

**CODE ENFORCEMENT BOARD**  
**CITY COMMISSION MEETING ROOM**  
**100 NORTH ANDREWS AVENUE**  
**OCTOBER 26, 2010**  
**9:00 A.M. – 12:39 P.M.**

| <b><u>Board Members</u></b> | <b><u>Attendance</u></b> | <b>Cumulative attendance<br/>2/2010 through 1/2011</b> |                      |
|-----------------------------|--------------------------|--|----------------------|
|                             |                          | <b><u>Present</u></b>                                  | <b><u>Absent</u></b> |
| Sam Mitchell, Chair         | P                        | 9  | 0                    |
| Howard Nelson, Vice Chair   | P                        | 7  | 2                    |
| Howard Elfman               | P                        | 9  | 0                    |
| Genia Ellis                 | P                        | 9  | 0                    |
| Joan Hinton                 | A                        | 8  | 1                    |
| Jan Sheppard                | P                        | 8  | 1                    |
| Chad Thilborger             | P                        | 9  | 0                    |
| Paul Dooley [Alternate]     | P                        | 9  | 0                    |
| Frank Marino [Alternate]    | A                        | 4  | 5                    |
| Joshua Miron [Alternate]    | P                        | 6  | 1                    |

**Staff Present**

Bruce Jolly, Board Attorney  
 Ginger Wald, Assistant City Attorney  
 Brian McKelligett, Clerk /Code Enforcement Board Supervisor  
 Dee Paris, Administrative Aide  
 Yvette Ketor, Secretary, Code Enforcement Board  
 Deb Maxey, Clerk III  
 George Oliva, Building Inspector  
 Burt Ford, Building Inspector  
 Gerry Smilen, Building Inspector  
 Lori Grossfeld, Clerk III  
 Alex Hernandez, Chief Mechanical Inspector  
 J. Opperlee, Recording Secretary

**Communication to the City Commission**

None

**Respondents and Witnesses**

CE08021545; CE07071088: Jerome Petrisko, owner  
 CE08110858: Mike Souied, 2<sup>nd</sup> mortgage holder; Steve Reiss, 1<sup>st</sup> mortgage holder  
 CE09060387: Gil Betzalel, owner  
 CE08080683: Tyler Tuchow, owner  
 CE06031659: Thomas Lanigan, owner

CE08110556: Orville Morris Jarrett, owner  
CE06020654: Jose Ares, contractor  
CE07101002: Rick Gary Lentz, owner  
CE09050642: Damien Dominicis, owner  
CE10031191: Shawn Sturm, owner  
CE05111570: Anne Ginsburg, owner  
CE10020032: Robert Symington, owner  
CE09081583: Kenneth Cooper, owner  
CE09060370: Michael Albee, owner  
CE09010920: Melissa Mazzotta, owner  
CE10012131: Dallas Wharton, owner  
CE09060984: Mehrzad Amini, owner  
CE10020398: Allen Kophelm, owner  
CE10042849: Daniel Swaney, trustee  
CE05110901: Matthew McDermott, co-owner  
CE10060653: Ronald Schmidt, contractor; Emilio Lenzi, owner  
CE09010081: Rudolph Estefano, owner's future son-in-law; Jennifer Brait, owner's daughter  
CE09100760: Jonathan Braverman, owner's son

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: 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 fines would begin to accrue on 10/27/10.

Mr. Steve Reiss, 1<sup>st</sup> mortgage holder, reported the property was cleaned up but they had been unable to locate the owner in order to get a permit for the fence. He said he was foreclosing on the property and there were legal issues with the 3<sup>rd</sup> mortgage holders. Mr. Reiss stated if they removed the fence, the property would become a dumpsite. He requested a 119-day extension.

Burt Ford, Building Inspector, agreed the property was clean and secure and these mortgage holders were in a difficult spot because of ownership issues. He did not object to the request for an extension.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 147-day extension to 3/22/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE06031659**

1716 Southwest 10 Street  
LANIGAN, THOMAS P

This case was first heard on 2/23/10 to comply by 4/27/10 and 6/22/10. 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 on 10/27/10 and would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 10/14/10. Ms. Paris noted that FBC(2007) 105.1 was complied with no fines.

Gerry Smilen, Building Inspector, confirmed the owner was working on compliance; once the mechanical permit was issued the case would be closed. He recommended a 28-day extension.

Mr. Thomas Lanigan, owner, offered a copy of the permit application for the Board to view. He requested a brief extension.

**Motion** made by Ms. Sheppard, seconded by Mr. Thilborger to grant a 28-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE08110556**

2716 Middle River Drive  
JARRETT, ROSE  
JARRETT, ROSE REV LIV T

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

Mr. Orville Morris Jarrett, owner, said the property was almost complied and he needed a letter from the architect. He said a 28-day extension would be sufficient.

Burt Ford, Building Inspector, said the owner just needed a building final and recommended a 28-day extension.

**Motion** made by Mr. Thilborger, seconded by Ms. Ellis to grant a 28-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE08080683**

1538 Northeast 3 Avenue  
TUCHOW, TYLER

This case was first heard on 10/27/09 to comply by 1/26/10. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 10/27/10.

Mr. Tyler Tuchow, owner, said he was waiting for the mechanical and structural to pass. He offered plans for Board members to review.

Burt Ford, Building Inspector, confirmed the plans were in review. He said they had failed building and mechanical. He recommended a 91-day extension.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 91-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE09050642**

1301 Northeast 17 Avenue  
DOMINICIS, MARIA LE  
DOMINICIS, LUIS, DOMINICIS, D

This case was first heard on 8/24/10 to comply by 10/26/10. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 10/27/10.

Mr. Damien Dominicis, owner, said the last set of plan revisions had been submitted and he hoped to be able to start scheduling inspections.

Burt Ford, Building Inspector, confirmed everything had passed. He recommended a 91-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 91-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE09060387**

1408 Northwest 9 Avenue  
B & H REAL ESTATE MANAGEMENT LLC

This case was first heard on 8/24/10 to comply by 9/28/10. Violations were as noted in the agenda. The property was not complied and fines had accrued to \$3,375.

Mr. Gil Betzalel, owner, requested a 30-day extension to pull a permit. He said he had been aware of the violations when he purchased the foreclosed property. Mr. Betzalel

intended to hire a contractor and have him submit permit applications in two weeks. He clarified for Mr. Elfman that he had not known about the kitchen remodeling and window replacement violations when he purchased the property.

George Oliva, Building Inspector, recommended allowing the owner 91 additional days to get drawings and apply for the permit. He stated the bank had put a permitted roof on the property while they owned it.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to grant a 28-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion failed 0 - 7.

**Motion** made by Ms. Sheppard, seconded by Mr. Thilborger to grant a 91-day extension to 1/25/11, during which time no fines would accrue. In a roll call vote, motion passed 4 – 3 with Mr. Elfman, Mr. Nelson and Chair Mitchell opposed.

Ms. Paris asked the Board to amend the prior compliance date from 9/28/10 to 10/26/10.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to amend the prior compliance date from 9/28/10 to 10/26/10. In a voice vote, motion passed 7 – 0.

**Case: CE08021545**

900 Northeast 26 Avenue  
SUNRISE INTRACOASTAL DENTAL CTR

This case was first heard on 11/24/09 to comply by 2/23/10. Violations and extensions were as noted in the agenda. The property was not complied and fines had accrued to \$1,960.

Dr. Jerome Petrisko, owner, reported they had received the financing and installed the new air conditioner. He stated they could now move forward with changes to the downstairs of the building. He requested 91 days.

Burt Ford, Building Inspector, said the air conditioner was not part of this case. He said there had been no progress but he would leave it to the Board to decide. Dr. Petrisko said now that they had financing, the work could be done.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 91-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE07071088**

3500 Vista Park  
FAHEY, DANA A

This case was first heard on 1/27/09 to comply per stipulated agreement by 3/24/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$9,300 fine, which would continue to accrue until the property complied. Service was via posting on the property on 10/11/10 and at City Hall on 10/14/10.

Dr. Jerome Petrisko, owner, reported they had installed the "smart fence" in the garage but the structural inspection had failed due to FEMA regulations. He said the air conditioners that had been approved twice would now need to be elevated due to the new FEMA regulations, unless they could be grandfathered in. Dr. Petrisko said he must find out before taking further action.

Gerry Smilen, Building Inspector, confirmed that on 10/19 the building final failed. He recommended Dr. Petrisko speak with John Heller, the Chief Structural Inspector or Chris Augustin, the Chief Building Official and request clarification.

**Motion** made by Ms. Sheppard, seconded by Mr. Thilborger to grant a 91-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE09060984**

2980 North Federal Highway  
KIA INVESTMENTS INC

This case was first heard on 7/27/10 to comply by 8/24/10. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 10/27/10.

Ms. Mehrzad Amini, owner, said a tenant had done the parking area sealing without a permit. She said she had given a contractor a down payment and he had put in the permit application. She requested an extension.

Burt Ford, Building Inspector, confirmed the permit application had been submitted. He recommended a 91-day extension.

**Motion** made by Ms. Sheppard, seconded by Mr. Thilborger to grant a 91-day extension to 1/25/110 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 a \$1,620 fine, which would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 10/13/10.

Gerry Smilen, Building Inspector, reported all but one permit had been issued.

Ms. Melissa Mazzotta, owner, explained she had given the contractor all of the information and did not know why he had not applied for the plumbing permit. She noted the Master Plan included a lot of work in addition to the violations. Mr. Nelson suggested Ms. Mazzotta alert her contractor to the need for a plumbing permit.

Inspector Smilen estimated it would take one week for a plumbing permit.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 91-day extension to 1/25/11, during which time no fines would accrue. In a roll call vote, motion passed 5 - 2 with Mr. Dooley, and Chair Mitchell opposed.

Ms. Paris requested the Board extend the prior compliance date from 9/28/10 to 10/26/10.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to amend the prior compliance date from 9/28/10 to 10/26/10. 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 and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 10/27/10. Certified mail sent to the owner was accepted on 10/14/10.

Gerry Smilen, Building Inspector, reported work was proceeding on the property. The owner had hired an architect/engineer and was on the way to complying the carport.

Mr. Shawn Sturm, owner, requested 90 days. He said the spa railing was 90% complete, and the master electrician and architect were working on the carport. He said if the carport was not done within 91 days, he would tear out the garage door and wall.

Chair Mitchell wondered why Mr. Strum needed 91 days. Mr. Strum said he was experiencing financial issues, and noted the amount of money he had already spent to have work done on the property.

**Motion** made by Ms. Ellis, seconded by Mr. Thilborger to grant a 91-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 6 – 1 with Chair Mitchell opposed.

**Case: CE09060370**

1532 Argyle Drive  
J G SHAW PROPERTIES LTD &  
M D BEAR HOLDINGS INC

This case was first heard on 8/24/10 to comply by 10/26/10. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 10/27/10.

Gerry Smilen, Building Inspector, reported the permit application to remove the pool was in plan review.

Mr. Michael Albee, owner, requested 28 days to receive the demolition permit. Inspector Smilen thought the permit could be issued in 28 days.

**Motion** made by Mr. Thilborger, seconded by Ms. Sheppard to grant a 28-day extension to 11/23/10, during which time no fines would accrue. In a roll call vote, motion failed 3 – 4 with Mr. Dooley, Mr. Elfman, Ms. Sheppard and Chair Mitchell opposed.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 91-day extension to 1/25/110 during which time no fines would accrue. 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 fines would begin to accrue on 10/27/10.

George Oliva, Building Inspector, said the contractor had re-submitted the drawings with corrections and he recommended a 28-day extension.



Mr. Jose Ares, contractor, explained the owner was experiencing financial hardship and requested 28 days. He informed Mr. Dooley that the property was occupied, and he did not consider the electrical issues to be a hazard. Mr. Ares said the owner informed him she would use the space for storage, but according to the finished floor elevation, the room could be a bathroom or storage.

Inspector Oliva said he had only inspected the outside; the owner had refused him access to the inside. He said according to the previous tenant, the utility room had been turned into an illegal bathroom. He informed Mr. Dooley this area was zoned R-1, low density.

**Motion** made by Mr. Thilborger, seconded by Mr. Nelson to grant a 28-day extension to 11/23/10, during which time no fines would accrue. In a roll call vote, motion failed 2 – 5 with Mr. Dooley, Mr. Elfman, Mr. Nelson, Ms. Sheppard and Chair Mitchell opposed.

**Case: CE09081583**

400 Southeast 8 Street  
COOPER, KENNETH D

This case was first heard on 9/28/10 to comply by 10/26/10. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 10/27/10. Personal service was made to the owner on 10/11/10.

Gerry Smilen, Building Inspector, reported the owner had shown him photos indicating the fence had been removed. He displayed the photos for the Board.

Mr. Kenneth Cooper, owner, confirmed the fence had been removed.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 28-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE05111570**

3051 Northeast 32 Avenue  
ANNIEOPA LLC

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 fines had accrued to \$47,600.

Ms. Anne Ginsburg, owner, said all of the violations from her ownership were complied. She had alerted the former owner to one outstanding violation that occurred during his ownership, the walk-in cooler, and he had assured her it would be taken care of.

Burt Ford, Building Inspector, confirmed all violations except for the walk-in cooler had been complied. He was aware that this owner had worked out a deal with the previous owner to comply the walk-in cooler. A permit application had been submitted in June but had failed everything and the plans had not been corrected and resubmitted. He recommended a 91-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 91-day extension to 1/25/11, during which time no fines would accrue. In a roll call vote, motion passed 5 – 2 with Ms. Ellis and Chair Mitchell opposed.

**Case: CE10012131**

2781 Northwest 23 Street  
AMSTAR HOLDINGS LLC

This case was first heard on 7/27/10 to comply by 8/24/10. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 10/27/10. Service was via posting on the property on 10/8/10 and at City Hall on 10/14/10.

Mr. Dallas Wharton, owner, said he had hired a contractor, but the contractor had not applied for the permit and Mr. Wharton had discovered the contractor's insurance was out of date. The contractor had sent Mr. Wharton the documents to apply for the permit but the City had not accepted them. Mr. Wharton requested another week to give the contractor a chance to re-submit the paperwork, since he had already given him money. Failing that, Mr. Wharton would need to hire a new contractor. Mr. Wharton informed Chair Mitchell that he intended to rent the property.

**Motion** made by Mr. Nelson, seconded by Ms. Sheppard to grant a 28-day extension to 11/23/10, during which time no fines would accrue. In a roll call vote, motion passed 4 - 3 with Mr. Dooley, Ms. Ellis and Mr. Thilborger opposed.

**Case: CE07101002**

500 Southwest 11 Street  
LENTZ, RICK

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 a \$135 fine, which would continue to accrue until the property complied. Personal service was made to the owner on 10/8/10.

Gerry Smilen, Building Inspector, reported the mechanical permit had been picked up for corrections on 8/10 but had not been issued.

Mr. Rick Lentz, owner, confirmed the permit application had failed and admitted he had

“dropped the ball on this.” He knew he needed to bring the plans back to the contractor to address the corrections and he intended to do this.  
Inspector Smilen did not believe an application for a permit had been submitted at the time the unit was installed.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 28-day extension to 11/23/10, 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: CE10020032**

6795 Northwest 17 Avenue  
CABO 6795 LLC

Personal service was made to the manager on 10/4/10.

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

FBC(2007) 105.10.3.1

PERMIT #96101527 TO BUILD A LOADING DOCK RAMP WAS  
ISSUED JAN. 9, 1997 AND IS MISSING A FINAL  
INSPECTION.

FBC(2007) 109.10

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

Inspector Oliva presented photos of the property and the case file into evidence. He explained the previous owner had applied for a permit for a dock or ramp to unload merchandise but the permit had expired. The original contractor was working to renew the permit and pass final inspection. He recommended ordering compliance within 91 days or a fine of \$10 per day, per violation and to record the order.

Mr. Robert Symington, owner, confirmed what Inspector Oliva had said.

Ms. Ellis noted barbed wire along the top of the fence and Mr. Nelson said this was not allowed in Fort Lauderdale. Mr. Symington said they had experienced robberies but he knew it must be taken down.

**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 1/25/11 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.

The Board took a brief break.

**Case: CE08040364**

1223 North Andrews Avenue  
RITTER, NICHOLAS

This was a request to vacate the Final Order dated 7/27/10.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to vacate the Final Order dated 7/27/10. In a voice vote, motion passed 7 – 0.

**Case: CE08110624**

950 Southwest 39 Avenue  
HEIMBAUGH, JESSICA

This was a request to vacate the Order Imposing a Fine dated 1/26/10.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to vacate the Order Imposing a Fine dated 1/26/10. In a voice vote, motion passed 7 – 0.

**Case: CE09120479**

3710 Southwest 18 Street  
DIOR MIRABELLA SMANJAK IRREV TR  
C/O JARVIS & KRLEGER PC

This case was first heard on 8/24/10 to comply by 10/26/10. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 10/27/10.

Ms. Paris read a letter from the current property manager, Home Seekers in Pompano Beach, who stated the tenants had refused access to the property and the previous property manager had “stolen funds from the owner and disregarded the violations that need to be done.” Home Seekers requested an extension to get the contractor involved as soon as the property was vacant. Ms. Paris read a second letter from the contractor stating he would inspect the property, prepare plans and do the work after the tenant was removed.

Mr. Jolly explained that with proper notice, a tenant must allow a landlord or property manager to inspect a property and failure to comply could be a basis for eviction.

George Oliva, Building Inspector, recommended a 91-day extension. He reminded the Board that the tenant must vacate the property. Mr. Nelson said he would have been happy with a 91-day extension “had they bothered to actually show up.”

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to grant a 28-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

**Case: CE07110505**

3411 Southwest 19 Street  
BARREIRO, IBEL

This was a request to vacate the Order Imposing a Fine dated 8/26/08.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger, to vacate the Order Imposing a Fine dated 8/26/08. In a voice vote, motion passed 7 – 0.

**Case: CE08030930**

2700 Southwest 12 Terrace  
STRICKLAND, GREGORY J &  
FIFE, BLAIR COLLINS

This case was first heard on 9/28/10 to comply by 10/26/10. Violations were as noted in the agenda. The property was not complied and the fines would begin to accrue on 10/27/10. Certified mail sent to the owner was accepted on 10/12/10.

**Motion** made by Ms. Sheppard, seconded by Mr. Nelson, to find that the violations were not complied by the Order date, and therefore the fines as stated in the Order would begin on 10/27/10 and would continue to accrue until the violations were corrected and to record the order. In a voice vote, motion passed 7 - 0.

**Case: CE08091852**

1544 Northwest 5 Avenue  
DANG, DAVID LOC &  
NGUYEN, BAU THI

This case was first heard on 8/24/10 to comply by 10/26/10. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 10/27/10. Service was via posting on the property on 10/8/10 and at City Hall on 10/14/10.

**Motion** made by Mr. Nelson, 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 10/27/10 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

**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 a \$1,350 fine, which would continue to accrue until the property complied. Service was via posting on the property on 10/8/10 and at City Hall on 10/14/10.

**Motion** made by Mr. Elfman, seconded by Mr. Thilborger, to find the violations were not complied by the Order date, and to impose the \$1,350 fine, which would continue to accrue until the violations were corrected and to record the order. In a voice vote, motion passed 7 - 0.

**Case: CE09092377**

631 Southwest 28 Avenue  
TIMOTHEE, SILVANIE H/E  
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 a \$270 fine, which would continue to accrue until the property complied. Personal service was made to the owner on 10/8/10.

Ms. Paris recalled Mr. Ares, contractor, had been handling this but the property owner had run out of money.

George Oliva, Building Inspector, said he had met with the owner, who informed him she was out of work and in a bad economic situation. Mr. Areas had informed Inspector Oliva that the owner needed to pay him the second installment and he could replace the air conditioning. Inspector Oliva recommended a 91-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to find the violations were not complied by the Order date, and to impose the \$270 fine, which would continue to accrue until the violations were corrected and to record the order. In a roll call vote, motion passed 4 - 3 with Mr. Dooley, Ms. Sheppard and Chair Mitchell opposed.

**Case: CE10050436**

2153 Northeast 62 Street  
INDYMAC FEDERAL BANK

This case was first heard on 8/24/10 to comply by 9/28/10. Violations were as noted in

the agenda. The property was not complied and the City was requesting imposition of a \$2,700 fine, which would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 10/13/10.

**Motion** made by Ms. Sheppard, seconded by Mr. Nelson, to find the violations were not complied by the Order date, and to impose the \$2,700 fine, which would continue to accrue until the violations were corrected and to record the order. In a voice vote, motion passed 7 - 0.

Mr. McKelligett informed the Board that the Building Department would now be funded by revenue, based on inspection fees and such. As a result, building inspectors who previously had reported to Code Enforcement would now report to the Building Department under the direction of John Heller, Chief Structural Inspector and Alex Hernandez, Chief Mechanical Inspector.

Mr. Hernandez stated he would be supervising the building inspectors and would report to Chris Augustin, Chief Building Official and John Heller.

The Board took a lunch break from 10:43 to 11:19.

**Case: CE10020398**

537 Northeast 17 Avenue  
KOPHELM, ALLEN

Certified mail sent to the owner was accepted on 9/24/10.

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

FBC(2007) 109.10

THE FOLLOWING WORK WAS PERFORMED AND COVERED  
WITHOUT OBTAINING THE REQUIRED PERMITS:

1. THE REMODELED BATHROOM.
2. THE NEW DRYWALL AND FRAMING IN THE REMODELED BATHROOM.

FBC(2007) 1626.1

THE NEW FRENCH DOORS NEED TO BE IMPACT RESISTANT  
OR BE PROTECTED BY AN APPROVED HURRICANE  
PROTECTION SYSTEM.

Complied and withdrawn

FBC(2007) 105.1

FBC(2007) 105.4.4

FBC(2007) 105.4.5

FBC(2007) 105.4.11

Inspector Smilen presented photos of the property and the case file into evidence. He stated the permit package had been rejected on 6/29/10 and was picked up for corrections on 9/9/10. The permit had been obtained on 10/15/10. Inspector Smilen recommended ordering compliance within 91 days or a fine of \$10 per day, per violation.

Mr. Allen Kophelm, owner, said one of the violations was being inspected, which must be done before the door was installed. The plumber had already done the work in the bathroom and this needed to be inspected.

**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 1/25/11 or a fine of \$5 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

**Case: CE09010081**

901 West Las Olas Boulevard  
BRAIT, KAREN L

Certified mail sent to the owner was accepted on 9/25/10.

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

FBC 105.1

THE SINGLE FAMILY DWELLING BUILT IN 1947 HAS BEEN REPAIRED AND ALTERED IN THE FOLLOWING MANNER WITHOUT PERMITS:

1. EXTERIOR WALLS HAVE BEEN AND/OR ARE BEING REPAIRED.
2. THE KITCHEN HAS BEEN REMODELED.
3. THE BATHROOMS HAVE BEEN REMODELED.
4. THE WOOD SUNDECK HAS BEEN REPAIRED.
5. THE EXTERIOR STAIRS HAVE BEEN REMOVED.

FBC 105.2.15

NEW WINDOWS AND DOORS HAVE BEEN INSTALLED ON THE BUILDING WITHOUT A PERMIT.

FBC 105.2.4

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

1. KITCHEN REMODELING.
2. BATHROOM REMODELING.

FBC 105.2.5

THE FOLLOWING ELECTRICAL WORK HAS BEEN COMPLETED WITHOUT PERMITS:

1. KITCHEN REMODELING.



2. BATHROOM REMODELING.
3. ELECTRICAL CIRCUITRY FOR NEW A/C UNITS.

Inspector Smilen said this case had begun as the result of a complaint. Plans had been dropped off on 4/28/10 to the owner's daughter, Jennifer Brait from BJK and the plans had been corrected at the urging of Detective Maurer. A new permit package had been submitted on 6/4/10, Jennifer Brait had picked up the plans on 6/30/10 and they had not been resubmitted. At a meeting on 8/16/10 with the plan reviewer, Ms. Brait had claimed not to have the plans. Inspector Smilen presented photos of the property and the case file 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 staff had indicated in the file that Jennifer Brait had picked up the plans. He added that the property was in Sailboat Bend and was considered an historic structure.

Mr. Rudolph Estefano, the owner's future son-in-law, said the air conditioning had been installed by a previous owner. Mr. Nelson explained that as the current owner, it was Ms. Brait's responsibility to comply the violations.

Ms. Jennifer Brait, the owner's daughter, said she had experienced problems with the architect who had refused to make the second set of corrections. She therefore needed to hire a new architect. Ms. Brait said the new architect would make changes to the plans, which covered all of the violations.

Inspector Smilen revised his recommendation to 147 days since Ms. Brait needed to find a new architect.

Chair Mitchell was concerned that nothing had happened in 21 months and they were considering a 147-day extension. Ms. Brait reported the mortgage was up to date.

**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 28 days, by 11/23/10 or a fine of \$5 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 6 – 1 with Ms. Ellis opposed.

Chair Mitchell asked Board members to wait until recognized by the Chair to make a motion.

The Board took a brief break.

**Case: CE10060653**

1811 Northeast 8 Street  
VILLA DI NAPOLI LLC

Personal service was made to the owner on 10/5/10.

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

FBC(2007) 105.4.13

A SOLAR HEATING SYSTEM HAS BEEN INSTALLED FOR THE SWIMMING POOL WITHOUT OBTAINING THE REQUIRED PERMITS.

FBC(2007) 110.1.1

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

FBC(2007) 1612.1.2

THE PIPE COLUMNS AND RAILINGS ON THE FRONT PORCH OF THE BUILDING HAVE RUSTED AWAY AT THE BOTTOM AND ARE ONLY HANGING FROM THE TOP CONNECTIONS. THESE SUPPORTS 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) 708.1 1.

FIRE SEPARATIONS BETWEEN RESIDENTIAL UNITS HAVE NOT BEEN VERIFIED THROUGH THE PERMIT AND INSPECTION PROCESS.

Withdrawn:

FBC(2007) 105.1

FBC(2007) 105.4.4

FBC(2007) 105.4.5

Inspector Smilen said this case was the result of a complaint from a former tenant. He stated permits had been applied for on 10/13/10 and one had been issued on 10/22/10. Inspector Smilen presented photos of the property and the case file into evidence and recommended ordering compliance within 91 days or a fine of \$20 per day, per violation. He explained the three items that were withdrawn were complied when the permits were issued.

Mr. Emilio Lenzi, owner, said the tenants had been removed and the residence would return to a single-family. He said an engineer had written a report indicating the pipes and columns were not structural. Mr. Jolly said these two violations would not be complied now, based on Mr. Lenzi's testimony; the Board would make its findings and

Mr. Lenzi would be allowed a certain amount of time to comply and for the inspector to report back.

**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 1/25/11 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: CE10042849**

1122 Northwest 23 Terrace  
1122 NORTHWEST 23 TERRACE TRUST  
SWANEY, DANIEL TRUSTEE

Certified mail sent to the owner was accepted on 9/22/10.

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. STUCCO WORK OUTSIDE: FRONT PORCH COLUMNS WERE REPLACED WITH 4X4 AND STUCCO.
2. FRONT DOOR AND SOME WINDOWS WERE REPLACED.
3. INTERIOR REMODELING: NEW KITCHEN CABINETS, COUNTER TOP AND SINK.
4. THE LAUNDRY ROOM WAS ENCLOSED WITH THE BATHROOM INTO AN ILLEGAL EFFICIENCY UNIT FOR RENT. THE HOUSE IS IN A SINGLE FAMILY USE ZONE.

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. KITCHEN, FAUCET AND SINK HAVE BEEN REPLACED.
2. BATHROOM FIXTURES WERE REPLACED.
3. WATER HEATER IS BEING REPLACED.

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 OUTLETS IN THE KITCHEN AREA NEED TO BE GFI.
2. THE WALL OUTLETS AND LIGHT SWITCHES WERE COVERED WITH TEXTURE AND PAINT WHICH HAS CREATED A FIRE HAZARD.

FBC(2007) 1604.1

THE STRUCTURE FOR THE 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. ALL THE STRUCTURES THAT WERE DONE ILLEGALLY ARE UNSAFE AND THEY MUST BE REMOVED.

Inspector Oliva presented photos of the property and the case file into evidence, and said he had issued a Stop Work Order on the property for work continuing without permits. Inspector Oliva had informed the engineer that he was concerned that the house was being offered as a duplex; a rental unit in the rear was legally built as a storage room. He said this room could be used as a master bedroom, but the partition must be removed and the house returned to single-family in this R-1 zone. Inspector Oliva recommended ordering compliance within 91 days or a fine of \$20 per day, per violation and to record the order.

Mr. Daniel Swaney, trustee, said they had bought the house as a short sale and opened the partition and installed an interior door. They had also removed the cabinets in order to retile the kitchen floor. He was unaware a permit was needed for this. He said the water heater and other cabinets were just being stored on the property.

Mr. Nelson asked if work had continued after the Stop Work Order was issued and a tenant had later been found. Mr. Swaney said Inspector Gottlieb had visited the property with someone from the Building Department and they had met with the foreman. As they walked through the property, the Building Inspector had "flagged the door" to be stopped but removed the Stop Work Order and indicated work could continue. Mr. Nelson said this had been a Detective, not a building inspector. When work was complete, Mr. Swaney phoned Inspector Gottlieb to let her know work was complete.

Ms. Wald said the Stop Work Order was dated 4/28/10 and was signed by Inspector Oliva. Ms. Wald asked when the unit was rented out. Mr. Swaney said it was rented in July. Mr. Nelson stated at that point, there were still no permits for the work and this was really troubling to him. Mr. Swaney said the tenants would remain for 30 the next days.

Mr. Swaney requested 90 days to remove the tenant and have the architect create drawings.

**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 11/23/10 or a fine of \$50 per day, per violation would begin to accrue,

and to record the order. In a roll call vote, motion passed 5 - 2 with Ms. Ellis and Mr. Thilborger opposed.

**Case: CE05110901**

1629 Northeast 12 Street  
MCDERMOTT DEVELOPMENT LLC

Service was via posting on the property on 9/22/10 and at City Hall on 10/14/10.

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. A FENCE WAS INSTALLED WITHOUT FIRST OBTAINING A PERMIT. PERMIT APPLICATION 06033358 WAS APPLIED FOR BUT NEVER PICKED UP.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

FBC(2007) 1612.1.2

THE WOOD FENCE HAS NOT BEEN PROVEN TO SUFFICIENTLY WITHSTAND ESTIMATED OR ACTUAL IMPOSED DEAD, LIVE, WIND, OR ANY OTHER LOADS THROUGH THE PERMIT AND INSPECTION PROCESS.

Inspector Ford presented photos of the property and the case file into evidence and recommended ordering compliance within 91 days or a fine of \$20 per day, per violation. He noted that codes had changed since the fence permit was applied for so the comments were incorrect.

Mr. Matthew McDermott, co-owner, said he had intended to handle the violations last year, but issues had arisen with the partnership and the LLC. These issues had been resolved and he agreed to take care of the violations.

**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 1/25/11 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: CE09100760**

1490 Southwest 18 Terrace  
BRAVERMAN, JOAN LYDIA

Certified mail sent to the owner was accepted on 9/24/10.

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

FBC(2007) 105.1

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

1. THE KITCHEN HAS BEEN REMODELED.
2. THE BATHROOM HAS BEEN REMODELED.
3. A NEW WINDOW WAS INSTALLED.
4. A SCREEN ENCLOSURE WITH A PAN ROOF HAS BEEN INSTALLED.

FBC(2007) 105.4.4

THE FOLLOWING PLUMBING WORK WAS COMPLETED WITHOUT OBTAINING THE REQUIRED PERMITS:

1. PIPING FOR THE KITCHEN.
2. A NEW SHOWER, DRAIN, AND PAN WAS INSTALLED IN THE BATHROOM.

FBC(2007) 105.4.5

ELECTRICAL WIRING FOR THE REMODELED KITCHEN WAS COMPLETED WITHOUT A PERMIT.

FBC(2007) 105.4.8

AN AWNING HAS BEEN INSTALLED IN THE FRONT OF THE BUILDING WITHOUT A PERMIT.

Inspector Smilen said this case was the result of a complaint. He stated he had reviewed the violations with Jonathan Braverman in March 2010, the kitchen remodeling permit application had been submitted on 4/30/10, notification for corrections was sent out on 5/10/10 but the plans had not been picked up for corrections until 10/21/10. Inspector Smilen presented photos of the property and the case file into evidence, and recommended ordering compliance within 28 days or a fine of \$10 per day, per violation.

Mr. Jonathan Braverman, the owner's son, said the awning and screened in porch had been removed and he was pulling the after-the-fact permits. He said his electrician and plumber had filed for the kitchen remodeling permit and he had filed for a master permit. He was awaiting comments on the plans. Inspector Smilen said the window should be addressed on the master permit. Mr. Braverman explained the window must be removed to access the NOA sticker.

**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 1/25/11 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: CE10010865**

1205 Northeast 5 Avenue  
FRANCIOS, JEAN R

Certified mail sent to the owner was accepted on 10/9/10.

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

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 CENTRAL A/C WITH DUCT WORK.
2. ELECTRICAL HEATERS.

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 A CENTRAL A/C WITH ELECTRICAL HEATERS.
2. THE ADDITIONAL LIGHTS AND WALL OUTLETS IN THE KITCHEN AREA HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED AMPERAGE LOADING THROUGH THE PERMITTING PROCESS. **WITHDRAWN.**

Withdrawn:

FBC(2007) 105.1

FBC(2007) 105.4.4

Inspector Oliva presented photos of the property and the case file into evidence, and explained the only thing missing was the permit for the central air conditioning and its electrical. He recommended ordering compliance within 91 days or a fine of \$10 per day, per violation and to record the order. Inspector Oliva could not state if the electrical system could stand the additional load of the air conditioner and kitchen electric.

**Motion** made by Ms. Sheppard, seconded by Mr. Nelson 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 11/23/10 or a fine of \$25 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

**Case: CE10080897**

1524 Northeast 15 Avenue  
MONTEIRO, RICARDO

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

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

FBC(2007) 105.1

THE FOLLOWING WORK ON THE SINGLE FAMILY RESIDENTIAL PROPERTY HAS BEEN PERFORMED WITHOUT OBTAINING THE REQUIRED PERMITS:

1. AN ADDITION HAS BEEN ABANDONED WITHOUT AN ACTIVE PERMIT.
2. A BARBECUE PAVILLION HAS BEEN CONSTRUCTED.
3. A TIKI HUT WAS INSTALLED WITH AN ELECTRICAL SYSTEM.

FBC(2007) 105.10.3.1

WORK FOR THE ADDITION ON THE SINGLE FAMILY DWELLING WAS NOT PERFORMED WITHIN 90 DAYS FROM THE RENEWAL DATE THAT THE INITIAL PERMIT BECAME REACTIVATED. THE INCOMPLETE ADDITION DOES NOT HAVE AN ACTIVE PERMIT.

FBC(2007) 105.4.11

A NEW A/C CONDENSING UNIT HAS BEEN INSTALLED WITHOUT OBTAINING THE REQUIRED PERMITS.

FBC(2007) 105.4.4

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

1. A PLUMBING ROUGH WAS INSTALLED ON AN ABANDONED ADDITION.
2. A WATER HEATER WAS RELOCATED.

FBC(2007) 105.4.5

THE PROPERTY HAS HAD THE FOLLOWING ELECTRICAL WORK PERFORMED OR ALTERED WITHOUT OBTAINING THE REQUIRED PERMITS:

1. LIGHTING AND PREMISE WIRING FOR THE BARBECUE PAVILLION.
2. PREMISE WIRING FOR THE TIKI HUT.
3. OVEN OUTLET HAS BEEN ALTERED.
4. WATER HEATER HAS BEEN RELOCATED.
5. CONNECTION FOR A NEW A/C CONDENSING UNIT.

Inspector Smilen said he had spoken to the owner on 5/5/09 and she informed him the property was going into foreclosure but new ownership had not yet been recorded. He presented photos of the property and the case file into evidence, and recommended ordering compliance within 28 days or a fine of \$20 per day, per violation. Inspector Smilen reported the building was currently rented out.

**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 11/23/10 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.

**Approval of Meeting Minutes**

[This item was heard out of order]

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

**Communication to the City Commission**

None

**For the Good of the City**

Mr. Nelson offered to buy lunch for the next hearing.

**Cases Complied**

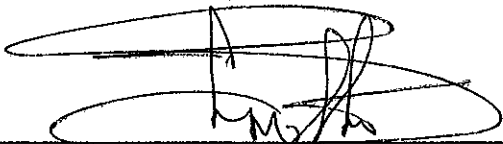
Ms. Paris announced that the below listed cases were complied. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE10032391            CE10080809

**Cases Rescheduled**

CE01010525            CE05111159            CE06040110

There being no further business to come before the Board, the meeting adjourned at **12:40 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.