

**CODE ENFORCEMENT BOARD  
CITY COMMISSION MEETING ROOM  
100 NORTH ANDREWS AVENUE  
MAY 24, 2011  
9:00 A.M. – 12:30 P.M.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative attendance 2/2011 through 1/2012</u>	
		<u>Present</u>	<u>Absent</u>
Jan Sheppard, Chair	P	4	0
Howard Nelson, Vice Chair	P	4	0
Paul Dooley	P	4	0
Howard Elfman	P	4	0
Genia Ellis	P	3	1
Joan Hinton	P	3	1
Chad Thilborger [Arrived at 11:00]	P	4	0
PJ Espinal [Alternate]	P	3	0
Joshua Miron [Alternate]	A	2	3
Robert Smith [Alternate]	P	3	0

**Staff Present**

Bruce Jolly, Board Attorney  
 Carrie Sarver, Assistant City Attorney  
 Brian McKelligett, Clerk /Code Enforcement Board Supervisor  
 Dee Paris, Administrative Aide  
 Yvette Ketor, Secretary, Code Enforcement Board  
 Deb Maxey, Clerk III  
 Burt Ford, Building Inspector  
 George Oliva, Building Inspector  
 Gerry Smilen, Building Inspector  
 Alex Hernandez, Building Department Supervisor  
 Lori Grossfeld, Clerk III  
 Micka Bouchereau, City of Fort Lauderdale Human Resources Department [translator]  
 J. Opperlee, Recording Secretary

**Communication to the City Commission**

None

**Respondents and Witnesses**

CE07080634: Claudette Grant, owner  
 CE10092111: Leslie Kanfer, listing agent's office manager  
 CE09011358: Andrew Simmens, general contractor

CE09072678: Wilky Dorelien, owner  
CE09060554: Jeffrey Yoham, owner  
CE10100765: Hilliard Moldof, owner; Michael Gottlieb, co-owner  
CE10082026: Aron Echols, owner  
CE09020070: Stephanie Toothaker, owner's attorney; Gary Sieger, neighbor, Anthony Conetta, neighbor  
CE09120485: Littlequnya Long, owner  
CE10021025: Annette Albani, employee of tenant  
CE10081013: Christopher Davall, registered agent  
CE07071088: Jerome Petrisko, owner  
CE10060295: Michael Devlin, owner  
CE10110921: Josue Bayer, contractor  
CE10080653; CE10071991: Ricky Pierce, owner  
CE10050973: Sean David, owner; Debra Farmer, permit expediter for the general contractor; Norman Kent, attorney  
CE11010418: Venus Proffer, representative of owner [Power of Attorney provided]  
CE10062082: Emerson Allsworth, attorney  
CE08080988: William Hubly, owner  
CE10050006: Blendi Turku, owner  
CE10082089: Janna Lhota, attorney  
CE09051061: Monica Ruppert, general contractor's employee; Hussein Shehata, owner  
CE09111573: Kathryn Boggess, owner

Chair Sheppard 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: CE09020070**

2000 North Ocean Boulevard # HOTEL  
URBANA PELICAN GRAND I LLC

This case was first heard on 2/22/11 to comply by 3/22/11. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 5/25/11.

Ms. Stephanie Toothaker, attorney for the respondent, stated many people from the community had become involved and Ms. Toothaker was working with staff to create a set of stipulated facts to take to the Board of Adjustment. There was also a question of whether the Board of Adjustment was the proper venue for this case. Ms. Toothaker stated she had asked for a deferral to the July Board of Adjustment meeting to determine if this should go before the Planning and Zoning Board instead.

Burt Ford, Building Inspector, confirmed that the case was scheduled for the July Board of Adjustment meeting. He reminded the Board that the unpermitted electrical situation had not been remedied and he wanted it removed.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 91-day extension to 8/23/11, during which time no fines would accrue.

There was a resident present who wished to address the Board on this item, so Mr. Nelson withdrew his motion to allow him to speak.

Mr. Gary Sieger, neighbor, opposed the extension. He said the respondent had been cited for electrical issues and because the tent had not been tested to withstand wind loads. He asked how the Board could allow them to continue to use the tent, and wondered if this created a liability issue for the City. Mr. Jolly stated this did not present a liability issue for the City.

Mr. Nelson and Ms. Ellis renewed their motion for an extension.

In a roll call vote, motion passed 5-2 with Mr. Dooley and Mr. Elfman 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 fines would begin to accrue on 5/25/11.

Gerry Smilen, Building Inspector, said notification that permits were ready for pickup had been sent out on March 21, 2011 but they had not been picked up.

Mr. Andrew Simmens, general contractor, explained that the owner was getting married and would soon have the money to get the work done. Mr. Simmens requested 30 to 60 days. Inspector Smilen supported a 63-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton to grant a 63-day extension to 7/26/11, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE10100765**

1311 Southeast 2 Avenue  
GOTTLIEB, MICHAEL & GEORGIA &  
MOLDOF, HILLIARD E & ZEENA

This case was first heard on 3/22/11 to comply by 5/24/11. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 5/25/11.

Mr. Hilliard Moldof, owner, said they had found someone to do the work, and this person was trying to get permits and determine the Code issues.

Mr. Michael Gottlieb, co-owner, presented a letter from their contractor, who was in touch with Inspector Smilen. He requested a 90-day extension.

Gerry Smilen, Building Inspector, confirmed he had spoken with the contractor and recommended a 35-day extension.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to grant a 35-day extension to 6/28/11, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE09060554**

1121 Guava Isle  
YOHAM, JEFFREY

This case was first heard on 9/28/10 to comply by 11/23/10. Violations and extensions were as noted in the agenda. The property was not complied.

Gerry Smilen, Building Inspector, reported the corrections had been resubmitted the previous day and he felt the permit would be issued. He recommended a 35-day extension.

Mr. Jeffrey Yoham, owner, said the contractor had been waiting for his license to be reinstated. He requested leniency regarding accrued fines.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to grant a 35-day extension to 6/28/11, during which time no fines would accrue. In a voice vote, motion passed 7-0.

Ms. Paris requested a motion to change the 1/25/11 Order compliance date from 2/22/11 to 3/22/11.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton, to amend the 1/25/11 Order compliance date from 2/21/11 to 3/22/11. In a voice vote, motion passed 7-0.

**Case: CE10092111**

1018 Northwest 2 Avenue  
COUNTRYWIDE HOME LOANS INC

This case was first heard on 3/22/11 to comply by 4/26/11. 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 5/25/11 and would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 5/6/11.

Ms. Leslie Kanfer, the listing agent's office manager, reported the roofing permits had been issued and would be picked up that day. Final roof inspection would be the following day and contractors had dropped off plans to obtain permits to convert gas to electric. Ms. Kanfer requested a 35-day extension.

George Oliva, Building Inspector, checked in the computer and reported that no permit had been applied for or issued. The roof permit remained expired and there was no permit to change the water heater from gas to electric. He asked the Board to find for the City and impose the fines.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to grant a 35-day extension to 6/28/11, during which time no fines would accrue. In a voice vote, motion passed 6-1 with Mr. Dooley opposed.

**Case: CE07071088**

3500 Vista Park  
FAHEY, DANA A

This case was first heard on 1/27/09 to comply by 3/24/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$9,300 fine, which would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 5/10/11.

Mr. Jerome Petrisko, owner, stated he had a final elevation certificate. He said it had taken months working with FEMA to obtain this. There had been a structural inspection the previous day that should pass, since the City had located the insulation certificate. Mr. Petrisko only needed an energy card and a CMU letter regarding the concrete that had been poured in 2003. He requested a 35-day extension.

Gerry Smilen, Building Inspector, confirmed that the elevation certificate had passed. He agreed only two more documents should be needed.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 35-day extension to 6/28/11, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE10021025**

2666 E Oakland Park Boulevard  
EAST OAKLAND PARK ASSOCIATES LLC

This case was first heard on 3/22/11 to comply by 5/24/11. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 5/25/11.

Ms. Annette Albani, employee of the tenant, reported they were trying to obtain contractors to check off the work that had been done.

Mr. Elfman recused himself from this case.

Ms. Albani said they had tried unsuccessfully to contact the building owner and contractors were developing estimates.

Mr. Jolly confirmed that the tenant had standing in this case, but could not bind the owner. Ms. Paris confirmed that notifications had been sent to the corporation, officers of the corporation and its registered agent.

Burt Ford, Building Inspector, said he had not been able to contact the owner and he did not support any extension. Mr. Dooley asked about the exposed wires and Inspector Ford said he did not know if they were hot and he thought these were in the ceiling so they could not be easily touched.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 35-day extension to 6/28/11, during which time no fines would accrue. In a voice vote, with Mr. Elfman recusing himself, motion failed 0-6.

**Case: CE07080634**

430 Arizona Avenue  
GRANT, CLAUDETTE B H/E  
GRANT, DONALD

This case was first heard on 5/27/08 to comply per stipulated agreement by 9/23/08. Violations and extensions were as noted in the agenda. The property was not complied and fines had accrued to \$318,150.

Ms. Claudette Grant, owner, said the contractor had lied to her about picking up the permit. She stated she was trying to pull the permit herself but was having difficulty. Ms. Grant said she had spoken to Inspector Ford about the contractor.

Burt Ford, Building Inspector, said the contractor had picked up the permit in March but had not returned the shutter permit portion. The contractor was negligent, and

Inspector Ford had left him a message urging him to phone him. Inspector Ford said he would not oppose an extension.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 63-day extension to 7/26/11, during which time no fines would accrue. In a roll call vote, motion failed 3-4 with Mr. Dooley, Mr. Elfman, Ms. Hinton and Chair Sheppard opposed.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 35-day extension to 6/28/11, during which time no fines would accrue. In a roll call vote, motion passed 6-1 with Chair Sheppard opposed.

**Case: CE10081013**

3340 Southwest 18 Street  
FEDERAL NATIONAL MORTGAGE ASSN

This case was first heard on 2/22/11 to comply by 3/22/11. 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 5/25/11 and would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 5/6/11.

Mr. Christopher Davall, registered agent, stated they were making progress. Courtesy inspections had been scheduled and the electrician and plumber would meet with a City inspector and present a bid to Mr. Davall by Friday.

George Oliva, Building Inspector, said a permit was needed for any inspection. He said there was nothing in the permit history to indicate an application had been filed. Mr. Davall said the property was vacant. He confirmed that no permits had been pulled yet.

Mr. Davall explained that it had taken some time to get Fannie Mae to authorize moving forward.

Mr. Davall stated a sale contract had been cancelled because they did not know how long the repairs would take.

**Motion** made by Ms. Ellis, seconded by Mr. Elfman, to grant a 35-day extension to 6/28/11, during which time no fines would accrue. In a voice vote, motion passed 6-1 with Mr. Nelson opposed.

**Case: CE10060295**

4700 West Prospect Rd # 101  
OAKTREE WAREHOUSE LLC

This case was first heard on 2/22/11 to comply by 5/24/11. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 5/25/11.

George Oliva, Building Inspector, reported an application for the Master permit for the stairs and drywall had been submitted the previous day. He recommended a 63-day extension.

Mr. Michael Devlin, owner, said money had been an issue. He had needed to pay off a foreclosure lien before proceeding with the work. He felt they could complete the work within 63 days.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton to grant a 63-day extension to 7/26/11, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE09072678**

1109 Northwest 19 Street  
SOUFFRANT, SONIA H/E  
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 the City was requesting imposition of the fine, which would begin on 5/25/11 and would continue to accrue until the property complied. Service was via posting on the property on 5/9/11 and at City Hall on 5/12/11.

Gerry Smilen, Building Inspector, reported that on May 4, the plans had been taken out for corrections.

Ms. Micka Bouchereau acted as translator for Wilky Dorelien, owner. Mr. Dorelien stated he had hired an architect but the architect had not indicated how long it would take to complete the corrections. Mr. Dorelien requested an extension.

Inspector Smilen had not spoken with the architect, but said he might need to intercede. He felt Mr. Dorelien might be overwhelmed by the situation.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton to grant a 35-day extension to 6/28/11, during which time no fines would accrue. In a roll call vote, motion passed 5-2 with Mr. Dooley and chair Sheppard opposed.



**Case: CE10082026**

1650 Southwest 27 Avenue  
ECHOLS, AARON

This case was first heard on 2/22/11 to comply by 4/26/11. 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 5/25/11 and would continue to accrue until the property complied. Service was via posting on the property on 5/10/11 and at City Hall on 5/12/11.

Gerry Smilen, Building Inspector, had nothing to report; no permits had been applied for or issued.

Mr. Aron Echols, owner, said he had the air conditioner permit and it was completed. He requested three months to finish the work. Mr. Echols presented documents and Inspector Smilen said this was a 2004 permit issued to the previous owner; it had been finalized on December 23, 2010. Inspector Hernandez explained that the 2004 original permit had been re-issued in 2010 but was still in the former owner's name. Inspector Smilen said this complied FBC(2007) 105.4.11 items 1 and 2 only.

Mr. Echols said the contractor had promised to come by but nothing was getting done.

Inspector Smilen said it did not appear the violations were life threatening, but he could not testify to that. Mr. Echols confirmed he lived at the property.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to grant a 35-day extension to 6/28/11, during which time no fines would accrue. In a voice vote, motion passed 7-0.

The Board took a brief break.

**Case: CE10080653**

2001 Northwest 28 Avenue  
PIERCE, RICKY

This case was first heard on 1/25/11 to comply by 3/22/11. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 5/25/11.

George Oliva, Building Inspector, reported the permits were ready to be issued but the owner was having financial problems.

Mr. Ricky Pierce, owner, said the City was double charging him for the permits. Mr. Nelson advised Mr. Pierce to discuss this with Inspector Hernandez. Inspector Oliva said per ordinance, after-the-fact permits should be charged at four times the fee. In

this case, he had worked with Inspector Hernandez to reduce the fee to double the usual amount.

**Motion** made by Mr. Nelson, seconded by Ms. Hinton to grant a 35-day extension to 6/28/11, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE10071991**

2600 Northwest 20 Court  
PIERCE, RICKY

This case was first heard on 3/22/11 to comply by 5/24/11. Violations were as noted in the agenda. The property was not complied and fines would begin to accrue on 5/25/11.

George Oliva, Building Inspector, said the owner had taken the plans for the Master permit out for corrections. He recommended a 91-day extension.

Mr. Ricky Pierce, owner, said the architect had informed him the plans were ready.

**Motion** made by Mr. Nelson, seconded by Mr. Dooley to grant a 91-day extension to 8/23/11, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE10050006**

204 Northwest 16 Street  
LARA & BLENDI LLC

This case was first heard on 11/23/10 to comply by 1/25/11. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 5/25/11.

Mr. Blendi Turku, owner, stated they had the engineer's drawings and he had filed for the permit to legalize the porch.

George Oliva, Building Inspector, confirmed the application was for a Master permit to enclose the carport. He noted the owner had removed some of the violations and had applied for an electrical permit. He recommended a 63-day extension.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to grant a 63-day extension to 7/26/11, during which time no fines would accrue. In a voice vote, motion passed 6-1 with Mr. Dooley 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 and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 5/25/11.

Ms. Paris read a letter from Mr. Volpe explaining he could not get time off from work to attend the hearing and requesting an extension.

Burt Ford, Building Inspector, said the deck was having trouble passing zoning because part of one deck extended past the wet face of the sea wall. The permit was now expired. Inspector Ford had explained to Mr. Volpe that he could go to the Board of Adjustment, but Mr. Volpe had not done this yet.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 35-day extension to 6/28/11, during which time no fines would accrue. In a voice vote, motion failed 1-6 with Chair Sheppard in favor.

**Case: CE04061463**

3081 Harbor Drive  
RAJ HOTELS LLC

This case was first heard on 1/26/10 to comply by 3/23/10. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 5/25/11.

Gerry Smilen, Building Inspector, stated staff was working on a resolution for the parking and right-of-way issues and recommended a 91-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 154-day extension to 10/25/11, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE09120485**

2450 Southwest 7 Street  
LONG, LITTLEQUNYA

This case was first heard on 11/23/10 to comply by 3/22/11. Violations and extensions were as noted in the agenda. The property was not complied and fines would begin to accrue on 5/25/11.

George Oliva, Building Inspector, said the owner had been present earlier. He reported the permits had been issued and he was waiting for final inspections before he did a walk-through. He recommended a 91-day extension.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to grant a 91-day extension to 8/23/11, during which time no fines would accrue. In a voice vote, motion passed 7-0.

**Case: CE08080933**

3400 North Ocean Boulevard  
3404 NORTH OCEAN BOULEVARD, LLC

This case was first heard on 2/22/11 to comply by 4/26/11. Violations 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. Service was via posting on the property on 5/4/11 and at City Hall on 5/12/11.

Burt Ford, Building Inspector, informed the Board that this property was a white building on the east side of the street near the ice cream shop.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman, to find the violations were not complied by the Order date, and to impose the \$1,620 fine, which would continue to accrue until the violations were corrected. In a voice vote, motion passed 7-0.

**Case: CE09060387**

1408 Northwest 9 Avenue  
B & H REAL ESTATE MANAGEMENT LLC

Ms. Paris informed the Board there was a new owner as of 12/7/10.

This case was first heard on 8/24/10 to comply by 10/26/10. 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 5/25/11 and would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 5/9/11. Ms. Paris stated the gentleman who had attended previous hearings was with the previous owner, and he was also representing the new owner.

George Oliva, Building Inspector, said he had spoken with the gentleman the previous day and recommended he attend this hearing to request an extension. Inspector Oliva said the Master permit had been picked up for corrections by the new contractor on May 18.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to grant a 35-day extension to 6/28/11, during which time no fines would accrue. In a voice vote, motion passed 7-0.

The Board took a break from 10:32 AM until 11:00 AM.

At 11:00 AM, Mr. Thilborger arrived and took Mr. Smith's place on the dais.

**Case: CE09051061**

4300 North Ocean Boulevard # 2P  
SHEHATA, HUSSEIN A & SANAA A H/E  
SHEHATA, AHMED H

Certified mail sent to the owner was accepted on 5/12/11.

Burt Ford, Building Inspector, testified to the following violation:  
FBC 105.1

KITCHEN HAS BEEN REMODELED WITHOUT PERMITS IN THE  
FOLLOWING WAY:

1. THE COUNTERTOP & BACKSPLASH HAVE BEEN  
REPLACED. THIS WORK REQUIRES BUILDING, PLUMBING  
& ELECTRICAL PERMITS.

Inspector Ford said he had spoken with the owner, who already had plans. He recommended ordering compliance within 63 days or a fine of \$5 per day.

Ms. Monica Ruppert, the general contractor's employee, confirmed the plans were ready, and said she would submit permit applications for plumbing, electrical and structural the following week. She requested three months.

**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 63 days, by 7/26/11 or a fine of \$5 per day would begin to accrue and to record the order. In a voice vote, motion passed 7-0.

**Case: CE10082089**

935 Intracoastal Drive  
JAMES ROBERT MCKEE TR  
MCKEE, DAVID TRSTEE ETAL

Certified mail sent to the owner was accepted on 5/12/11.

Mr. Dooley recused himself from this case.

Burt Ford, Building Inspector, testified to the following violations:  
9-280(g)

1. THERE ARE KNOCKOUTS MISSING IN THE INTERIOR  
BREAKER PANEL EXPOSING THE CIRCUITS.

2. GROUND FAULT OUTLETS HAVE NOT BEEN INSTALLED IN ALL WET AREAS.
3. THE MANY EXTRA CIRCUITS THAT HAVE BEEN ADDED DURING ALL OF THE REMODELING MAY BE OVERLOADING THE EXISTING ELECTRICAL SYSTEM.

FBC(2007) 105.1

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

1. INTERIOR WALLS HAVE BEEN REMOVED AND NEW WALLS HAVE BEEN BUILT DURING THE INTERIOR REMODELING OF THE OFFICE.
2. CABINETS AND COUNTERTOPS HAVE BEEN INSTALLED IN TWO KITCHENS AND VARIOUS BATHROOMS AS WELL AS THROUGHOUT THE OFFICE IN MULTIPLE ROOMS INCLUDING THE RECEPTION AREA.
3. THE REFLECTIVE CEILING HAS BEEN ALTERED DURING THE OFFICE REMODELING.
4. THE ENTRY DOOR HAS BEEN REPLACED.
5. HURRICANE SHUTTERS HAVE BEEN INSTALLED.
6. WINDOWS AND DOORS HAVE BEEN REMOVED AND REPLACED WITH EITHER WOOD FRAMING OR CEMENT BLOCK.
7. PAVERS HAVE BEEN INSTALLED ON THE ENTRANCE RAMP.
8. HAND RAILING HAS BEEN INSTALLED ON THE ENTRANCE RAMP.
9. A SUPPORT ARM HAS BEEN INSTALLED FOR A CAMERA ON THE NORTHEAST CORNER OF THE BUILDING.
10. WOOD FENCING HAS BEEN INSTALLED.
11. SIGNS HAVE BEEN INSTALLED.
12. THE PARKING LOT HAS BEEN SEALED AND RE-STRIPED.

FBC(2007) 105.4.4

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

1. PIPING AND FIXTURES HAVE BEEN ADDED/ALTERED DURING THE REMODELING OF BOTH KITCHEN AREAS AND ALL OF THE BATHROOMS AS WELL AS VARIOUS EXAMINATION ROOMS.
2. PIPING AND A HOSEBIB HAVE BEEN INSTALLED ON THE EXTERIOR OF THE BUILDING ON THE EAST SIDE.

FBC(2007) 105.4.5

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

FOLLOWING MANNER:

1. CIRCUITS HAVE BEEN ADDED/ALTERED DURING THE TWO KITCHEN AND ALL OF THE BATHROOM REMODELINGS.
2. A CLOSED CIRCUIT TV SYSTEM HAS BEEN INSTALLED THROUGHOUT THE INTERIOR AND THE EXTERIOR OF THE BUILDING.
3. EXTERIOR LIGHTING HAS BEEN INSTALLED.
4. CIRCUITS HAVE BEEN ALTERED/ADDED DURING THE OFFICE INTERIOR REMODEL.
5. CIRCUITS AND FIXTURES HAVE BEEN INSTALLED IN THE CEILING GRID SYSTEM.
6. CIRCUITS HAVE BEEN INSTALLED TO POWER ALL OF THE WALL MOUNTED TELEVISIONS.
7. CIRCUITS HAVE BEEN ADDED TO POWER THE EXIT LIGHTS AND THE EMERGENCY LIGHTS.

FBC(2007) 105.4.11

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

1. THE AIR HANDLER AND THE CONDENSING UNIT HAVE BEEN REPLACED AND THE DUCT SYSTEM HAS BEEN ALTERED.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

FBC(2007) 1612.1.2

THE AIR CONDENSING UNITS, EXTERIOR DOOR, CAMERA ARM, WOOD FENCE, HURRICANE SHUTTERS, AND HAND RAILING HAVE NOT BEEN PROVEN TO SUFFICIENTLY WITHSTAND ESTIMATED OR ACTUAL IMPOSED DEAD, LIVE, WIND, OR ANY OTHER LOADS THROUGH THE PERMIT AND INSPECTION PROCESS.

Inspector Ford submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He reported that on 8/31/10, the Code Department, the Health Department and FLPD had conducted a joint inspection of the Pain Care Clinic. Inspector Ford stated the business was currently operating. He described efforts made to contact the owner, and said he had received a letter from Holland and Knight law firm indicating a paver permit was being sought. Inspector Ford had spoken with a contractor regarding the paver permit but the application had never gone anywhere after being submitted. In February, a paving permit application had been submitted but had never been issued. After staff mailed the Notice of Violations, he had received a call from a contractor. Inspector Ford had gone through the building with the contractor and architect to discuss the violations.

Inspector Ford recommended ordering compliance within 63 days or a fine of \$25 per day, per violation.

Ms. Janna Lhota, attorney for the property owner, Sun Trust Bank as trustee for the owner, stated Nick Milano from her firm had been communicating with Inspector Ford regarding trying to get the tenant to remedy the violations. Since action had not been taken by the tenant, the owner would now address the violations. Ms. Lhota confirmed that the contractor had met with Inspector Ford at the property and needed to meet with him again to ensure the plans addressed all the violations. Ms. Lhota requested 90 days.

Ms. Lhota said they had been cited under the Minimum Housing Act [Section 9-280], which only applied to dwellings, which this was not. She said they did not necessarily dispute that the violations existed, and they were working with the City to get everything done. She said under the lease, the tenant must allow access to make the repairs.

**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 8/23/11 or a fine of \$25 per day, per violation would begin to accrue and to record the order. In a voice vote, with Mr. Dooley recusing himself, motion passed 6-0.

**Case: CE10062082**

1536 Southwest 19 Avenue  
RADANOF, BARRY ROBERT

Certified mail sent to the owner was accepted on 5/12/11.

Gerry Smilen, Building Inspector, testified to the following violation:  
FBC(2007) 105.4.18

A CHAIN LINK FENCE WITH GATES HAS BEEN INSTALLED  
ON THE PROPERTY WITHOUT OBTAINING THE REQUIRED  
PERMITS.

Withdrawn:  
FBC(2007) 105.4.8

Inspector Smilen reported the canopy violation FBC(2007) 105.4.8 had been complied on January 21, 2011. He reminded the Board that the last time the case was presented, it had been withdrawn to determine if fence permits were required when the fence was originally installed. Inspector Smilen presented documents indicating a permit was currently required for installation or repair of a fence. The Building Code in 1959 included a schedule of fees that listed \$5 for a fence. He said they had researched to 1947, when there was also a requirement for a permit for a fence. Inspector Smilen pointed out that the fence was located in the right-of-way, so a permit



could not be issued anyway. The owner could either remove the fence or apply for a variance.

Inspector Smilen presented photos of the property and recommended ordering compliance within 126 days or a fine of \$5 per day.

Mr. Emerson Allsworth, attorney, said they could not prove whether a fence permit was ever issued and the City could not prove the permit was not issued because the Building Department records were incomplete. He asked the Board to table the case until they appealed to the Board of Adjustment. Mr. Allsworth noted Mr. Radanof was a law enforcement officer and he did not want this to be a mark on his record.

Mr. Allsworth said they had considered going to the Right-of-Way Committee but had discovered they should go the Board of Adjustment instead.

Mr. Nelson did not want to put a mark on a law enforcement officer's record, but felt the Board had no choice but to make a finding.

**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 154 days, by 10/25/11 or a fine of \$5 per day would begin to accrue. In a voice vote, motion passed 7-0.

**Case: CE10050973**

1116 W Broward Blvd  
NOOR INVESTMENTS REALTY LLC

Service was via posting on the property on 5/10/11 and at City Hall on 5/12/11.

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

FBC(2007) 105.4.4

WATER SUPPLIES AND WASTE LINES HAVE BEEN INSTALLED TO PROVIDE FOR A WASHING MACHINE WITHOUT OBTAINING PERMITS.

FBC(2007) 105.4.5

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

1. A 110 VOLT OUTLET HAS BEEN INSTALLED FOR A WASHING MACHINE.
2. A 220 OUTLET HAS BEEN INSTALLED FOR A DRYER.
3. AN ELECTRICAL CONNECTION HAS BEEN PROVIDED FOR RELOCATED A/C EQUIPMENT.

FBC(2007) 105.4.11

AIR CONDITIONING EQUIPMENT HAS BEEN REPLACED AND

RELOCATED FROM THE ROOF TO THE REAR OF THE  
BUILDING WITHOUT THE REQUIRED PERMITS ISSUED.

Withdrawn:  
FBC(2007) 105.1

Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He explained that the original air conditioning unit had been mounted on the roof. This was not the original unit, and Inspector Smilen noted that this location would never be approved for an air conditioning unit because it was located within the rear setback. The only way to keep the unit in this location would be to obtain a variance.

Inspector Smilen clarified the outstanding violations to Norman Kent, the respondent's attorney. Mr. Kent asked if the 1995 plans that Inspector Bill Snow had looked at reflected that a permit was issued for an air conditioning unit in the rear of the structure. Mr. Smilen said Inspector Snow had not brought blueprints from the City archives showing an air conditioning unit was permitted in the rear of the structure. Mr. Smilen stated no mechanical permits had been issued in 1995. According to the permit history, the last permit concerned the fire door.

Mr. Kent thought there was a possibility that permits were issued 15 years ago for which the City had no permit record. Inspector Smilen said this could be true, but this unit was not 15 years old.

Mr. Nelson reminded Mr. Kent that per City code, an air conditioning unit located in a setback required a variance. He added that per the Fontainbleau Case, a permit issued in error was not valid.

Inspector Smilen explained that the setback was required for emergency egress reasons.

Mr. Kent submitted aerial photos of the property taken in 2001 that showed no air conditioners on the roof and this was how his client had purchased the property. Mr. Kent said Inspector Snow had shown someone the permit runner blueprints from the City archives marking that the air conditioner units were permitted in the rear of the property. Mr. Kent did not have these blueprints.

Ms. Debra Farmer, permit expediter for the general contractor, stated she had met with Inspector Snow and he had "brought a piece of paper, it was about 8 ½ by 14, he said that this is all he could find in the archives from the Building Department on the permitting. It showed an air conditioner on the floor...He pulled up a list also of previous records and he had...probably about two pages of permits that were listed and he said that he was going to need some time because he needed to do an extensive

investigation to find out what all of these permits were and to see what on this building was actually permitted.” Ms. Farmer said Inspector Snow had agreed to let them know what issues needed to be addressed. She stated the air conditioners had become an issue when Inspector Smilen took over the case. Ms. Farmer said she had met with Inspector Snow in approximately July 2010.

Mr. Kent stated, “My point was simply that at one state in time, there was permitting for an AC unit behind the building, which is a little bit inconsistent with what Gerry is now saying in that he would not want permitting behind the building.” Mr. Kent said there were fire exits on other sides of the building, so “there’s no danger in the back other than...the artificial danger that Gerry is creating.” Mr. Kent said he had intended to request time to seek a variance, but he thought Inspector Smilen had intimated that “there’s no way that this will get a variance.” Mr. Nelson reiterated that a variance would be needed from the Board of Adjustment to locate the units within the setback.

Mr. Smilen referred to his photos, and pointed out that there was a yellow energy sticker on the unit, which meant it was newer than 15 years old. There was no permit for this air conditioning unit.

Ms. Ellis asked why the fence violation had been withdrawn, but Mr. Smilen could not say. Mr. Kent said the adjoining property owner had erected the fence years ago. Mr. Kent thought the City had created the egress issue by requiring the adjacent property owner to install that fence.

Mr. Sean David, owner, said the fence had not been there four years ago, but the air conditioning units were. He said he had removed the rear fire exit and modified other doors. Mr. David stated Inspector Snow had shown him that “one air conditioning, at least one of them was permitted.” He said in the past four years, when he had applied for other permits, no one had mentioned the air conditioning units.

Mr. Kent requested a 90-day extension for the owner to apply to the Board of Adjustment for a variance.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 91 days, by 8/23/11 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: CE10122046**

1270 Southwest 29 Terrace  
FLORENCIO, PEDRO & LEONOR ALEGRIA

Service was via posting on the property on 5/4/11 and at City Hall on 5/12/11.

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. ILLEGAL CONVERSION OF A SINGLE FAMILY RESIDENCE INTO A MULTI-UNIT DWELLING.
2. THERE IS A LEGAL PORCH ENCLOSURE ON THE FRONT OF THE DWELLING THAT IS BEING USED AS A RENTAL APARTMENT.

FBC(2007) 110.1.1

THE USE AND THE OCCUPANCY OF THE BUILDING HAVE CHANGED FROM THE ORIGINAL RS-8 SINGLE FAMILY PERMITTED OCCUPANCY CLASSIFICATION TO A RS-15 MULTI-FAMILY WITHOUT OBTAINING THE REQUIRED CERTIFICATE OF OCCUPANCY.

FBC(2007) 708.3

TENANT SEPARATIONS. EACH TENANT SPACE SHALL BE SEPARATED FROM OTHER TENANT SPACES BY A FIRE PARTITION COMPLYING WITH FBC 708.

Inspector Oliva said the case had begun as the result of a complaint. He submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and recommended ordering compliance within 35 days or a fine of \$10 per day, per violation.

Inspector Oliva explained to Mr. Nelson that the plumbing violations were included under the illegal conversion citation. He stated this property was zoned R-8 single-family. Mr. Nelson was unsure if the notice to the property owner included all of the violations, and advised the Board should "stick whatever decision we make here to the notice violations that went out in the notice and we may have to have a supplemental hearing to pick up other stuff."

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to find for the City that the violations existed as alleged in the City's notice and to order the property owner to come into compliance within 35 days, by 6/28/11 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: CE11011571**

700 Southeast 14 Court  
BOTELL, MARIO

Service was via posting on the property on 5/10/11 and at City Hall on 5/12/11.

Gerry Smilen, Building Inspector, testified to the following violation:  
FBC(2007) 105.1

A CARPORT HAS BEEN COMPLETED IN THE REAR OF THE  
PROPERTY WITHOUT OBTAINING THE REQUIRED PERMITS.

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 63 days or a fine of \$10 per day.

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 35 days, by 6/28/11 or a fine of \$10 per day would begin to accrue and to record the order. In a voice vote, motion passed 7-0.

**Case: CE08080991**

3061 Northeast 49 Street #08  
RUSSO, MICHELLE

Service was via posting on the property on 5/12/11 and at City Hall on 5/12/11.

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. KITCHEN AND BATHROOMS HAVE BEEN REMODELED.

FBC(2007) 105.4.4

THE PLUMBING SYSTEM OF THE BUILDING HAS BEEN  
ALTERED WITHOUT OBTAINING A PERMIT IN THE  
FOLLOWING MANNER:  
1. PIPING AND FIXTURES HAVE BEEN ALTERED/REPLACED  
DURING THE KITCHEN AND BATHROOM REMODELING.

FBC(2007) 105.4.5

THE ELECTRICAL SYSTEM OF THE BUILDING HAS BEEN  
ALTERED WITHOUT OBTAINING A PERMIT IN THE  
FOLLOWING MANNER:  
1. CIRCUITS HAVE BEEN ALTERED/ADDED DURING THE  
KITCHEN AND BATHROOM REMODELING.

Inspector Ford reported that all but three of the cases at this address were complied as of the previous day. In this case, the permits were ready to be picked up, but the owner did not want to pay for them. Inspector Ford recommended ordering compliance within 35 days or a fine of \$10 per day, per violation.

**Motion** made by Mr. Nelson, seconded by Mr. Thilborger to find for the City that the violations existed as alleged and to order the property owner to come into compliance within 35 days, by 6/28/11 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.

**Approval of Meeting Minutes**

[This item was heard out of order]

**Motion** made by Mr. Nelson, seconded by Ms. Ellis, to approve the minutes of the Board's April 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:


CE08080981	CE08080983	CE08080985	CE10031191
CE08080987	CE08080992	CE09010920	CE10110921
CE10111450	CE11011797	CE08080988	CE08080989

**Cases Withdrawn**

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

CE08080979	CE10111901	CE10062442	CE09111573
CE11010418	CE11010983		

There being no further business to come before the Board, the meeting adjourned at 12:30 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: Jamie Opperlee, ProtoType Inc.