer, owner
CE10012131: Jason Zielinski, tenant's attorney; Dallas Wharton, owner
CE06020654: Elizabeth Lee, attorney; Jose Ares Hernandez, contractor
CE06061099: Thomas Quina, owner
CE08100726: Michael Poliandro, contractor
CE08100204: Nino Barone, owner
CE10021770: Bernard Gordon, property manager; David Sandquist, neighbor
CE04090572: Paula Friona, part owner
CE09021699: Marcia Davis, contractor
CE08071578: Todd Volpe, owner
CE10031427: Angenell Brooks, owner
CE09011512: Lourdes Alarcon, owner
CE08040364: Nicholas Ritter, owner
CE09010464: Edmund Mucci, owner
CE08110556: Orville Morris-Jarrett, owner's representative
CE09010899: Edward Jennings, Attorney
CE09040458: Norman Neimiller, owner's husband

Chair Mitchell called the meeting to order at 9:03 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: CE10021770

5930 Northeast 18 Avenue
Eighteen Cypress Creek LLC

This case was first heard on 5/25/10 to comply by 7/27/10. Violations were as noted in the agenda. The property was not complied, and the City was requesting imposition of the fine, which would begin to accrue on 7/28/10.

Mr. Bernard Gordon, property manager, said he had hired a fencing company to either modify the fence to conform with zoning or to remove it to create another parking space. He had also hired a surveyor to analyze the parking spaces to determine if they conformed. Mr. Gordon said if the dumpster enclosure could not be made to conform, another company would apply to put another slab in the rear of the 5930 building for two dumpsters that would not need a fence.

Mr. Gordon informed Ms. Sheppard that moving the dumpster would present a hardship for residents. Mr. Gordon presented the proposal from the fencing company and distributed the property survey for Board members to examine.

Mr. Burt Ford, Building Inspector, said this was simple; the dumpster enclosure must either be permitted or removed. Chief Zoning Examiner Terry Burgess had given Mr. Gordon the option of installing a slab in the back corner of the property and installing two two-yard dumpsters, which would not require an enclosure. Inspector Ford felt the new slab was the best option.

Mr. David Sandquist, neighbor, stated the City had failed the plan on June 18 for engineering, landscaping and zoning. He noted that the dumpster was located in a public utility easement. Mr. Sandquist said he had sent an alternative plan to the building management company to locate the dumpsters along 18th Avenue between two buildings but had received no response. He said there was still a rat problem.

Inspector Ford stated the dumpster slab had been installed when the building was built, probably before FPL was there, and back then, the enclosure was not required. Mr. Sandquist insisted there was no slab; the dumpster was sitting on asphalt.

Motion made by Ms. Sheppard, seconded by Ms. Hinton to grant a 28-day extension to 8/24/10, during which time no fines would accrue. In a roll call vote, motion passed 4 – 3 with Ms. Ellis, Mr. Thilborger and Chair Mitchell opposed.

Case: CE04032445
2606 Del Mar Place
Delmar Holdings Ltd

This case was first heard on 5/25/10 to comply by 7/27/10. Violations were as noted in the agenda. The property was not complied fines would begin to accrue on 7/28/10.

Ms. Priscilla Kramer, owner, reported they had obtained a permit for the retaining wall.

Mr. Gerry Smilen, Building Inspector, confirmed the permit had been issued and stated the case was complied.

Case: CE08121039

2488 Southwest 6 Court
Schmalhaus, Dagobert &
Beaulac, Andree

This case was first heard on 10/27/09 to comply by 2/23/10. 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 begin to accrue on 7/28/10. Service was via posting on the property on 7/12/10 and at City Hall on 7/15/10.

Ms. Priscilla Kramer, respondent for the previous case, agreed to serve as French interpreter for the owner.

Ms. Paris read a letter from Mr. Dagobert Schmalhaus, the owner, explaining the current situation.

Mr. George Oliva, Building Inspector, said the permit application for the carport enclosure had not been submitted yet. He noted that the illegal utility room and plumbing had been removed and the windows and shutters permit had been issued. The owner had informed Inspector Oliva that the tenant had been removed and the illegal apartment was closed. Inspector Oliva confirmed that the windows and shutters related to another case; all violations in this case, relating to the illegally enclosed carport, remained open.

Ms. Andree Beaulac, owner, explained through the interpreter that they planned to see the architect the following week regarding drawings for the carport enclosure. They would apply for the permit at the same time. Ms. Beaulac requested two additional months.

Ms. Ellis left the dais at 9:32

Motion made by Ms. Sheppard, seconded by Mr. Thilborger, to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 7/28/10 and would continue to accrue until the violations were corrected. In a voice vote, with Ms. Ellis absent from the dais, motion passed 6 - 0.

Case: CE09072678

1109 Northwest 19 Street
Souffrant, Sonia
Dorelien, Wilky

This case was first heard on 2/23/10 to comply by 5/25/10. Violations and extensions were as noted in the agenda. The property was not complied, and fines would begin to accrue on 7/28/10.

Ms. Junia Robinson, Haitian Programs Coordinator, acted as interpreter for the owner.

Ms. Sonia Souffrant, owner, explained she needed a survey to apply for the permit and she had asked the realtor to contact the survey company.

Mr. Gerry Smilen, Building Inspector, said the permit application had been submitted, and he had rejected it for lack of a survey. The package had been picked up on July 12 and had not yet been re-submitted. Inspector Smilen recommended a 63-day extension.

Ms. Karen Black-Barron, bank attorney, stated she was monitoring the case.

Mr. Smilen remarked that the survey should be no more than six months old.

Ms. Souffrant confirmed that the property was in foreclosure.

Motion made by Ms. Sheppard, seconded by Ms. Hinton to granted a 28-day extension during which time no fines would accrue. In a voice vote, with Ms. Ellis absent from the dais, motion failed 0 - 6.

Case: CE05012419

2461 Northwest 16 Court
Habersham, Tammie D &
Slaughter, Johnnie

This case was first heard on 11/24/09 to comply by 4/27/10. 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 begin to accrue on 7/28/10. Personal service was made to the owner on 7/7/10.

[Ms. Ellis returned to the dais at 9:40]

Mr. Johnnie Slaughter, owner, stated he had applied for the plumbing, cabinet, shutter and window permits.

Mr. George Oliva, Building Inspector, stated the applications had been submitted on July 8. There was a hold on the application by the mechanical department, which had stated there was a new AC unit without permits at the house. Inspector Oliva said he must speak with the mechanical inspector regarding this. He recommended a 63-day extension.

Motion made by Ms. Sheppard, seconded by Mr. Elfman to grant a 63-day extension to 9/28/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE08110858

1000 Northwest 52 Street
US Pavers & Suppliers Inc

This case was first heard on 2/23/10 to comply by 4/27/10. 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 begin to accrue on 7/28/10. Service was via posting on the property on 7/12/10 and at City Hall on 7/15/10.

Mr. Steven Reiss, first mortgage holder, said he had filed a foreclosure action against the property in late 2009 and one of the parties had filed for bankruptcy, which had delayed the process. He did not yet have control of the property. Because he was not the owner, he could not pull a permit. Mr. Reiss said he had removed trash and pavers from the property. He requested another 90 days. Mr. Reiss explained that if the fence were removed, the property would once again become a dump site for contractors. He could not say if there were No Dumping or No Trespassing signs on the property.

Mr. Burt Ford, Building Inspector, confirmed the property had been cleaned up and he had suggested that Mr. Reiss remove the fence to comply.

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

Case: CE10031191

1621 Southwest 5 Street
Sturm, Shawn A

This case was first heard on 4/27/10 to comply by 7/27/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of the fine, which would begin to accrue on 7/28/10. Service was via posting on the property on 7/14/10 and at City Hall on 7/15/10.

Mr. Shawn Sturm, owner, said the railing would be installed within the next two weeks. He would have an engineer create the engineering drawings needed for the carport permit. Mr. Sturm requested another 90 days.

Mr. Gerry Smilen, Building Inspector, said the permit had been issued to comply FBC 109.10 but the owner must complete the requirements for the spa. He recommended a 91-day extension.

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

Case: CE09060371

1800 Southwest 10 Court
Bernstein, Robert
C/O Saavedra Pelosi Goodwin & Heman

This case was first heard on 3/23/10 to comply by 5/25/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,020 fine, which would continue to accrue until the property complied. Certified mail sent to the owner was accepted [no date].

Ms. Christine Webb Stiphany, realtor, said the contractor hired to do the work had not pulled permits. She said she had a contract to sell the property with an August 23 closing date. The buyer had signed a contract acknowledging the violations. Ms. Stiphany said the owner had over \$170,000 in the property and the contract was for \$50,000. The owner was requesting a 90-day extension for the new buyer to take over and perform the needed work.

Mr. Gerry Smilen, Building Inspector, said he was willing to support a 63-day extension.

Motion made by Mr. Elfman, seconded by Ms. Hinton to grant a 28-day extension to 8/24/10, during which time no fines would accrue. In a roll call vote, motion passed 5 – 2 with Ms. Sheppard and Mr. Thilborger opposed.

Case: CE09110037

421 Southwest 22 Avenue
Precision Investments Inc

This case was first heard on 4/27/10 to comply by 7/27/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of the fine, which would begin to accrue on 7/28/10. Service was via posting on the property on 7/12/10 and at City Hall on 7/15/10.

Ms. Cindy Correa, contractor, said they had submitted the permitting package on July 18. She explained they had been hired approximately three weeks ago.

Mr. George Oliva, Building Inspector, recommended a 63-day extension. He stated the property had been foreclosed upon and it was the mortgage company that was having the work done.

Motion made by Ms. Sheppard to grant a 63-day extension. Motion died for lack of a second.

Motion made by Ms. Sheppard, 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 4/28/10 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

Case: CE07031751

1910 Northeast 7 Place
Rose, Robert L Jr

This case was first heard on 2/23/10 to comply by 6/22/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,700 fine, which would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 7/14/10.

Ms. Penny Fraser, bank attorney, said there had been no communication from the property owner, so the bank had been unable to enter the property to cure the violations, and her colleague was considering a motion to the Court to grant the bank permission to enter the property and cure the violations. Ms. Fraser requested a 28-day extension.

Mr. Burt Ford, Building Inspector, recommended imposition of fines. He said the property was not occupied.

Ms. Wald stated foreclosure had been pending for over 18 months.

Motion made by Mr. Thilborger, seconded by Ms. Hinton, to find the violations were not complied by the Order date, and to impose the \$1,700 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

Case: CE09041840

3006 Southwest 15 Avenue
Eiler, David &
Stevens, Donald

This case was first heard on 5/25/10 to comply by 6/22/10. Violations were as noted in the agenda. The property was complied, and the City was requesting imposition of the \$320 fine. Service was via posting on the property on 7/14/10 and at City Hall on 7/15/10.

Ms. Elizabeth Lee, attorney, said the bank was moving toward summary judgment on the property and \$320 was a reasonable amount.

Mr. Gerry Smilen, Building Inspector, confirmed the permit had been issued and the property was complied.

Motion made by Ms. Sheppard, seconded by Ms. Hinton, to impose no fine. In a voice vote, motion passed 7 - 0.

Case: CE09090282

505 Northwest 18 Avenue
Freeman, Willie E

This case was first heard on 3/23/10 to comply by 4/27/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$90 and the City was requesting no fine be imposed. Certified mail sent to the owner was accepted on 7/10/10.

Ms. Elizabeth Lee, attorney, agreed the property was complied.

Mr. Gerry Smilen, Building Inspector, confirmed that the permit had been issued and the property was complied. He recommended abatement.

Motion made by Ms. Sheppard, seconded by Mr. Elfman, to impose no fine. In a voice vote, motion passed 7 - 0.

Case: CE06020654

2828 Southwest 2 Court
Saint Louis, Gironie &
Mortimer, Edit

This case was first heard on 3/23/10 to comply by 5/25/10. Violations and extensions were as noted in the agenda. The property was not complied, and the fine would begin to accrue on 7/28/10.

Ms. Elizabeth Lee, attorney, said this property was on hold because the owner was trying to work it out with the bank. She requested an extension for a contractor to pull a permit.

Mr. Jose Ares Hernandez, contractor, said the plans had been resubmitted with corrections the previous week. He requested a 63-day extension.

Mr. George Oliva, Building Inspector, recommended a 28-day extension.

Motion made by Ms. Ellis, seconded by Mr. Thilborger to grant a 28-day extension to 8/24/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE08101015

1522 Davie Blvd
Washington Mutual Bank

This case was first heard on 8/25/09 to comply by 10/27/09. Violations and extensions were as noted in the agenda. The property was not complied, and the fine would begin to accrue on 7/28/10.

Mr. James Hollingsworth, architect, reminded the Board that his client was in Brazil and could not renew her visa. In her absence, the project had stalled. Mr. Hollingsworth said a response from the State Department regarding the owner's visa was pending and a decision should be rendered within 33 days. He said his client intended to complete the work, and requested a six-month extension. Mr. Hollingsworth said the property was vacant, boarded and cleaned up.

Mr. Gerry Smilen, Building Inspector, said the property was currently an active construction site with active permits and would remain so for approximately 119 days. He recommended a 119-day extension. Inspector Smilen confirmed that the property was not unsightly and was secured.

Motion made by Ms. Ellis, seconded by Mr. Elfman to grant a 119-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE09092377

631 Southwest 28 Avenue
Timothee, Silvanie 1/2 Int
Exavier, Cerville

This case was first heard on 2/23/10 to comply by 5/25/10. 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 begin to accrue on 7/28/10. Personal service was made to the owner on 7/7/10.

Mr. Jose Ares Hernandez, contractor, said they had pulled permits for the windows and shutters. He said there was a disagreement regarding the age of the air conditioning unit; he believed it had been there for more than 10 years. He requested time to clarify this issue. Ms. Wald said this had been determined at the previous hearing and she objected to re-hear it.

Mr. George Oliva, Building Inspector, said the AC had been installed in 1995 with a permit, but the outside condenser unit had been replaced around 2004. At the first hearing, Inspector Oliva had shown photos of the data plate showing it was a 2003 unit. The solution was to obtain a replacement permit for the outside unit. Inspector Oliva recommended a 28-day extension.

Motion made by Mr. Thilborger, seconded by Ms. Hinton to grant a 28-day extension to 8/24/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE09020950

210 Southwest 29 Avenue
Paul, Ominigue

This case was first heard on 10/27/09 to comply by 2/23/10. 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 begin to accrue on 7/28/10. Personal service was made to the owner on 7/7/10.

Mr. Jose Ares Hernandez, contractor, stated the window and shutter permits had been pulled and they had the plans to legalize the AC. The owner needed additional time to afford the permit. Mr. Hernandez requested a 63-day extension.

Ms. Penny Fraser, bank attorney, stated she supported an extension.

Mr. George Oliva, Building Inspector, explained that the owner must get a permit for the replacement of the condenser. He recommended a 28-day extension.

Motion made by Ms. Sheppard, seconded by Mr. Elfman to grant a 63-day extension to 9/28/10, during which time no fines would accrue. In a voice vote, motion passed 5 – 2 with Mr. Dooley and Chair Mitchell opposed.

Case: CE09021699

680 Southwest 29 Terrace
Telcy, Eugena

This case was first heard on 3/23/10 to comply by 4/27/10. 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 begin to accrue on 7/28/10. Personal service was made to the owner on 7/7/10.

Ms. Marcia Davis, contractor, reported the permit applications had been submitted and shutters had been installed. They were waiting for the driveway permit and inspection.

Mr. George Oliva, Building Inspector, recommended a 28-day extension.

Motion made by Ms. Ellis, seconded by Mr. Thilborger to grant a 28-day extension to 8/24/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE02100379

1 Isla Bahia Drive
Srun Consultants Inc
C/O Kurt Bosshardt & Assoc

This case was first heard on 5/25/10 to comply by 7/27/10. Violations were as noted in the agenda. The property was not complied, and the City was requesting imposition of the fine, which would begin to accrue on 7/28/10.

Mr. Frederic Michel Barthe, attorney, said the previous owner had erected the fountain. The general contractor had informed him that a permit could not be pulled because the fountain was located in the setback. The owner had decided to therefore demolish the

fountain. Mr. Barthe requested 28 days.

Mr. Gerry Smilen, Building Inspector, recommended a 28- day extension.

Motion made by Mr. Thilborger, seconded by Mr. Elfman to grant a 28-day extension to 8/24/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE06061099

3321 Northwest 67 Street
Quina, Thomas Scott & Patricia A

This case was first heard on 6/22/10 to comply by 7/27/10. Violations were as noted in the agenda. The property was not complied, and the fine would begin to accrue on 7/28/10.

Mr. Thomas Quina, owner, said he had hired a general contractor a couple of weeks ago to pull the permits. He stated he would demolish the shed rather than pour a slab for it.

George Oliva, Building Inspector, explained that a permit had been issued in 2006 for replacement of three windows. These windows were under the 25% and did not require shutters. The owner needed to renew the expired permit, pay the fee and pass final inspection. Inspector Oliva said the owner needed to obtain the approved drawings for the prefabricated shed from Ted's Sheds and a copy of the survey to apply for the permit; no contractor was needed. He said he had visited Mr. Quina and offered to help him with the owner/builder permit. Chair Mitchell advised Mr. Quina to work with Inspector Oliva to resolve the issues.

Motion made by Ms. Sheppard, seconded by Mr. Dooley to grant a 28-day extension to 8/24/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE09010920

1904 Southwest 4 Avenue
Fort Lauderdale
Learning Center LLC

This case was first heard on 6/23/09 to comply by 9/22/09. 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 begin to accrue on 7/28/10. Service was via posting on the property on 7/14/10 and at City Hall on 7/15/10.

Ms. Melissa Mazzotta, owner, said she had paid for the connection to the City sewer, hired a plumber to perform the work and hired an attorney to get an easement. A plumbing issue had delayed the work, but it was now finished. Ms. Mazzotta had paid one installment to the contractor for the build-out work. She said the contractor was currently at the City submitting the permit applications. Ms. Mazzotta stated the work

was scheduled to take four to six months and encompassed much more work than the violations. She requested a six-month extension.

Ms. Gerry Smilen, Building Inspector, reminded the Board that issuance of the permits would comply the violations. He recommended a 63-day extension.

Motion made by Mr. Elfman, seconded by Ms. Ellis to grant a 63-day extension to 9/28/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE08071153

1300 Northwest 2 Avenue
Eames, Theon

This case was first heard on 9/23/08 to comply by 11/25/08. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of the fine, which would begin to accrue on 7/28/10. Service was via posting on the property on 7/12/10 and at City Hall on 7/15/10.

Mr. Theon Eames, owner, said his engineer had done the mechanical work for the AC and he also had structural for the windows and doors to submit for the permits.

Mr. George Oliva, Building Inspector, said the owner needed approval of the mechanical portion of the master drawings. He recommended a 28-day extension.

Motion made by Mr. Elfman, seconded by Ms. Ellis to grant a 28-day extension to 8/24/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

The Board took a brief break.

Case: CE08100204

5890 Northeast 21 Drive
Barone, Nino

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 complied, fines had accrued to \$2,700 and the City was requesting imposition of a \$520 fine. Certified mail sent to the owner was accepted [no date].

Mr. Nino Barone, owner, requested abatement of the fines. He reminded the Board that the first contractor had taken his money and abandoned the job. Mr. Barone had then filed for an owner/builder permit himself and done the work.

Mr. Burt Ford, Building Inspector, recommended reducing the fine to \$520.

Motion made by Ms. Sheppard, seconded by Mr. Dooley, to find the violations were not complied by the Order date, and to impose a \$520 fine for the time the property was out of compliance. In a voice vote, motion failed 1 – 6 with Ms. Sheppard voting yes.

Motion made by Ms. Ellis, seconded by Mr. Elfman, to impose no fine. In a voice vote, motion passed 6 – 1 with Ms. Sheppard opposed.

Case: CE09011358

1040 Southwest 17 Street
McKenney, Kristopher J

This case was first heard on 1/26/10 to comply by 5/25/10. Violations and extensions were as noted in the agenda. The property was not complied and the fine would begin to accrue on 7/28/10.

Mr. Jeffrey Louis Izanec, owner's representative, said the owner was awaiting permit application approval.

Mr. Gerry Smilen, Building Inspector, reported the application had been submitted on July 21. He recommended a 63-day extension.

Motion made by Ms. Ellis, seconded by Mr. Thilborger to grant a 63-day extension to 9/28/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE04090572

201 Northwest 20 Avenue
Frona Family Real Estate
Holdings LLC

This case was first heard on 4/27/10 to comply by 6/22/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,400 fine, which would continue to accrue until the property complied. Certified mail sent to the owner was accepted [no date].

Ms. Paula Frona, part owner, stated she had hired a new contractor the previous week to apply for the after-the-fact permits. She requested a 28-day extension, but said the contractor had not given her a timeframe.

Mr. George Oliva, Building Inspector, recommended a 63-day extension.

Motion made by Mr. Thilborger, seconded by Ms. Sheppard to grant a 63-day extension to 9/28/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE09011970

1133 Southwest 5 Place
Acree, Barbara

Ms. Paris reminded the Board that there was a new owner for this property, who was present.

This case was first heard on 1/26/10 to comply by 5/25/10. Violations and extensions were as noted in the agenda. The property was not complied, and the fine would begin to accrue on 7/28/10.

Mr. Joey Mitchell Partin, owner, said he had been out of town with his work for the past month and been unable to submit the permit application packet. He apologized and requested a one-month extension.

Mr. Gerry Smilen, Building Inspector, said he had anticipated more work would have been done by now. He recommended a 28-day extension.

Chair Mitchell asked Mr. Partin about his work and Mr. Partin explained he owned yachts and chartered boats. He also captained boats to the Bahamas and was working with a company in Cape Canaveral to take old Navy vessels to the BP Deepwater Horizon oil spill. Chair Mitchell asked Mr. Partin how he could make the time to correct the violations. Mr. Partin said he had not anticipated the amount of time correcting these violations would take when he purchased the house. He requested 28 days.

Motion made by Mr. Thilborger, seconded by Ms. Ellis to grant a 28-day extension to 8/24/10, during which time no fines would accrue. In a roll call vote, motion passed 5 – 2 with Mr. Elfman and Chair Mitchell opposed.

Case: CE08100726

4404 Northeast 23 Avenue
Fitzgerald, Bradford W &
Fitzgerald, Roslyn

This case was first heard on 3/23/10 to comply by 4/27/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$2,380 fine, which would continue to accrue until the property complied. Service was via posting on the property on 7/9/10 and at City Hall on 7/15/10.

Mr. Michael Poliandro, contractor, said they had submitted for the demolition permits, the building permit, the mechanical demolition, the electrical and the plumbing the previous day. After examining the property, they would submit applications for the after-the-fact permits and resolve the issues.

Mr. Burt Ford, Building Inspector, confirmed that the demolition, electrical, plumbing and

mechanical permit applications had been submitted the previous day. Once the permits were issued, Inspector Ford said, "that will...comply where we're at now." He said additional permits would be needed for the work that would follow. He recommended a 63-day extension.

Motion made by Mr. Elfman, seconded by Ms. Hinton to grant a 28-day extension to 8/24/10, during which time no fines would accrue. In a roll call vote, motion passed 4 – 3 with Mr. Dooley, Ms. Ellis and Ms. Sheppard opposed.

Case: CE08071578

1731 Northeast 3 Avenue
Volpe, Todd D

This case was first heard on 4/27/10 to comply by 6/22/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,700 fine, which would continue to accrue until the property complied. Certified mail sent to the owner was accepted [no date].

Mr. Todd Volpe, owner, stated the permit was ready to be picked up. He said he would meet with Inspector Ford on Wednesday.

Burt Ford, Building Inspector, said the permit addressed the decks in the rear of the property. Regarding violation FBC 708.3 for required fire separation between an apartment and an efficiency, Inspector Ford stated this was complied. He explained that the original inspector had cited this because he believed the efficiency was being rented as a separate apartment, but Mr. Volpe had informed him that this was a roommate's space. Inspector Ford recommended a 63-day extension.

Motion made by Ms. Ellis, seconded by Mr. Thilborger to grant a 63-day extension to 9/28/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE09040458

3717 Southwest 16 Court
Cannon, Linda

Personal service was made to the owner on 6/18/10.

Barry Fein, Building Inspector, testified to the following violation:
FBC(2007) 105.1

WORK WITHOUT OBTAINING A PERMIT:
1. REROOFING.

Inspector Fein recommended ordering compliance within 28 days or a fine of \$25 per day.

Mr. Norman Neimiller, the owner's husband, agreed to comply within 28 days.

Motion made by Mr. Elfman, seconded by Ms. Hinton to find for the City that the violation existed as alleged and to order the property owner to come into compliance within 28 days, by 8/24/10 or a fine of \$25 per day would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE10012131

2781 Northwest 23 Street
Amstar Holdings LLC

Certified mail sent to the owner was accepted on 7/14/10.

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:

STOP WORK ORDER WAS ISSUED

1. INTERIOR REMODELING WORK IS BEING DONE.
2. KITCHEN AND BATHROOM WITH CABINETS AND NEW FIXTURES.
3. NEW WINDOWS WERE INSTALLED.
4. CENTRAL A/C WITH DUCT WORK AND ELECTRICAL HEATER.

FBC(2007) 105.4.11

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

1. A NEW CENTRAL A/C SYSTEM WITH DUCTS AND ELECTRICAL HEATERS WERE INSTALLED.

FBC(2007) 105.4.4

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

1. NEW MAIN LINE FROM THE WATER METER WAS INSTALLED.
2. NEW SUPPLY OF WATER LINES TO THE KITCHEN AND BATHROOM.
3. WATER HEATER REPLACEMENT.
4. NEW FIXTURES FOR THE KITCHEN AND BATHROOM.

FBC(2007) 105.4.5

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 AN ELECTRICAL HEATER WITH THE CENTRAL A/C UNIT AND ADDITIONAL LIGHTS AND WALL OUTLETS THAT

HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED AMPERAGE LOADING THROUGH THE PERMITTING PROCESS.

2. ELECTRICAL RUN TO THE CONDENSOR UNIT WAS DONE WITH AN EXTENSION CORD.

FBC(2007) 109.10

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

FBC(2007) 1612.1.2

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

FBC(2007) 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 recommended ordering compliance within 63 days or a fine of \$10 per day, per violation and to record the order.

Mr. Jason Zielinski, the tenant's attorney, said their main concerns were the violations regarding the windows installation and bathroom remodeling. He said Mr. Wharton had acquired the property in late 2009 and had not performed this work. The previous owner, the lender, had indicated that they did not perform this work either.

Mr. Zielinski produced a Notice of Violation dated June 22, 2009 that did not include the window installation violation, and noted that he assumed the windows had already been installed at that time. He said inclusion of this violation would have alerted a prospective buyer to the problem. Mr. Zielinski referred to the real estate listing photos showing the installed windows and indicating the bath and kitchen had been remodeled.

Mr. Zielinski referred to State Statute 955, which identified a statute of limitations of four years for real property improvements. He stated it was the City's burden to prove the changes had been made in the last five years.

Inspector Oliva stated there was a history of one City permit to board the windows, and one County permit for re-roofing. He said the Florida Building code stated that violations had no statute of limitations. Inspector Oliva said the property had been built in 1971.

Mr. Dallas Wharton, owner, said he had performed an inspection of the property, as well as code violation and lien searches, and these violations had not shown up. Mr. Wharton said he had created the pass-through and replaced the AC.

Mr. Wharton said he was from Canada, and admitted that he was not aware of what work required a permit in Florida.

Ms. Wald said the June 2009 case to which Mr. Zielinski referred had been brought by Officer Gottlieb, a Code Inspector; this case was brought by Inspector Oliva, who was a licensed Building Inspector. Officer Gottlieb had opened her case because the property was open and abandoned prior to Mr. Wharton's purchase. The City had subsequently boarded the property, the bank had taken the property back through foreclosure and then sold it to Mr. Wharton. Ms. Wald noted the citation did not attribute the violations to Mr. Wharton. She pointed out that an owner inherited violations when purchasing a property. Ms. Wald added that the statute of limitations did not apply to violations of the Florida Building Code in this case and laches did not apply either.

Mr. Zielinski asked what standards should be applied to the windows, since no one knew the year they were installed. Chair Mitchell said since the windows had been installed without a permit, they had not been shown to withstand the required wind loads.

Mr. Wharton asked Inspector Oliva to indicate which windows were specifically in violation, and which bathroom the citation referred to as having been remodeled. Mr. Jolly said as part of the compliance process, Mr. Wharton would meet with Inspector Oliva to identify the specifics of the violations.

Motion made by Mr. Elfman, seconded by Ms. Hinton 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 8/24/10 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE08110556

2716 Middle River Drive
Jarrett, Rose
Jarrett, Rose Rev Liv Tr

This case was first heard on 4/27/10 to comply by 7/27/10. Violations were as noted in the agenda. The property was not complied, and the fine would begin to accrue on 7/28/10.

Mr. Orville Morris-Jarrett, the owner's representative, said he had tried to find the original paperwork for the unit.

Mr. Burt Ford, Building Inspector, said they were just awaiting final inspections. He recommended a 63-day extension.

Motion made by Mr. Thilborger, seconded by Ms. Ellis to grant a 63-day extension to 9/28/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE09011512

812 Southwest 17 Street
Alarcon, Lourdes D

Personal service was made to the owner on 6/16/10.

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

FBC 105.1

THE SINGLE FAMILY DWELLING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS:

1. THE FRONT PORCH HAS BEEN ENCLOSED.
2. STRUCTURAL MEMBERS HAVE BEEN REPLACED IN THE CARPORT.
3. NEW WINDOWS HAVE BEEN INSTALLED.
4. NEW DOORS HAVE BEEN INSTALLED.
5. THE REAR BEDROOM HAS BEEN REMODELED.
6. A NEW KITCHEN HAS BEEN INSTALLED.
7. AN ADDITION TO THE FOOTPRINT OF THE BUILDING HAS BEEN COMPLETED.
8. A WHITE VINYL FENCE AND GATES HAVE BEEN INSTALLED.

FBC 105.2.11

A NEW CENTRAL A/C PERMIT HAS BEEN INSTALLED WITHOUT OBTAINING THE REQUIRED PERMITS.

FBC 105.2.5

THE FOLLOWING ELECTRICAL WORK HAS BEEN COMPLETED WITHOUT OBTAINING THE REQUIRED PERMITS:

1. SECURITY LIGHTING.
2. PREMISE WIRING FOR THE REAR BEDROOM.
3. WIRING FOR THE NEW KITCHEN.
4. ELECTRICAL CIRCUITS AND CONNECTIONS FOR THE A/C SYSTEM.

The respondent had stepped out, so the Board heard other cases while waiting for her to return.

Upon returning to the case, Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He stated plans had been submitted in August 2009, returned for corrections twice and had not been resubmitted. Inspector Smilen recommended ordering compliance within 63 days or a fine of \$10 per day, per violation.

Ms. Lourdes Alarcon, owner, said she had resubmitted the fence permit application twice, the second time being mid-July. She said the fence permit needed a survey and NOA documents signed and sealed by the architect.

Motion made by Mr. Thilborger, 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 63 days, by 9/28/10 or a fine of \$10 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE09010899

2864 Northeast 24 Place
Small, Greg M

Service was via posting on the property on 7/7/10 and at City Hall on 7/15/10.

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

FBC(2007) 105.1

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

1. INSTALLED A NEW GARAGE DOOR.
2. INSTALLED NEW CMU BARBEQUE CENTER.
3. INSTALLED NEW WINDOWS.
4. INSTALLED NEW DOORS.
5. REMODELED KITCHEN.
6. REMODELED ALL BATHROOMS.
7. STRUCTURAL COLUMNS HAVE BEEN ALTERED.

FBC(2007) 105.4.11

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

1. A/C SYSTEM ALTERED AND NEW AIR HANDLER AND CONDENSING UNIT HAVE BEEN INSTALLED.
2. NEW VENTED RANGE HOOD SYSTEM IN THE CENTER ISLAND OF THE KITCHEN.

FBC(2007) 105.4.4

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

1. ADDED/ALTERED PIPING AND FIXTURES DURING THE KITCHEN AND BATHROOM REMODELINGS.
2. ADDED/ALTERED PIPING DURING THE INSTALLATION OF THE NEW WATER HEATER.
3. ADDED A BAR SINK AND ALL PIPING AND FIXTURES IN THE KITCHEN.
4. ADDED/ALTERED THE SINK IN THE CENTER ISLAND AREA OF THE KITCHEN.
5. INSTALLED NEW LAUNDRY SINK IN THE GARAGE.

FBC(2007) 105.4.5

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

FOLLOWING MANNER:

1. GENERAL CHANGES TO THE ELECTRICAL OUTLETS AND SWITCHES DURING THE KITCHEN REMODELINGS.
2. ELECTRICAL CIRCUITS ADDED FOR ADDITIONAL APPLIANCES INSTALLED IN THE CENTER ISLAND.
3. ADDED/ALTERED CIRCUITS DURING THE WATER HEATER INSTALLATION.
4. ADDED/ALTERED CIRCUITS DURING THE INSTALLATION OF THE A/C SYSTEM.
5. ELECTRICAL SYSTEM HAS BEEN UPGRADED.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

FBC(2007) 1612.1.2

THE WINDOWS, DOORS, GARAGE DOOR, BARBEQUE PIT, AND THE A/C CONDENSOR UNIT 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 said he had been in contact with the owner, who had hired an architect who had "struggled with" the plans. Inspector Ford said plans had been submitted in August 2009 that lacked the AC permit package. He said the contractor who had done the AC work had been in a dispute with the owners and would not pull the permit. The plans were returned for corrections and rejected again for corrections and re-submitted in May 2010. In March, Inspector Ford had offered to walk the architect through the process, but the architect could not remain in the City for the entire process, and the plans had failed again and not been resubmitted.

Inspector Ford recommended ordering compliance within 63 days or a fine of \$10 per day, per violation.

Mr. Edward Jennings, Attorney, said he had heard conflicting accounts from the architect and Inspector Ford. He said the architect had assured him that he was familiar with Fort Lauderdale codes and had four other projects pending in the City. Mr. Jennings had spoken with Inspector Ford and assured him that he would do what needed to be done to comply the violations and had requested 60 days.

Chair Mitchell asked if the architect had indicated to Mr. Jennings when he would resubmit the plans. Mr. Jennings said he had asked the architect about the plans and he "didn't have a good answer for me." The architect then said he would "get the plans

done in a couple of weeks” but requested 60 days to allow for additional revisions.

Motion made by Mr. Thilborger, 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 63 days, by 9/28/10 or a fine of \$10 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 6 – 1 with Mr. Dooley opposed.

Case: CE09010464

1700 Southeast 25 Avenue
Mucci, Edmund

Certified mail sent to the owner was accepted on 7/15/10.

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

FBC(2007) 105.4.11

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

1. A NEW A/C SYSTEM, DUCT, LINES, ETC. HAVE BEEN INSTALLED ON THE NORTH SIDE OF THE HOME.
2. MECHANICAL PERMIT 08110645 WAS APPLIED FOR ON 11/20/2008, BUT HAS NEVER BEEN ISSUED.

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 DURING THE INSTALLATION OF THE NEW A/C SYSTEM.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

Withdrawn:

FBC(2007) 105.1

FBC(2007) 105.4.4

Inspector Ford confirmed that the owner needed a permit for an AC system that had been installed on the north side. He said an application had been submitted in November 2008 but the owner had a dispute with the installer and the issue had never been resolved.

Inspector Ford recommended ordering compliance within 63 days or a fine of \$10 per day, per violation.

Mr. Edmund Mucci, owner, said he hoped the pool plumbing would be complied by the end of the week. He had hired a contractor to go through the permit process, which he hoped could be done within two weeks.

Mr. Elfman said the property was due to close within two weeks. Mr. Mucci said if he could not comply the violations by the closing, he would leave money in escrow for the purchaser. He stated the buyer was aware of the violations.

Motion made by Ms. Ellis, seconded by Ms. Hinton 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 9/28/10 or a fine of \$10 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE08040364

1223 North Andrews Avenue
Ritter, Nicholas

Certified mail sent to the owner was accepted on 7/3/10.

George Oliva, 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. SCREEN PORCH IN THE FRONT OF THE PROPERTY WAS ENCLOSED AND CONVERTED INTO A FOYER WITH TWO WINDOWS AND A DOUBLE GLASS DOOR (FRENCH STYLE).

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. FRONT SCREEN PORCH ENCLOSUREMENT.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

FBC 1604.1

THE STRUCTURE FOR THE FRONT SCREEN PORCH CONVERSION DOES NOT MEET THE STANDARD FOR GRAVITY LOADING.

FBC 1612.1.2

ALL THE WINDOWS AND DOORS INSTALLED 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 also showed the original drawings for the property. He explained that when he first visited the property, he had met with the new owner, who had been working hard to comply the violations. Inspector Oliva said the drawings the current owner had were missing details; the Electrical Department was requesting that the electrical connections and outlets be shown on the drawing and the Building Department requested an NOA for the door and windows. Inspector Oliva said

the plans had been returned for correction in July 2009 and Mr. Ritter had informed him that he was experiencing financial problems and owed the architect money.

Inspector Oliva recommended ordering compliance within 91 days or a fine of \$10 per day, per violation.

Mr. Nicholas Ritter, owner, read from a prepared statement indicating that the seller's representative had notified him of five violations when he purchased the house: fence with no permit, deck with no permit, addition with no permit, electrical exterior work not to code and conversion of the carport into living space. Mr. Ritter said he had taken care of these violations within three months. He said he had pulled a permit to enclose the carport, but had never called for final inspection. This had been resolved when he re-opened the permit and had final inspection.

Mr. Ritter said Inspector Oliva's citation included an illegal front porch enclosure that Mr. Ritter had not built and which had not been mentioned on the list he received when he purchased the house. Mr. Ritter had hired an architect to create drawings and found out that the porch structure was in the front setback and required a variance. Mr. Ritter had informed Mr. Malik, Chief Plans Examiner, that the original deed had included 15 feet of property that had been taken by the City to Widen Andrews Avenue in the 1960s. Mr. Ritter had gone through the variance process and the Planning and Zoning Board had approved the request unanimously in Spring 2009. The Building Department had rejected the plans for lack of wind load information and for the absence of electrical and roofing information.

Mr. Ritter believed that "this whole thing was a mistake from the get-go; it was never a violation and Mr. Oliva had this confused with the laundry room in the back." He said the permit for the brick veneer on the front of the house was dated in the 1970s, so he assumed the structure was built in the 1960s.

Inspector Oliva presented the property permit history, and noted that the brick veneer permit was dated 1970, but there was no permit for the porch enclosure. He remarked that the door was of approximately mid-1990s vintage.

Motion made by Mr. Thilborger, 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 10/26/10 or a fine of \$10 per day, per violation would begin to accrue, and to record the order. In a roll call vote, motion passed 5 – 2 with Ms. Hinton and Ms. Sheppard opposed.

Case: CE10031427

490 Southwest 29 Avenue
Brooks, Angenell P

Service was via posting on the property on 6/15/10 and at City Hall on 7/15/10.

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

FBC(2007) 115.1.1

1. THE CARPORT AND FRONT PORCH STRUCTURES HAVE BEEN SUBSTANTIALLY DAMAGED BY THE ELEMENTS.
2. MISSING SUPPORTING COLUMN AT THE FRONT PORCH AND THE TIE BEAM IS CRACKING ALONG THE SPAN DUE TO THE WEIGHT OF THE ROOF.
3. WOOD JOISTS FOR THE CARPORT ROOF ARE BREAKING AND FALLING DOWN.

FBC(2007) 115.1.3

1. THE ROOF WOULD NOT PROVIDE THE REQUIRED RESISTANCE TO UPLIFT.
2. THE CODE PROTECTS ITS NEIGHBORS FROM FLYING DEBRIS IN A STORM WHICH THIS STRUCTURE MAY BECOME.

FBC(2007) 115.2.1.2.2

THE ROOF IS PARTIALLY DESTROYED AND MUST BE DEEMED UNSAFE.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He explained that the property had been in foreclosure, but the bank had taken possession of the property and later sent it back to the owner due to a technical issue with the paperwork. Inspector Oliva had been unable to contact the owner and was concerned that the condition of the roof presented a hazard in hurricane season. He recommended ordering compliance within 28 days or a fine of \$20 per day, per violation, and to record the order. Inspector Oliva confirmed that the property was not occupied and there was water coming into the building.

Ms. Angenell Brooks, owner, said she had moved out two years ago after the insurance company had paid her \$4,000 for damage to her house during hurricane Wilma, which was not enough to repair the roof. Ms. Brooks stated she was not working and had no money. She stated, "What am I to do, tell me. I don't live there, they can do whatever they want, I don't care; my sanity is most important."

Motion made by Mr. Elfman, 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 8/24/10 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Ms. Wald suggested that in the future, the Board would hear from the inspector before hearing from the respondent. The Board indicated they agreed with this procedural change.

Case: CE07021615

1041 Northeast 9 Avenue
Guaracino, Billie J

Certified mail sent to the owner was accepted on 6/16/10.

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

FBC(2007) 105.4.1

THE SINGLE FAMILY DWELLING HAS BEEN ALTERED AND MODIFIED IN THE FOLLOWING WAYS WITHOUT A PERMIT:

1. A REROOF HAS BEEN COMPLETED.
2. A BATHROOM ADDITION HAS BEEN ADDED ON THE REAR.
3. NEW WINDOWS HAVE BEEN INSTALLED.
4. A WOOD FENCE HAS BEEN INSTALLED.

FBC(2007) 105.4.11

A NEW A/C CONDENSING UNIT WAS INSTALLED WITHOUT A PERMIT.

FBC(2007) 105.4.4

THE FOLLOWING PLUMBING WORK WAS COMPLETED WITHOUT A PERMIT:

1. A FULL BATHROOM WAS ADDED TO THE REAR OF THE BUILDING.
2. A HOT WATER HEATER WAS RELOCATED OUTSIDE WITHOUT SHELTER.

FBC(2007) 105.4.5

THE FOLLOWING ELECTRICAL WORK WAS PERFORMED WITHOUT A PERMIT:

1. SECURITY LIGHTING.
2. BATHROOM PREMISE WIRING.
3. EXTERIOR HOT WATER HEATER CONNECTION.

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

Chair Mitchell left the dais at 1:07 and Ms. Sheppard assumed the Chair's position. Chair Mitchell returned to the dais at 1:09.

Inspector Smilen recommended ordering compliance within 63 days or a fine of \$20 per day, per violation.

Motion made by Mr. Thilborger, 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 9/28/10 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE09120500

1308 Southwest 17 Avenue
Upton, Gertrude

Service was via posting on the property on 6/14/10 and at City Hall on 7/15/10.

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

FBC(2007) 105.1

THE FIRE DAMAGED SINGLE FAMILY DWELLING HAS HAD THE FOLLOWING WORK DONE WITHOUT OBTAINING THE REQUIRED PERMITS:

1. INTERIOR DEMOLITION.
2. INTERIOR FRAMING.
3. RAFTER REPAIRS.

FBC(2007) 105.4.11

NEW DUCT WORK HAS BEEN INSTALLED AND THE EXISTING DUCT SYSTEM HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT.

FBC(2007) 105.4.4

THE BATHROOM HAS BEEN ALTERED WITH NEW FIXTURES WITHOUT OBTAINING THE REQUIRED PERMITS.

FBC(2007) 105.4.5

PREMISE WIRING, LIGHTING AND OUTLETS HAVE BEEN ALTERED WITHOUT OBTAINING THE REQUIRED PERMITS.

FBC(2007) 109.10

DRYWALL HAS BEEN INSTALLED COVERING UP ALL WORK PERFORMED BEFORE ALL REQUIRED INSPECTIONS AND APPROVALS COULD BE COMPLETED.

FBC(2007) 1604.1

THE ROOF RAFTER REPAIRS HAVE BEEN COMPLETED AND HAVE NOT BEEN DEMONSTRATED TO BE ABLE TO WITHSTAND THE STRENGTH DESIGN AND LOAD REQUIREMENTS OF THE FLORIDA BUILDING CODE.

Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and recommended ordering compliance within 28 days or a fine of \$10 per day, per violation.

Inspector Smilen confirmed for Ms. Ellis that the structure was safe; the fire damage was basically cosmetic.

Motion made by Mr. Elfman, 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 8/24/10 or a fine of \$10 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE10010451

1673 Southwest 29 Terrace
Herman, Rudolph Charles III
Herman, Tammy Maria

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

Gerry Smilen, Building Inspector, testified to the following violations:
9-280(b)

BUILDING PARTS ARE NOT BEING MAINTAINED AT THIS PROPERTY. THERE ARE:

1. LARGE HOLES IN THE INTERIOR WALLS.
2. ROTTING WOOD AROUND DOOR FRAMES.
3. DAMAGED WINDOWS AND BROKEN WINDOW AND DOOR PANES.
4. ROTTING WOOD IN SOFFITS.
5. TORN AND MISSING VENTILATION SCREENING IN ROOF OVERHANGS.
6. DAMAGED AND DETERIORATING SUPPORT POSTS ON FRONT OVERHANG.
7. LAUNDRY ROOM CEILING HAS A LARGE HOLE IN IT.

FBC(2007) 105.1

THE SINGLE FAMILY DWELLING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS:

1. A STORAGE AREA IN THE REAR HAS BEEN CONVERTED TO AN ILLEGAL EFFICIENCY APARTMENT.
2. AN ENCLOSURE FOR A HOT WATER HEATER HAS BEEN CONSTRUCTED.
3. A MAKESHIFT PATIO OVERHANG HAS BEEN INSTALLED.
4. AN ADDITIONAL KITCHEN AND KITCHENETTE HAVE BEEN INSTALLED.
5. NEW EXTERIOR DOORS HAVE BEEN INSTALLED.
6. TWO EXTERIOR STORAGE CLOSETS HAVE BEEN CONSTRUCTED.

FBC(2007) 105.4.11

THE FOLLOWING MECHANICAL WORK HAS BEEN COMPLETED WITHOUT PERMITS:

1. WALL A/C UNITS HAVE BEEN INSTALLED IN WINDOWS AND WALLS.
2. VENTILATION FOR A DRYER HAS BEEN INSTALLED.

FBC(2007) 105.4.4

THE FOLLOWING PLUMBING WORK HAS BEEN PERFORMED WITHOUT OBTAINING THE REQUIRED PERMITS:

1. AN ILLEGAL BATHROOM IN THE REAR HAS BEEN ADDED.

2. AN ADDITIONAL KITCHEN HAS BEEN ADDED.
3. AN ADDITIONAL HOT WATER HEATER HAS BEEN INSTALLED.

FBC(2007) 105.4.5

THE FOLLOWING ELECTRICAL WORK HAS BEEN COMPLETED WITHOUT OBTAINING THE REQUIRED PERMITS:

1. CONNECTION FOR AN ADDITIONAL HOT WATER HEATER.
2. PREMISE WIRING.
3. WIRING FOR THE ADDITIONAL KITCHEN.
4. WIRING FOR THE ADDITIONAL BATHROOM.
5. THE INSTALLATION OF SECURITY LIGHTS.

FBC(2007) 110.1.1

THE USE AND OCCUPANCY OF THIS BUILDING HAS CHANGED FROM THE ORIGINALLY PERMITTED OCCUPANCY CLASSIFICATION WITHOUT OBTAINING THE REQUIRED CERTIFICATE OF OCCUPANCY.

Inspector Smilen explained that this case had originated as the result of a complaint from a tenant in an illegal third unit in the residence. He submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and pointed out that there was no tenant fire separation between the three units. Inspector Smilen recommended ordering compliance within 63 days or a fine of \$20 per day, per violation.

Inspector Smilen said there were two meters, but there had never been a change on the Certificate of Occupancy for a duplex. Regarding the property's safety during hurricane season, Inspector Smilen said the property was not ready to fall down, but there were areas that needed to be addressed. He had spoken with the owner, who indicated he would do nothing with the property. Inspector Smilen confirmed the property was in foreclosure.

Motion made by Mr. Elfman, seconded by Ms. Hinton 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 8/24/10 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE09060984

2980 North Federal Highway
Kia Investments Inc

Service was via posting on the property on 7/12/10 and at City Hall on 7/15/10.

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 PARKING LOT IN THE FRONT OF THE BUILDING HAS BEEN SEALED/PAINTED AND RESTRIPEDED.

FBC(2007) 109.10

WORK WAS PERFORMED WITHOUT OBTAINING THE REQUIRED APPROVALS.

Inspector Ford submitted photos of the property into evidence, and recommended ordering compliance within 63 days or a fine of \$10 per day, per violation.

Motion made by Ms. Ellis, 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 28 days, by 8/24/10 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE10011896

1505 Southwest 21 Terrace
Erwin, Pauline

Service was via posting on the property on 6/24/10 and at City Hall on 7/15/10.

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

FBC 105.1

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

1. A STORAGE SHED WAS PLACED AT THE REAR OF THE PROPERTY WITH A WINDOW A/C. IT IS NOT INSTALLED ACCORDING TO CODE.

FBC 1604.1

1. THE STRUCTURE FOR THE STORAGE SHED 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.
2. THE INSTALLATION IS UNDERDESIGNED. IT WOULD NOT PROVIDE THE REQUIRED RESISTANCE TO UPLIFT THAT THE CODE PROTECTS ITS NEIGHBORS FROM FLYING DEBRIS IN A STORM, WHICH THIS STRUCTURE MAY BECOME.

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He said he had received calls from neighbors stating they did not feel safe with the shed installation. He recommended ordering compliance within 28 days or a fine of \$10 per day, per violation and to record the order.

Inspector Oliva said he could not confirm that anyone was living in the shed.

Motion made by Ms. Ellis, 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 8/24/10 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE10020466

1391 Southwest 33 Terrace
Gordon, Alan David

Service was via posting on the property on 6/15/10 and at City Hall on 7/15/10.

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. INTERIOR REMODELING WORK IS BEING DONE IN THE KITCHEN, LAUNDRY AND BATHROOM AREAS.
2. DRYWALL HAS BEEN REMOVED FROM THE FRAME. ALL THE ELECTRICAL CIRCUITS, AND THE PLUMBING PIPES ARE EXPOSED.

FBC(2007) 105.4.5

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(2007) 109.10

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

Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He said the owner had applied for permits but they had failed. Inspector Oliva recommended ordering compliance within 28 days or a fine of \$10 per day, per violation and to record the order.

Motion made by Ms. Ellis, 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 8/24/10 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE08040779

1028 Northwest 7 Terrace
Watkins, Jake Jr

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 and the City was requesting imposition of a \$21,700 fine, which would continue to accrue until the property complied. Personal service was made to the owner's nephew on 7/7/10.

Motion made by Ms. Ellis, seconded by Mr. Elfman, to find the violations were not complied by the Order date, and to impose the \$21,700 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

Case: CE08100511

1211 Northwest 12 Street
Warner, Paul

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 complied, fines had accrued to \$18,600 and the City was requesting no fine be imposed. Certified mail sent to the owner was accepted on 7/10/10.

Motion made by Ms. Sheppard, seconded by Ms. Ellis, to impose no fine. In a voice vote, motion passed 7 - 0.

Case: CE09091113

360 Southwest 30 Terrace
Senexan, Michel

This case was first heard on 3/23/10 to comply by 5/25/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$1,400 and the City was requesting no fine be imposed. Personal service was made to the owner on 7/7/10.

Motion made by Ms. Ellis, seconded by Ms. Sheppard, to impose no fine. In a voice vote, motion passed 7 - 0.

Approval of Meeting Minutes

[This item was heard out of order]

Motion made by Ms. Sheppard, seconded by Mr. Thilborger, to approve the minutes of the Board's June 2010 meeting. In a voice vote motion passed 7 - 0.

Communication to the City Commission

None

For the Good of the City

None

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:

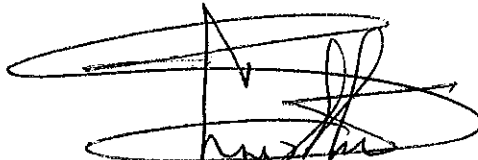
CE09110003	CE10030899	CE05100987
CE06030093	CE09120477	CE08070456
CE09121499		

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:


CE08051087	CE09010931	CE07101002
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There being no further business to come before the Board, the meeting adjourned at 1:37 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.