

CITY OF FORT LAUDERDALE
 UNSAFE STRUCTURES BOARD
 THURSDAY, NOVEMBER 20, 2008 AT 3:00 P.M.
 CITY COMMISSION MEETING ROOM
 CITY HALL

| Board Member | Attendance | Cumulative Attendance 10/08 through 9/09 | |
|---------------------------|------------|--|--------|
| | | Present | Absent |
| John Scherer, Chair | P | 1 | 1 |
| John Phillips, Vice Chair | P | 2 | 0 |
| John Barranco | A | 1 | 1 |
| Olivia Charlton | A | 0 | 2 |
| Pat Hale | P | 2 | 0 |
| Hector Huguaburo | A | 1 | 1 |
| Joe Holland | P | 2 | 0 |
| Thornie Jarrett | P | 2 | 0 |

City Staff

Yvette Ketor, Board Secretary
 Ginger Wald, Assistant City Attorney
 Gerry Smilen, City Building Inspector
 Burt Ford, City Building Inspector
 Brian McKelligett, Administrative Assistant II
 Dee Paris, Administrative Aide
 Lin Bradley, Community Inspections Supervisor
 Wayne Strawn, City Building Inspector
 J. Opperlee, ProtoType Inc. Recording Clerk

Witnesses and Respondents

CE07101527: Talandria Smith, owner's daughter
 CE08010743: Karen Black-Barron, Esq.
 CE051213255: Robert McIntyre, owner/Manager

| <u>Index</u> | | |
|---------------|--|---------------------------|
| <u>Case</u> | <u>Respondent</u> | <u>Page</u> |
| 1. CE07101527 | Charlie J Smith | <u>3</u> |
| Address: | 1604 NW 11 Ct | |
| Disposition: | 30-day extension. Board approved 5-0. | |
| 2. CE08010743 | Timothy Gonyer | <u>34</u> |
| Address: | 1210 SW 29 St | |
| Disposition: | 30-day extension. Board approved 4-1 with Ms. Hale opposed. | |
| 3. CE05121325 | Crazy Gregg's Marina LLC | <u>57</u> |
| Address: | 301 Seabreeze Blvd | |
| Disposition: | 90-day extension. Board approved 5-0. | |
| 4. CE06090900 | HSBC Bank USA, N.A., Trustee | <u>66</u> |
| Address: | 1913 SW 11 St | |
| Disposition: | 30 days to demolish the property or the City will demolish. Board approved 5-0. | |
| 5. CE08092283 | Wells Fargo Bank National Association | <u>72</u> |
| Address: | 2200 NW 6 Ct | |
| Disposition: | 30 days to demolish the property or the City will demolish. Board approved 5-0. | |

The regular meeting of the Unsafe Structures Board convened at 3:05 p.m. at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

Approval of meeting minutes

Motion made by Mr. Phillips, seconded by Ms. Hale, to approve the minutes of the Board's October 2008 meeting. Board unanimously approved.

All individuals giving testimony before the Board were sworn in.

1. Case: CE07101527

[INDEX](#)

Charlie J Smith

1604 NW 11 Ct

MS. PARIS: We'll move to page two. Our first case will be an old business case. Case CE07101527. The inspector is Wayne Strawn, the address is 1604 Northwest 11th Court, the owner is Charlie J. Smith.

We have service by posting on the property 9/30/08, advertised in the Broward Daily Business Review 10/31/08 and 11/7/08. We have certified mail to the owner returned unclaimed, certified mail, Sandra Smith, returned unclaimed. Certified mail Citifinancial Services Inc., signed by Biat Brown 10/2/08. Certified mail CT Corporation System as Registered Agent for Citifinancial Services Inc., no response. Certified mail Laura L. Walker, Esq., Law Offices Daniel C. Consuegra, signature illegible 10/2/08. Certified mail to Tenant in Possession returned unclaimed.

This case was first heard at the 9/18/08 USB hearing. At the time, the Board granted a 60-day extension to the 11/20/08 USB hearing with the stipulation that the pool is secured by some means acceptable to the City Inspector, is filled and operating. Violations as noted in the agenda.

CHAIR SCHERER: Okay, Mr. Strawn, how are you doing?

INSPECTOR STRAWN: Good morning Board. Wayne Strawn, City Building Inspector with regard to 1604 Northwest 11th

Court. Did we read the violations into the record last time?
We did.

CHAIR SCHERER: Yes.

INSPECTOR STRAWN: Okay, very good.

MS. PARIS: As a new business case.

INSPECTOR STRAWN: Yes, very good. I have some photographs. There was a question by the Board members with regard to the plans that I researched in order to determine the violations -

MS. HALE: Right.

INSPECTOR STRAWN: - and I would like to enter those as an exhibit now.

CHAIR SCHERER: Okay.

INSPECTOR STRAWN: I have copies of the permits for which, upon which the plans were submitted.

[Inspector Strawn displayed the plans on the Elmo]

This is a - this is the plan that was submitted for the swimming pool. Permit number 0A657029 and this permit was issued November 24th 1965.

CHAIR SCHERER: Can you zoom out?

INSPECTOR STRAWN: Now, the reason I show you this permit is it establishes the distance from the rear of the property. The rear -

CHAIR SCHERER: We need you to zoom out a little bit. Because it's kind of, we can't see any of it up here.

INSPECTOR STRAWN: There we go.

CHAIR SCHERER: There we go, that's better.

INSPECTOR STRAWN: That's a little better. That shows you the distance from the pool when the pool was installed to the existing residence in 1965.

Subsequently, a permit was issued to add an air conditioning, to add a electrical service upgrade in, this was issued in December 28th 1990, at which time they provided us with a plot plan where the building is in 1990. And if you can see the proximity to the pool, this section here has been added on to the building between '65 and '90. And the proximity to the pool is very close and that's the condition that exists now.

The problem is, is we never got a permit between '65 and '90 to add that addition onto the building. This is the original plan that the building was built with. I don't know if I can zoom far enough away for that.

MS. PARIS: That's as far as it'll go.

INSPECTOR STRAWN: That's as far as it'll go? I can move it around some so you get the flavor. And this area was not built out, which it is now. And the carport's not shown on this plan. The carport was here. I'll show you a plot plan of what the footprint of the building was originally.

MS. HALE: When was it built, Wayne?

INSPECTOR STRAWN: This building was originally built -

MR. HOLLAND: Sixty-five.

MS. HALE: No, because -

INSPECTOR STRAWN: It was originally built in 1950. Original permit, single residence with attached porte-cochere was 8/4/1950. I don't think you can see that. That doesn't come up very well, right.

This was a permit that was a plan that was, with a footprint. This was permit number 0A58158 and it was issued in 12, the first of December 1958. It was for the purpose of adding, enclosing this rear porch with the chimney, with a fireplace here. It shows the original carport and the footprint of the building as it existed then.

What we know have is this carport is enclosed and there's an addition which makes the fireplace and chimney completely enclosed, not on the outside of the house but inside the house now, and the addition extending all the way back here. And this part also enclosed, and a porch built on the front of the building.

MR. PHILLIPS: Where would the pool be in that picture, Wayne?

INSPECTOR STRAWN: This was in 1958; there was no pool.

MR. PHILLIPS: But where -

INSPECTOR STRAWN: It was back over here.

MR. PHILLIPS: Okay.

INSPECTOR STRAWN: Yes, it was back over here.

CHAIR SCHERER: I thought it was on the other side.

MS. HALE: No.

INSPECTOR STRAWN: Directly behind the main part of the house. I'll show you.

CHAIR SCHERER: Okay. I thought it was where that cut in, that little cut out was.

MR. JARRETT: There must be another [inaudible]

MS. HALE: No.

INSPECTOR STRAWN: Here we go.

MS. HALE: In the back.

INSPECTOR STRAWN: This was the enclosed, the enclosed porch, that '58 permit, this part here.

MR. PHILLIPS: Carport?

INSPECTOR STRAWN: That was the enclosed porch. The chimney's over here. Now the chimney's now inside, completely enclosed. And this addition, the carport's over here -

CHAIR SCHERER: So they added that, okay.

INSPECTOR STRAWN: - over here, that's enclosed, and then there's a large addition that - One of the neighbors had a house, very, the same floor plan from several years back and in fact the septic tank was over here. So I have my doubts about where the original septic tank, the septic tank may be underneath this addition.

MS. HALE: Probably.

MR. PHILLIPS: That stinks. Is there sewer and water

subsequently built in that area, Wayne?

INSPECTOR STRAWN: Yes there's, now they're on sewers. Now they're on sewers so the septic tank, whether or not it ever got abandoned properly is a good question. The neighbor's property I originally was - Mr. Kurtock, Doug Kurtock was the inspector, and he originally investigated a complaint where they flushed something down the toilet, got a methane explosion and the floor tile popped off the floors in the hallway. I'm sorry to report that the pool has not been remedied; I took this picture Monday.

MR. PHILLIPS: Oh, I thought that was the septic tank.

INSPECTOR STRAWN: No, this is, this is better than it was. It was completely black, but we still have the same condition as we did.

CHAIR SCHERER: And we asked them to put netting over it and two-by-fours.

MS. HALE: Yes.

INSPECTOR STRAWN: Right, we still have -

CHAIR SCHERER: [inaudible] explain to them what needed to happen.

INSPECTOR STRAWN: Exactly, exactly. So, that's the situation as it exists now.

CHAIR SCHERER: And the City's asking for?

INSPECTOR STRAWN: A motion to demolish.

CHAIR SCHERER: The entire structure, or just the

additions [inaudible]

INSPECTOR STRAWN: No, they would have to show us, because they've compromised so much of the building and the means of egress and everything, we'd like to have a full set of plans to show exactly what this - it's non-recognizable from the original approved plans. It's a very difficult problem.

CHAIR SCHERER: Okay, okay.

INSPECTOR STRAWN: And we have so much plumbing on the exterior of the house that it makes you wonder of it's, I don't know if it's a rooming house, I didn't ask the - we might question the owner as to how many people live there.

CHAIR SCHERER: Is it occupied?

INSPECTOR STRAWN: Yes it is.

MR. PHILLIPS: Do you have pictures of the exterior, Wayne?

INSPECTOR STRAWN: Yes I do. Would you like to review the pictures again?

CHAIR SCHERER: Yes, maybe just a couple of the pictures because it's been two months.

MR. PHILLIPS: Couple months.

[Inspector Strawn displayed photos of the property on the Elmo]

INSPECTOR STRAWN: This was the front of the building with this large porch section constructed.

MR. PHILLIPS: Were they manufacturing barbeque grills there?

INSPECTOR STRAWN: It's interesting.

MR. PHILLIPS: Out of old hot water heaters?

INSPECTOR STRAWN: This is the former carport on the west end. And it's been enclosed with windows. And there you see the addition which protrudes a little further out from the main portion of the building, that addition on the south. There's plumbing, extra plumbing pipe for the bathroom that was added, PVC on the outside of the building. This is a close-up of the porch that was constructed on the front of the building. Unfortunately it doesn't meet any code. And there's another close-up.

The loose electrical fixtures, some of the roofing material. When that was taken, that was last July. This is the rear, west portion where the addition is added on the south. You can see more clearly the addition as it is.

CHAIR SCHERER: Wayne, we got a question.

INSPECTOR STRAWN: Yes.

MR. JARRETT: Wayne, in your professional opinion, the addition work that was done to this building, was it done per code? In spite of the fact it wasn't done by permit, was it done per code or does it, does not look up here to be built per code.

INSPECTOR STRAWN: The - I don't know who did this work.

The porch, if the same people who built the porch built the rest of it I would say that none of it probably meets the code. But some of this was done twenty years ago, maybe twenty-five years ago, maybe thirty years ago.

And without doing destructive testing, we don't know if there's a footing, if there's a proper footing under - we don't know anything. There's no inspections. And that would be something for an engineer or an architect to dig up and -

MS. HALE: Is this owner-occupied?

INSPECTOR STRAWN: Yes it is.

MS. HALE: Okay.

INSPECTOR STRAWN: It would be difficult.

MR. PHILLIPS: Is that a four-inch sewer line?

INSPECTOR STRAWN: Yes. This is for the added bathroom where you have a sewer line on top of the ground, not buried.

MR. PHILLIPS: How is it tied into the City?

INSPECTOR STRAWN: It goes, it, after it passes this wall, then it goes down.

MR. PHILLIPS: How did they hook up to it?

INSPECTOR STRAWN: I don't know.

MR. JARRETT: Well, none of that would be per code.

INSPECTOR STRAWN: No.

CHAIR SCHERER: No.

MS. HALE: No.

INSPECTOR STRAWN: No, no. That, those parts, the added

plumbing and so forth, of course not.

MR. JARRETT: So we can assume that, if the work that's visible is not per code it's a good assumption that what's not visible and behind the stucco is probably not per code either?

INSPECTOR STRAWN: Unfortunately, I would have to agree. And there's another, more bathroom and plumbing facilities on the front of the building. This is the north exposure where these are, all of these extra supply piping comes through the wall, goes somewhere else. This is some kind of a waste pipe, maybe a lavatory drain or something, that comes out of the wall and goes down.

CHAIR SCHERER: Do we have a respondent here today? We do.

INSPECTOR STRAWN: The -

CHAIR SCHERER: Are you the respondent?

INSPECTOR STRAWN: Yes. The, when I first got the case - it was a Code Enforcement Board case from 1993 - there were over \$200,000 worth of fines for building violations. It was given back to us because we didn't have a Massey hearing on it. And of course, if it's homesteaded property the City was pretty much, had no enforcement avenue to go if we really want to solve the problem, so...

MR. HOLLAND: Wayne, sorry if I missed it, did you see any signs of differential settlement of the unpermitted structures, any cracking, separation from the other

structures?

INSPECTOR STRAWN: No, because it's difficult the way they're joined together; that would be hidden. I didn't have access to the inside.

MR. HOLLAND: And it could have been at some time and then stuccoed over too, possibly.

INSPECTOR STRAWN: That's correct.

CHAIR SCHERER: Could you leave the picture of the pool up here on the screen so I can just, maybe while she's talking. Ma'am, you want to come up and kind of walk us through what kind of progress you've made, or haven't.

MS. SMITH: My name is Talandria Smith and this is my father's home and he just sent me here today to see if he can get a rescheduling because he said that he did need, want to speak with the Board, but he's very ill right now and he's going for MRI tomorrow so he can't get out of bed.

CHAIR SCHERER: Well, unfortunately what's going on here is, you can see the pool, I'm sure if you've talked to him today you've seen the house or the pool. We've talked to - I don't know if your father was - did he come in last time? I think he did.

MS. SMITH: I think he did.

CHAIR SCHERER: And we explained to him exactly what he needed to do in order to save his house. And it would have been, if he would have shown some minimal attempts to fix this

pool - it's a health hazard, it's a problem - I think the Board would be much more lenient but, now is there any questions or comments from anybody?

MS. SMITH: And he's also going through foreclosure too, if I'm not sure. I think he's filing bankrupt and all kind of stuff is going on with him right now. But, I'm not, I have no idea exactly what's going on. He just asked me if I could come and see if he can get a rescheduling because he did want to speak to the Board, but he's just, his health is not going to permit him to come today.

CHAIR SCHERER: Okay.

MR. PHILLIPS: I wonder, Mr. Chair, are we allowed to call people up and get them on speakerphone [inaudible] to participate?

CHAIR SCHERER: That would be a question for the City Attorney.

MS. WALD: Ginger Wald, Assistant City Attorney. Board members cannot participate by telephone. There is nothing that prevents you specifically by resolution or by the code, not to talk to somebody on the telephone. As to presence for the hearing, as long as we have due service and proper service on the owner, we can proceed with the hearing.

CHAIR SCHERER: So that means we can call, if we want to.

MS. WALD: If you want to call, you could call.

CHAIR SCHERER: CHAIR SCHERER: Okay.

MS. WALD: As long as we have proper service for the hearing we can move forward, and that's really what matters.

CHAIR SCHERER: Okay. Before we would even think about calling, let's go through some of the issues right now, as they stand. A phone call is - Wayne, there's been no attempt to pull any permits or fix anything.

INSPECTOR STRAWN: No. I did speak to the owner when I posted his, when I was checking his pool last Monday and he did mention something about a foreclosure or a bankruptcy pending at the same time. And so, he shed, he was referring to his inability financially to try to resolve the issues.

MS. HALE: Ginger? Are we aware that this is now owned by a bank as opposed to Mr. Smith?

MS. WALD: Ma'am, according to my records, what has occurred in this case is that a lis pendens was filed, that Citifinancial Services Inc., a successor to the merger of Citifinancial Services, did file a foreclosure action. I'm looking for the Final Judgment. I can't find it, but I do have in my notes, when my legal assistant looked this up back on Friday November the 14th that the foreclosure sale, excuse me, that was scheduled for October 23rd 2008 was cancelled.

So, since a sale was actually scheduled, I'm assuming there was a Final Judgment, I'm just looking for it. But to answer your question directly, yes, this property is in

foreclosure proceedings, it just hasn't gone forward with the sale.

MS. HALE: Well, we've got a name Charlie Smith here, so actually, Charlie does not [inaudible] Oh, [inaudible] property?

MS. WALD: He's still, the legal owner is still the legal owner of the property until the sale actually occurs, yes ma'am.

MR. PHILLIPS: Do we have any idea how much the amount sued on was in the lawsuit?

MS. WALD: I do not have a copy of the complaint per se with me.

MR. PHILLIPS: The only reason that might be relevant if it's, let's say it's a small, it's a small amount and someone, it was auctioned and then someone bought it, they'd put that into it, maybe they get their engineers to come in and do after-the-fact permits and do some studies and perhaps save it, but that's probably unlikely [inaudible], don't you think?

MS. HALE: I would -

MS. WALD: The attorney representing the bank was also notified of the hearing today.

CHAIR SCHERER: Okay.

MS. WALD: Not here, but, just so you know that they are notified, every single one of these cases where there's a foreclosure action.

MR. HOLLAND: I'd like to offer that as this case is presented on these additions, we have to assume these additions are a negative equity to this property, regardless of who ends up with it and our move for demolition would help facilitate that eventuality which is needed ultimately in any regard. I think it's very difficult to do after-the-fact approval of all the structure and the systems on these additions and there is equity in the base house and in the pool which needs to be made safe, so I think perhaps we can consider some conditions on a selective demolition.

MR. JARRETT: By the look of those pictures, it'd be kind of difficult to do a selective demolition, it would appear to me. Because, for instance, the front porch is an illegal structure, and that goes across the front of the building. And on the rear of the building, you have those additions, and so it wouldn't be demolition; you'd have to demolish that portion and then you'd have to reseal the structural envelope of the building.

MR. HOLLAND: Oh no, that's what I mean by selective demolition: you take the bad and leave the good and patch it up, if it can be done.

CHAIR SCHERER: I just don't think he has, he doesn't have the financial means to do it anyway,

MR. JARRETT: The first question we asked -

MR. HOLLAND: My point is, we have the ability as a Board

to begin an action by the City in which case, these improvements as they would be are liened to the property and the successors incur that cost. That's in place for us, if you follow me.

MR. JARRETT: No, I lost you somewhere.

CHAIR SCHERER: No, I did too.

MR. HOLLAND: If I'm, I could be wrong on that, but I do believe that if we order a demolition, the City contracts that and the costs are liened to the property owner.

MR. JARRETT: Correct. Oh, okay, correct.

MS. HALE: I think she wants to say something.

MS. PARIS: Come on up.

MS. SMITH: Go put a quarter in the machine so I don't get a ticket on my car. I didn't know if it was okay to leave or not.

MR. JARRETT: No, you don't want to leave right now -

MR. PHILLIPS: Are people renting the place?

MR. JARRETT: - because by the time you get back it'll be settled.

MR. PHILLIPS: How many people are living in there?

MS. SMITH: One, just my dad.

MR. PHILLIPS: Just him?

MS. HALE: In the past have other people lived there?

MS. SMITH: Yes, of course. I was raised there.

MS. HALE: Oh, you were raised, okay. Has it always then

been a family home as opposed to a rental property?

MS. SMITH: Yes.

MS. HALE: Okay.

MR. JARRETT: But the fact that it's in foreclosure right now indicates that your father is not going to be living there long. Is that a credible statement?

MS. SMITH: Well, from my understanding, I'm thinking that that bankruptcy, whatever he just, we just, he just did with the bankruptcy situation is supposed to try to help him save the house. That was what I understood from him.

MR. JARRETT: Oh, okay. Well, can we have advice from Counsel on that?

MS. WALD: Sure.

MR. PHILLIPS: If there's bankruptcy, we might not be able to do anything.

MS. WALD: I do not have any proof that bankruptcy action was filed. That could be one reason why the sale was cancelled -

MR. PHILLIPS: Uh-huh.

MS. WALD: - by the plaintiff bank in the foreclosure action. But they didn't provide us that information. So it is possible that a bankruptcy action has been filed, but I have not been served with any bankruptcy action itself.

MR. PHILLIPS: Have you gone online?

MS. WALD: Yes, why don't we let her go ahead and put her

quarter in because I don't want her to get a ticket.

MR. HOLLAND: Go ahead, we'll wait for you.

MS. WALD: And just for your record, on 9/18/08 a Final Judgment was recorded by the bank. But let me, let me double check with, well, you know, I'm going to have to go upstairs to do that because I have to use my Pacer account to see if a bankruptcy action was filed.

MS. HALE: Well that's alright; she's going to be a while finding her car with a quarter in it.

MR. JARRETT: Would the Board want to consider an order to do something about the pool and give her an extension?

CHAIR SCHERER: Well, unfortunately -

MR. JARRETT: So that we could get all this information. I know, and nothing was done and my question to her was actually going to be, why, since your father was here 60 days ago, did he not make any attempt to do anything, because it appears nothing has been done whatsoever.

MR. HOLLAND: Well, there's a health and other hardship issues here -

MR. JARRETT: Oh yes.

MR. HOLLAND: - and I don't see it, it doesn't appear to be going away any time soon.

MR. JARRETT: And my concern would be is if we did order this to be boarded up and give her a 30-day extension, who's going to actually go do that?

MS. WALD: Yes, and -

MR. JARRETT: It isn't going to happen.

MR. PHILLIPS: Ms. City Attorney, I have a basic question: Is a bankruptcy filed, I don't think we're allowed to do anything.

MS. WALD: No, that's incorrect -

MS. HALE: No, no.

MS. WALD: - and I wanted to answer that for you.

CHAIR SCHERER: Yes Ginger, go ahead.

MS. WALD: As to the bankruptcy proceedings -

MR. PHILLIPS: Are we allowed -

MS. WALD: - because I had to do this research a long time ago on a lien case - I won part of it and lost part of it, by the way - but, on Unsafe Structure Board case, yes, you may proceed -

MR. PHILLIPS: Oh, good.

MS. WALD: - even if bankruptcy has been filed and that's what I wanted to tell you.

MR. PHILLIPS: Like life safety?

MS. WALD: I would like to, I'd like to know if bankruptcy been filed but yes, it's life safety.

MR. PHILLIPS: Okay. That makes sense.

MS. WALD: And you actually are able to proceed and the property can be ordered to be demolished and be demolished. The issue comes about with the liens: we can actually not lien

the property. But of course, that's not what we're looking for here. We're looking for the Unsafe Structure Board [inaudible]

MR. PHILLIPS: You don't have to ask permission of the bankruptcy judge to knock down the res, which constitutes an asset of the bankrupt debtor?

MS. WALD: No.

MR. PHILLIPS: Boy, that's -

MS. HALE: Ginger, in some cases, I know emergency things are ordered. In the case of the pool, can you - even though it's non-foreclosure - can you order an emergency boarding up and have the City, I think we wanted mesh on top of it as I remember -

MS. WALD: You had, you -

MS. HALE: - Can we do that as an emergency measure, the City will go out and do it, because I don't think she's going to be quite capable and obviously her father is very ill.

MS. WALD: Okay. First of all you, you had previously ordered -

MS. HALE: Yes, right.

MS. WALD: - as part of granting the extension before moving forward with your order, to go ahead and secure the pool and that was, that obviously was not done, by the pictures. Your jurisdiction is pretty much limited as to what you can order and not order. If you were on Code Enforcement

Board, which you're not, but if you were on the Code Enforcement Board and you would have specifically ordered that to be done and then of course that wasn't done, then the City could go ahead and do it.

MS. HALE: Then they could have, okay.

MS. WALD: But you don't actually have the authority under this Board to move forward that and require the City to do it.

MS. HALE: Okay.

MS. WALD: Now, as I think we talked about, I think, a long time ago, as to emergency proceedings, as you know, the Building Inspector, the Official Building Inspector can proceed under emergency proceedings before anything even goes to the Board.

CHAIR SCHERER: Ms. Smith, I have a question for you. You said you grew up in this house?

MS. SMITH: Yes.

CHAIR SCHERER: Were these additions there since you've been there?

MS. SMITH: Yes. The room that they're talking about and that bathroom, everything on that side, from the closed-in carport all the way down to the bedroom was there when we got there, everything was there.

CHAIR SCHERER: When did you, when did you guys buy the house?

MS. SMITH: I was like, I think I was eleven when we moved in that house and I'm thirty-five now.

CHAIR SCHERER: So it's been like this for twenty years.

MS. SMITH: Uh-huh.

MS. HALE: Okay.

CHAIR SCHERER: And just kind of a separate side question, if the house were to be demolished or foreclosed, where is your father going?

MS. SMITH: He has nowhere to go. I live on supplemented housing. He could come with me but he has nowhere to go. I'm the only, we're the only family here, we have two, I have two little sisters also but he has nowhere else to go.

CHAIR SCHERER: Okay.

MR. HOLLAND: Clarification Wayne, I'm sorry if I didn't follow you correctly earlier. You had talked about the original structure being compromised by additions unpermitted. I fully understand that, but do we, we would still have the option of considering a partial demolition of structures.

INSPECTOR STRAWN: Yes, but the problem comes in with partial demolitions is you don't know how the added roof structures were tied in.

MR. HOLLAND: Right.

INSPECTOR STRAWN: And now it can be quite expensive because when you remove one part, you may have to actually rebuild the overhangs -

MR. HOLLAND: Right.

INSPECTOR STRAWN: - and make the thing watertight when you do that. In this case, you have multiple, and conversions-

MR. HOLLAND: Okay.

INSPECTOR STRAWN: - the carport's turned into living space and so I don't know how exactly it would work.

MR. HOLLAND: Yes, good point.

INSPECTOR STRAWN: And this becomes quite costly. I don't think, I think some point in time you may, all those little houses over there were built on the same plan, they were turned out mass production, and they're only about 800 square feet when they're, when you're done.

MR. HOLLAND: I liked the way you presented this case, and it's being documented and hopefully can get to banking interests that are also going to be involved. And perhaps a master game plan along those lines of reevaluating the entire structure could be in order. And sometimes the actions of this Board has helped facilitate those things moving forward. But I guess, to the current tenant there are repercussions of having to move out during the course of that.

INSPECTOR STRAWN: Yes, and Mr. Bradley suggested perhaps a demolition of just the swimming pool. Well the problem with that is all the debris would have to go next to the house, would require a very small machine to get between - not only that, but in the process you'd be undermining and probably

inadvertently destroy the addition that is so close in proximity to the swimming pool.

MS. HALE: Ginger?

MS. WALD: Ma'am?

MS. HALE: What are the alternatives here? If we leave the house alone for a while, what can we do about the pool? Or do we tie it all in: we have to do the house and the pool together?

MS. WALD: You would have to tie it all in together. As to options, what you have today, just to summarize where we were, one of the options, because it was requested by the owner, the respondent's daughter, is that he is ill, could not make it today, and it sounds like she was requesting a continuance for another day to be placed on so he can be present. That's one option you can take under a motion. Another option, obviously, is you can make the motion to demolish the property, either partial, as has been discussed, or has been requested by the City as to a full demolition, or of course, you can just go ahead and grant an extension of time. So those are really the three options that you have today.

MR. HOLLAND: And we're always noticing the bank, the mortgage companies, etc., with -

MS. WALD: Yes, all interested parties in Unsafe Structure Board cases are noticed. What happens is, we do a

title search, my office does a title search. Gets that done.

MR. HOLLAND: And do they receive the minutes, ordinarily?

MS. WALD: No, not minutes. In fact, minutes don't ordinarily go to people unless they specifically request for them. But of course they can always go online and look at them.

MR. HOLLAND: Yes, alright. Is there a way, if an -

MS. WALD: But the -

MR. HOLLAND: - if an extension was granted, is there a way our discussions could purposefully, by staff, be sent to them?

MS. WALD: Sure.

MR. HOLLAND: Try and get, make them aware of our dilemma and some of the options available to them in concert with the current owners.

MS. WALD: Yes, that can be ordered from the Board that those minutes are sent specifically to the interested parties, as you stated, the bank that's foreclosing. But they also know because they'll receive a notice every time it comes up for another hearing, just like it does for the Notice of Violation. So they would receive that.

MR. HOLLAND: Right.

MS. HALE: You said that Wayne can do emergency, Ginger.

MS. WALD: Not Wayne.

MS. HALE: Not.

MS. WALD: Not Wayne, Wayne is not the head Building Inspector. He's a good Building Inspector -

MS. HALE: Well, Curtis [inaudible]

MS. WALD: But he's not the, Curtis Craig.

MS. HALE: Alright. Now, he can do an emergency [inaudible]

MS. WALD: That's under his authority.

CHAIR SCHERER: That's not under our -

MS. WALD: That's out of your jurisdiction.

MS. HALE: So we can't do anything other than Wayne can suggest it to him?

MS. WALD: No, I -

MS. HALE: That the pool has to have something done to it?

CHAIR SCHERER: We can either demolish it, give an extension or reschedule the hearing.

MS. WALD: Yes, the three options that I provided to you, you can do.

CHAIR SCHERER: So, that's, those are the options that we have right now.

MR. JARRETT: And also, if we chose that third option and gave the 30-day notice, as soon as this is over, this Board could make a motion directed to the Building Official asking for, under extenuating circumstances, emergency board-up of

the pool. It's a motion, staff can deliver it, we can just see what happens.

MS. WALD: That is correct. You couldn't order the Building Official to do that but you could make a recommendation as a Board.

MR. JARRETT: We could request.

MS. WALD: That is correct.

MR. JARRETT: You know, he might take action, considering we've asked.

MS. HALE: He might.

MR. JARRETT: He may.

CHAIR SCHERER: So is there any more questions about, or a motion from anybody?

MR. PHILLIPS: Well if we move to demolition, then why would the Building Official go to board it up when it's going to be demolished?

MR. JARRETT: No, that was if we moved for a 30-day extension.

MR. PHILLIPS: Oh, if we give an extension.

MR. JARRETT: If we did an extension we could -

MS. HALE: So that the gentleman could come in because he's ill.

MR. JARRETT: Because it, we've already asked that it be boarded up, we directed that the first time; that didn't happen. I don't have any assured -

MS. HALE: I don't either.

MR. JARRETT: - testimony here that it's going to happen.

And so -

MS. HALE: It's just less green now. It just, there's a little less water to drown in, I guess.

MR. JARRETT: So for the Board's really concerned about it we'll just make a separate motion to the Building Official.

MS. HALE: Yes, this Board member's interested.

MR. PHILLIPS: Ms. Smith, do you have any ability to empty the pool?

MS. SMITH: Yes, I think that pool was emptied. He said that it, from that last set of rain, is what, that's why it's a little lighter than it was the last time. He said he did, it was drained. But he can, I think he can drain it.

MR. PHILLIPS: How old is your father?

MS. SMITH: How old? He born in '51.

MR. JARRETT: Question: does the pool constitute a hazard if it's dry?

MR. HOLLAND: There's a structural problem with floatation, believe me.

MR. JARRETT: Well, not only that, other than it popping out of the ground.

INSPECTOR STRAWN: There's a falling hazard. Anything more than thirty inches represents a falling hazard.

MR. JARRETT: That's what I want to clarify. It's not

just the water in it, if it doesn't have a fence around it, it's a hazard also as an empty pool, correct?

MR. PHILLIPS: Oh, yes.

MS. HALE: Well, I think it's that and the color and the fact that this breeds things, as well as if anyone falls in you can't find them. And the smell of these pools when they're -

CHAIR SCHERER: So, I think we all know the issues, but could we have a motion from somebody on something if -

MR. JARRETT: I'll make a motion. I'll make a motion that under the circumstances that we give the respondent a 30-day extension and that would be to the December 18th meeting for her father to appear and to explain what's going on. Or possibly by that time it will be a mortgage company appear and make some effort.

CHAIR SCHERER: Okay, I have a motion; is there a second on the motion for a 30-day extension?

MS. HALE: So moved.

CHAIR SCHERER: Okay, any discussion on the issue? No discussion? All those -

MR. HOLLAND: Any conditions?

CHAIR SCHERER: Are there -

MS. HALE: No, you do that the next time, correct?

MR. JARRETT: Correct.

CHAIR SCHERER: I would say, we add a condition that the

pool gets fenced properly and protected so as not to create a falling hazard.

MS. PARIS: So you're amending your motion, correct?

CHAIR SCHERER: So the motion, I'm -

MR. PHILLIPS: His motion.

CHAIR SCHERER: I would recommend that we add to the motion that the pool is protected.

MR. JARRETT: You want to include it as we did the first time we gave an extension?

CHAIR SCHERER: Yes.

MR. JARRETT: Okay.

CHAIR SCHERER: Okay.

MR. HOLLAND: Are you okay with that?

MS. PARIS: And that's acceptable to the second.

MS. HALE: Yes.

MR. HOLLAND: The second's okay with it.

CHAIR SCHERER: Okay. So, motion and a second, any discussion. All those in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: All those opposed? Motion passes. So, Ms. Smith, you have thirty days, please get the pool boarded up and have your father here.

MS. SMITH: Thank you.

CHAIR SCHERER: Just a kind of separate really quickly, I don't want to stay on this too much longer; we've been on it

for forty minutes. But it seems like this is going to be coming up more and more in front of the Board. People don't have the ability to fix their homes and if we demolish their homes, they're going to be out on the street; they're going to be, they have nowhere to go. I don't know what the City, if they have a program or somebody who, like a Habitat for Humanity, we can call them, help people that can't do it themselves, go to board the place up. If we can maybe have someone from a community organization like that here to maybe help people board up the places, or -

MS. PARIS: We do have a Housing and Community Development Program.

CHAIR SCHERER: Okay.

MS. PARIS: And depending on where they live, and there are grants available and so on and so forth, I can give her my information, then give her some contact information.

CHAIR SCHERER: Okay.

MR. JARRETT: And, do we want to make, you want to make the motion or you want me to?

MS. HALE: No, you go ahead.

MR. JARRETT: Okay. And I'd like to make a motion for the Board that we request of the Building Official that we have, explain that we have given an extension to a case, that the owner is unable to secure the pool and make it safe, and we would request that the Building Official order it be done

on an emergency basis by the City.

CHAIR SCHERER: Motion, do I have a second?

MS. HALE: I'll second.

CHAIR SCHERER: Alright, any discussion on the motion?

None, all those in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: All those opposed, no? Motion passes.

Okay, next.

MR. JARRETT: And I assume staff can put that in a nice letter and send it to the Building Official for us.

MS. WALD: I'm sure that Mr. Strawn would be more than happy to relay that information to Mr. Craig.

CHAIR SCHERER: Thank you Ms. Smith.

2. Case: CE08010743

[INDEX](#)

Timothy Gonyer

1210 SW 29 ST

MS. PARIS: Okay, we'll move on to page six. This is a new business case, Case CE08010743, the inspector is Gerry Smilen. The address is 1210 Southwest 29 Street, the owner is Timothy Gonyer.

We have service by posting on the property 10/1/08, advertised in the Broward Daily Business Review 10/31/08 and 11/7/08.

We have service by certified mail to the owner returned

unclaimed. Service by certified mail to Terri L. Gonyer returned unclaimed. Certified mail to Mortgage Electronic Registration Systems, Inc., MERS, received by MERSCORP Inc. 10/3/08. Certified mail to Electronic Data Systems Corp. as Registered Agent for MERS, signed by Tremayne Pearson 10/3/08.

Certified mail to Equifirst Corporation signed by Felix Morris 10/3/08. Certified mail CT Corporation System as Registered Agent for Equifirst Corporation, signed by Fred Singer 10/2/08. Certified mail to Equifirst Corporation care of CT Corporation System, signed by Fred Singer 10/2/08. Certified mail to US Bank National Association as Trustee, signature illegible, 10/6/08. Certified mail to Lance E. Forman, Esq., signature illegible, 10/2/08. Certified mail to Tenant in Possession returned unclaimed.

CHAIR SCHERER: Gerry, what do we got?

INSPECTOR SMILEN: Hey, good afternoon Board.

CHAIR SCHERER: Good afternoon.

INSPECTOR SMILEN: We've got, I'm presenting case CE08010743, 1210 Southwest 29th Street, the following violations do exist:

FBC 117.1.1

THE SINGLE FAMILY DWELLING BUILT IN 1947

CONSTITUTES A FIRE AND WINDSTORM HAZARD. THE

ACCESSORY BUILDING IN THE REAR HAS BEEN CONVERTED FOR ILLEGAL OCCUPANCY AS A SECONDARY RESIDENCE. BOTH BUILDINGS ARE UNSAFE.

FBC 117.1.2

THE FRONT RESIDENCE REHAB HAS BEEN ABANDONED AND HAS HAD THE FOLLOWING WORK COMMENCED WITHOUT PERMITS:

THE FOOT PRINT OF THE BUILDING HAS BEEN ENLARGED.

THE FRONT PORCH AND CARPORT HAVE BEEN ENCLOSED AND THE EXTERIOR WALLS HAVE BEEN REMOVED.

THE ROOF HAS BEEN RE-ROOFED WITHOUT A FINAL INSPECTION SINCE SEPTEMBER '07.

ALL OF THE CEILINGS HAVE BEEN REPLACED AND REMAIN UNFINISHED.

INTERIOR WALLS HAVE BEEN ADDED AND ALTERED.

NEW WINDOWS AND DOORS HAVE BEEN INSTALLED. CONCRETE DRIVEWAYS HAVE BEEN ADDED.

THE ACCESSORY BUILDING IN THE REAR BUILDING HAS BEEN CONVERTED TO A LIVING UNIT WITHOUT A PERMIT OR A CERTIFICATE OF OCCUPANCY.

THE FOLLOWING WORK HAS BEEN DONE WITHOUT PERMITS FOR THE REAR BUILDING:

AN OVERHEAD GARAGE DOOR HAS BEEN REMOVED.

NEW WINDOWS AND DOORS HAVE BEEN INSTALLED.

A GLASS BLOCK WINDOW HAS BEEN INSTALLED.

A KITCHEN AND BATHROOM HAVE BEEN INSTALLED.

FBC 117.2.1.1.1

THE FRONT RESIDENCE IS OPEN AND ABANDONED.

FBC 117.2.1.2.1

THE STUCCO ON THE GABLE END OF THE FRONT BUILDING IS CRACKING, BROKEN AND UNSECURED ON THE FRONT AND REAR BUILDINGS.

FBC 117.2.1.2.5

THE FOLLOWING INSTALLATIONS ARE CREATING A HAZARDOUS AND UNSAFE CONDITION:

THE FRONT BUILDING HAS:

EXPOSED PREMISE WIRING WITH A NEW CIRCUIT BREAKER PANEL THAT IS ENERGIZED.

A WASHER AND DRYER HAS BEEN RELOCATED WITH ALL PLUMBING, ELECTRICAL, AND VENT HOOK UPS.

A WATER HEATER HAS BEEN INSTALLED OUTSIDE WITHOUT PROTECTION FROM THE ELEMENTS.

EXTERIOR SECURITY LIGHTING HAS BEEN
INSTALLED.

THE REAR BUILDING HAS THE FOLLOWING UNSAFE
INSTALLATIONS:

A NEW KITCHEN HAS BEEN INSTALLED.

A NEW BATHROOM HAS BEEN INSTALLED.

A WINDOW A/C UNIT HAS BEEN INSTALLED.

EXTERIOR SECURITY LIGHTING HAS BEEN
INSTALLED.

EXPOSED AND BROKEN ELECTRICAL CONDUIT HAS
BEEN INSTALLED ALL AROUND THE EXTERIOR.

EXPOSED ROMEX WIRING HAS BEEN INSTALLED ON
THE REAR OF THE BUILDING.

FBC 117.2.1.3.1

THE FOLLOWING WORK HAS BEEN COMPLETED WITHOUT
OBTAINING A PERMIT:

ON THE FRONT BUILDING:

THE RE-ROOF WAS COMPLETED WITHOUT FINAL
INSPECTION.

THE FRONT PORCH AND CARPORT HAVE BEEN
ENCLOSED AND THE EXTERIOR WALLS HAVE BEEN
REMOVED.

I think this is, am I repeating this? I think that
sheet's been repeated on here. Is that, am I -

MS. HALE: No.

CHAIR SCHERER: Keep going.

MR. HOLLAND: You're good.

MS. HALE: It's okay.

INSPECTOR SMILEN: Okay, oh well, have so many violations they all - anyway, okay -

THE FOOTPRINT OF THE BUILDING HAS BEEN EXPANDED.

THE REAR BUILDING HAS BEEN CONVERTED FROM A GARAGE INTO EFFICIENCY UNIT.

CONCRETE DRIVEWAYS HAVE BEEN INSTALLED.

FBC .2.1.3.2

THE CONVERSION OF THE DETACHED GARAGE TO AN EFFICIENCY RENTAL UNIT CHANGES THE OCCUPANCY OF THIS PROPERTY AND IT NO LONGER COMPLIES WITH THE MINIMUM HOUSING CODE.

Okay, I have some pictures that I would like to enter into evidence. Well I won't do that again.

[Inspector Smilen displayed photos of the property on the Elmo]

Right here you can, this is, here we're showing the two buildings, the shot right here, here is the front building and then here's the auxiliary building that was converted into an illegal efficiency unit.

This is a picture of the front building. This area here was originally a porch, an open porch, and it was enclosed

without a permit. So this is all wood frame in here on top of a block wall that was there from the porch and the windows, of course.

Okay, over here we're showing, this is the, this is from the auxiliary building in the back looking towards the front building there. As you can see, this area here, it's not a clothes line. If you look at it closely here, this is actually conduit feeding the electrical service from the auxiliary building where the service is, over to here. But I guess you could use it as a laundry line if you wanted to.

CHAIR SCHERER: Don't use a metal hanger.

INSPECTOR SMILEN: This is the hot water heater that's completely exposed to the elements. And this here is a picture of the front building showing dry wall and other repairs that were done in there.

As you can see here, this is an exterior door that obviously was not installed according to code and with the standards that are required in a high-velocity hurricane zone. This right here is an illegal drain line coming out, possibly for the washer and dryer that was relocated. This right here, again, are French doors that were not installed according to code and with a permit. And this is showing you a window here and another drain line on the auxiliary building on the back.

Okay, this right, well, let me turn it this way. This right here was where a gas line was disconnected to the main

building and of course the door is open. Sorry. Okay, and this right here is my Stop Work Order on the front door.

This shows you a better picture of where the water heater is, as you can see. It's completely open and illegal. And over here is just showing you, all the ceilings in the inside of the front building were redone. There was hurricane damage from Wilma and they just went in there and they redid it.

And this, the problem, the main concern of the City on this building is the fact that there's electrical work that was done in here that the house is still energized. And there's exposed wiring, there's new panels, these things were not inspected and we feel it is a safety hazard as long as this building is energized.

CHAIR SCHERER: Is the building occupied?

INSPECTOR SMILEN: The front building is not, the rear building is.

CHAIR SCHERER: And the rear building was originally a shed or something, or storage?

INSPECTOR SMILEN: It was like a storage building; there was no provisions for any type of plumbing or air conditioning in there at all.

CHAIR SCHERER: And they put a kitchen, a bathroom in it?

INSPECTOR SMILEN: Yes, there's a person living back there.

CHAIR SCHERER: Okay.

INSPECTOR SMILEN: The City is looking for a motion for demolition.

CHAIR SCHERER: For both structures.

INSPECTOR SMILEN: Yes sir.

CHAIR SCHERER: Okay.

MS. BLACK-BARRON: Good afternoon.

CHAIR SCHERER: Hello.

MS. BLACK-BARRON: How are you doing? Good to see you all again. I'm Attorney Karen Black-Barron from Attorney David Stern's office on behalf of the bank, Homecomings Loan.

CHAIR SCHERER: I'm sorry, and your name was?

MS. BLACK-BARRON: Attorney Karen Black-Barron.

CHAIR SCHERER: Karen Black-Barron.

MS. BLACK-BARRON: Of course it's our position that we don't want the property demolished; this property's in foreclosure, it's almost at the conclusion of foreclosure. And the bank understands once they get certificate of title it's a matter of bringing the property into compliance.

Looking at, by the end of the month, be at the final hearing for Summary Judgment, then after that you have the process of the sale and of course obtaining certificate of title.

So being that this is the first time up for this property and we're not in a position at this time to do anything regarding the issues as far as, I don't know whether or not

the front house is feeding on the back house when it comes to the electricity issue.

But we can't get the people out of there right now either until we get certificate of title. But if the front house is not feeding on the back house, I'm sure the City can cut the electricity off, if the front house is not feeding on the back house.

CHAIR SCHERER: Well, the City can cut the electricity off because it's not safe.

MS. BLACK-BARRON: Right, that too.

CHAIR SCHERER: Whether or not, it should only - there's only one meter, isn't there Gerry?

INSPECTOR SMILEN: Yes.

CHAIR SCHERER: So, you cut the power, the whole property is no power. So whoever's in there is going to be living in the dark.

MS. BLACK-BARRON: Well, that would be the City's decision, but we definitely don't want the property to be demolished. And like I said, we're working on getting in a position so we can, so the bank can do something.

CHAIR SCHERER: Any questions from the Board?

MS. HALE: Which bank do you represent?

MS. BLACK-BARRON: Homecomings is a servicer for the - Homecomings holds the mortgage, so -

CHAIR SCHERER: And what do you intend to do with the

house? What does the bank intend to do with it once they get it?

MS. BLACK-BARRON: The bank wants to preserve their interest so they know, the bank is fully aware that once they get certificate of title they have to bring the property into compliance because of course they want to get the property in place so they can move it and sell it and get it occupied properly.

CHAIR SCHERER: Okay.

MS. BLACK-BARRON: But it's going to take, with this being the first time up, it's going to take, it won't take a year, that's for sure. So we're almost at the conclusion of the foreclosure action.

And this is the first time up for this and so we're asking for at least to be in a position to do something, it's going to take at least, probably ninety days, give or take a few.

CHAIR SCHERER: Board, what's your pleasure?

MR. JARRETT: Well, the first question I would have is, it looks like the rear building is not a re-habitable building. It was a shed or something and been converted to a - the likelihood of any of that being approved by an architect or an engineer is like nil. But I realize that we can't order demolition of one and then hold the other part later.

The question is: what about the front structure? Is it

just an issue - this is a question for City staff and the inspector. Gerry, in your opinion, is the front structure, could a contractor, engineer go in there and certify and get permits and that be a usable structure?

INSPECTOR SMILEN: Well, in my own humble opinion it would be, there would be certain things that would have to be restored to their original condition. And then of course there were other things that can be pretty much made to comply with what our standards are.

The front and rear porch would have to be completely restored to their original condition; it would have to be open porches. The electrical and the plumbing and other structures and the ceilings and so on and so forth, they could possibly have an engineer to go in there give them some guidance on what it would take to make them comply with our standards of today. But there is, there are certain things that would have to be restored to their original state.

MS. HALE: Where are all the meters? Are they on the first building or the back building?

INSPECTOR SMILEN: The back building has the actual electrical main there, where the meter is. And then that's where you saw those two, that conduit running between there; that feeds the front building from there.

MS. HALE: So the meters for everything are actually on the shed.

INSPECTOR SMILEN: Correct.

MS. HALE: Okay.

INSPECTOR SMILEN: Now, remember that the shed was actually a garage and they removed the overhead door on there and enclosed that into what it is now. That whole thing there would have to be completely gutted and restored to its original condition according to plan.

MS. HALE: Oh, so it was a garage.

INSPECTOR SMILEN: Yes.

MR. JARRETT: And we're talking about tens of thousands of dollars worth of drawings and work and -

INSPECTOR SMILEN: Oh, for sure. It's not going to be a one-two-three deal, that's for sure.

CHAIR SCHERER: Okay, we've seen this before on the Board, where the bank says they're going to do it, they're going to do it, they're going to do it and foreclosures are going to take another ten days, another thirty days another sixty days and then when they do own it, now they're going to try to sell it to somebody before they put any money onto it.

So, and we have a little kid walk in that house, or somebody skateboard by, stick their hand in the panel and that's the problem.

MS. BLACK-BARRON: Well, excuse me, we don't have a, we don't have a problem with you cutting the electricity off. However we would like to be in the position to take care of

what needs to be taken care of to preserve their interest.

CHAIR SCHERER: So you, the bank is willing to spend money to fix this house.

MS. BLACK-BARRON: They want to preserve their interest and that's why they have me here. Because otherwise, they wouldn't have had me come here.

CHAIR SCHERER: So the bank is willing to spend money to fix the house.

MS. BLACK-BARRON: Lot of times they do, lot of times they do.

CHAIR SCHERER: Is your bank willing to fix this house and pay money for it?

MS. BLACK-BARRON: My, this bank told me they want to preserve their interest.

CHAIR SCHERER: So that makes our decision easier, mine anyways.

MR. JARRETT: Let me ask you a question, Counsel: did, do you, if we gave you a 30-day extension, and if we -

MS. BLACK-BARRON: We need to get time to get certificate of -

MR. JARRETT: Oh, no, wait a minute.

MS. BLACK-BARRON: Okay.

MR. JARRETT: If we gave you a 30-day extension and if we ordered the Building Official, the electrical inspector, whoever we're supposed to send that notice to, to turn the

power off to the building, and we order that the building be boarded up - hopefully after the tenant is out now -

MS. BLACK-BARRON: Um-hmm.

MR. JARRETT: - and would your bank go over - they don't have possession of the property, I don't want to hear that story - would they send somebody over to secure that property?

MS. BLACK-BARRON: Oh yes, they can, we'll do what we have to do to secure and maintain the property.

MR. JARRETT: Because that's protecting your interest.

MS. BLACK-BARRON: That's right. We don't have a issue with securing and maintain the property.

MR. JARRETT: And if you came back in thirty days and you did what we asked, then maybe we would consider another extension.

MS. BLACK-BARRON: Okay. Thirty days, what are we talking about, what date?

CHAIR SCHERER: December 18.

MR. JARRETT: We're talking about until December 18th. You've got thirty days to get it boarded up, get the tenant out of there and get the power turned off.

MS. BLACK-BARRON: Well we can't evict the tenant. We're not in a position.

MS. HALE: Does that tenant have, yes, does that tenant -

MR. JARRETT: The tenant will leave when the power and the water is turned off.

MS. HALE: No, wait, does he have a lease?

CHAIR SCHERER: Hang on, let's -

MS. BLACK-BARRON: We can't evict the tenant, we're not -

MR. JARRETT: We're not asking you to.

MS. HALE: No, no.

CHAIR SCHERER: We're not asking you to; it's not your -
okay, why don't you finish -

MS. BLACK-BARRON: And I'm sure the tenant -

CHAIR SCHERER: - why don't you finish your motion, or if
you would like to make a motion.

MR. JARRETT: Oh no, I wasn't, I was just asking
questions.

MS. BLACK-BARRON: If the - usually, if the property's
occupied, the Court even won't even allow you to board the -

MR. JARRETT: We understand, legally you can't evict the
tenant, we understand that. But we feel that, if we decide to
do this, we can direct the Building Official to turn the power
off and to turn the water off. It's highly unlikely that the
tenant's going to stay there much longer.

MS. BLACK-BARRON: And if the tenant decides to stay
there?

MR. JARRETT: There is nothing we can do about that.

MS. BLACK-BARRON: Okay, but I'm just saying -

MR. JARRETT: There nothing we can do about that.

MS. BLACK-BARRON: - if the tenant decides to stay there -

MR. JARRETT: You can board the front house up. You can do what you can do. You can't do the impossible, we're not -

MS. BLACK-BARRON: Okay.

MR. JARRETT: We don't expect you to go board the house up with a tenant in it.

MS. BLACK-BARRON: Okay, as long as we're on the same page.

MR. JARRETT: Okay. Alright, I'm ready to make a motion. Alright, I make a motion that we grant a 30-day extension with the stipulation that the building be secured, that it be unoccupied to the best of the owner's ability and that we direct the Building Official to have the power disconnected and the water turned off to the structure.

MR. HOLLAND: You've got to suggest, recommend to the Building Official, I believe.

MR. JARRETT: Oh, okay. I thought we could include that in an order; didn't we do that before?

MS. WALD: No. You actually, no you can't actually order the Building Official to go ahead and do it.

MR. JARRETT: Oh, okay, well, request.

MS. WALD: You can request that he look into it to see if something can be done, but -

MR. JARRETT: Okay. But Ginger, we have done this before. We might not have done it correctly, but we did, I mean, we might have been wrong when we did it.

MR. HOLLAND: Ginger what -

MS. WALD: You can order the owner, the respondent, and since -

MR. JARRETT: But she can't legally do that.

MS. WALD: But wait -

CHAIR SCHERER: Wait, hang on, let Ginger, go ahead.

MS. WALD: - but wait wait, wait, hold on.

MR. JARRETT: Okay.

MS. WALD: We're just talking about what you can do, the Board. You can order, as based upon the extension, to do certain things to secure the property and move forward with what they need to do on any case. Along with that, what you're doing in this case, from what I'm hearing, is, premised upon the bank's representative, Ms. Black, as the attorney, has requested that there be extension so the bank can move forward to do whatever they are going to promise or not promise to do on the property.

Now, we can't interfere in the contract, the mortgage - because we're not a party - that the bank has with the owner. That being said, you have asked me before, and almost every single one of these mortgages are the same, there is a clause in the mortgage that allows the lender, the bank, to go in and to secure a property. And, in fact, it even allows if the owner has abandoned the property, for the bank to do even more. But it doesn't require the bank to do so; it's at the

bank's option.

So you really can't order the bank to do anything. You can order the City to do some things, but you can order the owner to do certain things predicated upon that they do them, they get the extension of time. So I think that's where maybe some of the confusion has come into play.

MR. JARRETT: So we'll request that the bank do this?

MS. WALD: You can request anything.

MR. JARRETT: Okay.

MS. WALD: You can only order certain things.

MS. HALE: Well, does the bank now own this property?

MS. WALD: No.

CHAIR SCHERER: No.

MS. HALE: No.

MS. WALD: No.

MS. BLACK-BARRON: No.

MS. HALE: It's still [inaudible]

MR. JARRETT: Well, we could actually just leave it out because I think Counsel gets the mood of this Committee -

MS. BLACK-BARRON: Oh, I -

MR. JARRETT: - and I think that Counsel will convey that to the -

MS. BLACK-BARRON: I will convey the message to them.

CHAIR SCHERER: So why don't we finish the motion. Let's go ahead and finish the motion.

MS. BLACK-BARRON: But -

MR. JARRETT: Let's just, we'll just, we'll just grant the 30-day extension.

MS. BLACK-BARRON: Thank you.

MR. JARRETT: It's understood -

MS. BLACK-BARRON: And then you can find out where we are at that time.

MS. WALD: Okay.

MR. JARRETT: - that you know what you need to do.

MS. BLACK-BARRON: Right.

MR. JARRETT: And then we'll -

CHAIR SCHERER: Well, so there's a motion on the table for a 30-day extension.

MS. WALD: Period.

CHAIR SCHERER: Period.

MR. JARRETT: Period.

CHAIR SCHERER: Is there a second on that motion?

MR. PHILLIPS: Second.

CHAIR SCHERER: Okay, we have a motion and a second. Is there any discussion on the motion or, on this current motion? You understand that -

MS. BLACK-BARRON: I understand where you're coming from.

CHAIR SCHERER: - what needs to happen, okay?

MS. BLACK-BARRON: And hopefully, the other people move out. But I understand where you're coming from.

CHAIR SCHERER: Okay. All those in favor of approving this motion signify by saying aye.

MR. HOLLAND, MR. JARRETT, MR. PHILLIPS, CHAIR SCHERER: Aye.

CHAIR SCHERER: All those opposed, no?

MS. HALE: No.

CHAIR SCHERER: You have a 30-day extension. Yes?

MS. PARIS: Just so you know, we did have one no.

CHAIR SCHERER: Oh, we have one no.

MS. HALE: Me.

CHAIR SCHERER: Okay, I'm sorry, one no.

MS. HALE: I don't think the bank's going to do a darned thing.

MR. HOLLAND: Can we entertain a motion to recommend the Building Official shut the power off?

MR. JARRETT: And the water.

CHAIR SCHERER: I think that Code Enforcement will do that on their own. I don't know if we have to do that.

MR. JARRETT: Well, we can -

MR. HOLLAND: Well, it doesn't hurt to recommend.

MR. JARRETT: We can make a motion.

MS. WALD: Whatever you want to recommend.

CHAIR SCHERER: Okay?

MR. HOLLAND: And, for the record.

CHAIR SCHERER: Go ahead.

MS. HALE: Ginger?

MS. WALD: Yes, you can always make recommendations.

MS. HALE: This person -

MR. HOLLAND: Yes.

MS. HALE: This person that's living in the back, does he have a lease?

MS. WALD: I have no idea.

MS. BLACK-BARRON: I don't know.

MS. HALE: Gerry's shaking his head, no.

MS. BLACK-BARRON: I don't know.

INSPECTOR SMILEN: No, he, I spoke to the gentleman.

MS. HALE: Okay.

INSPECTOR SMILEN: He's basically there as a favor to the owner, or soon-to-be former owner, to just have a presence of somebody there -

MS. HALE: On the property.

INSPECTOR SMILEN: - to look over the property. I don't even believe he's paying any rent or anything, so, there's no lease there.

MS. HALE: Okay.

CHAIR SCHERER: Somebody wanted to make a motion?

MR. HOLLAND: Yes, I'd like to move that we recommend to the Building Official, proper building official, to consider shutting off the power by whatever means appropriate.

MS. HALE: Water too.

CHAIR SCHERER: Okay, the motion is -

MR. PHILLIPS: Second.

MS. HALE: Water?

CHAIR SCHERER: All those in favor, any discussion?

MS. HALE: Yes, do we want water too?

CHAIR SCHERER: I think the electric will get the hint.
I don't think, the electric is the life safety -

MS. HALE: Well, somebody should be paying these water charges.

CHAIR SCHERER: I think the electric is the life safety and that's our concern.

MR. PHILLIPS: The City [inaudible] believe me, the City shuts water off they don't get paid.

CHAIR SCHERER: So, okay, there's a motion and a second. Any discussion? No more discussion. All those in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: All those opposed? Motion passes.

MS. BLACK-BARRON: Thank you.

CHAIR SCHERER: Next case.

MS. BLACK-BARRON: Excuse me, for my clarification, so we have a 30-day extension, that then you're recommending that the City cut the electrical off.

CHAIR SCHERER: Yes.

MS. BLACK-BARRON: Those are the two actions. Alright,

thank you.

MR. JARRETT: And the, keep in mind that you need to secure the building, the front building, and as soon as the tenant's gone, secure the rear building.

MR. HOLLAND: We had some more qualifying wording in that motion than what you just repeated. So, you'll get it in the minutes, I trust.

MS. BLACK-BARRON: What did I miss?

MR. HOLLAND: To consider shutting it off under certain -

MS. BLACK-BARRON: Right.

MR. HOLLAND: - methods, not as bluntly as you put it, okay?

MS. BLACK-BARRON: Right, right, yes I have that. Thank you.

CHAIR SCHERER: Okay, next case.

3. Case: CE05121325

[INDEX](#)

Crazy Gregg's Marina LLC

301 Seabreeze Blvd

MS. PARIS: Our next case will be on page one, it's an old business case. It's case CE05121325. The inspector is Gerry Smilen. The address is 301 Seabreeze Boulevard. The owner is Crazy Gregg's Marina LLC.

We have service by posting on the property on 9/30/08, advertised in the Broward Daily Business Review 10/31/08 and

11/7/08.

Certified mail to the owner, signature illegible.
Certified mail John J. Raymond, Jr., Registered Agent for
Crazy Gregg's Marina, LLC, signed by John Raymond, 10/1/08.

Certified mail to Robert McIntyre, Manager of Crazy
Gregg's Marina, LLC, signature illegible. Certified mail to
Richard T. Watson, Manager of Fort Lauderdale and Southern
LLC, signed by John Fulkerski.

Certified mail Wachovia Bank, signed by Tom Patten.
Certified mail Tenant in Possession, signature illegible.
Certified mail Board of Trustees, received 10/2/08 by DEP Mail
Center.

This case was first heard at the 6/19/08 USB hearing. At
that time, the USB granted a 30-day extension to the 7/17/08
USB hearing with the stipulation that the respondent return
with a letter from his restaurant stating that facilities will
be made available to the person working in the booth. The
Respondent must also forward the letter to the Building
Inspector for approval.

At the 7/17/08 USB hearing, the Board granted a 60-day
extension to 9/18/08 with the stipulation the property must be
secured. At the 9/18/08 USB hearing, the Board granted a 60-
day extension to 11/20/08. Violations as noted in the agenda.

CHAIR SCHERER: Okay. The respondent?

MR. MCINTYRE: Hello, my name is Robert McIntyre,

managing owner. Just to update you, since our last meeting, Gerry actually accompanied us, me and the architect on file that's working with this project, to Terry Burgess' office from Zoning. We turned in all the plans to have the new structure put in its place, the new shed.

It passed everything except for Zoning, so there's the Zoning issue. We've tried to get around the issues with Mr. Burgess. He's now recommended that we go back to Building Department to see if we can upgrade the existing building and I had the mechanical engineer come out. He's finished his drawings, got them to the architect on Tuesday. They should be going to the City probably next week.

CHAIR SCHERER: Um, okay, I'm, you had, you had a new building that you were going to put on the place of the old building.

MR. MCINTYRE: Yes, I've already bought, I've already bought it.

CHAIR SCHERER: You already bought it and now they want you to fix the old one?

MR. MCINTYRE: Yes, now -

CHAIR SCHERER: You've got to be kidding.

MR. MCINTYRE: Now they're saying, well it, they're saying it might be easier for me because -

CHAIR SCHERER: Of course it's going to be easier for you.

MR. MCINTYRE: - apparently there's a lot more codes.

CHAIR SCHERER: But the reason that you're doing this is because they wanted you to do this.

MR. MCINTYRE: I'm just, I'm going, I'm following direction, you know?

CHAIR SCHERER: I'm kind of, I'm venting for you.

MR. MCINTYRE: I'm working with this -

CHAIR SCHERER: I know, I'm venting for you. I can't imagine they'd put you through six months of this and then say, no, you can fix what you have.

MR. MCINTYRE: I've got, I've got -

MS. HALE: What are you going to do with the other brand new one?

MR. MCINTYRE: It's still at the place.

MS. HALE: Well good, maybe they'll take it back and give you a refund.

MR. MCINTYRE: Well I'm thinking maybe I'll just -

MS. HALE: Sell it on eBay.

MR. MCINTYRE: - my wife doesn't want me to have one but I've already bought one so I might get one.

CHAIR SCHERER: Okay, Gerry, so, you brought this case before us because it was unsafe and now somebody else is saying it's not. What is going on?

MR. MCINTYRE: Well it's -

CHAIR SCHERER: And it's been here for six months.

INSPECTOR SMILEN: Gerry Smilen, City of Fort Lauderdale Building Inspector. Might be a case of the left hand not knowing what the right hand's doing, maybe.

CHAIR SCHERER: Wouldn't surprise me.

INSPECTOR SMILEN: It's a situation where you have one ruling going against another ruling. Basically, what we had originally was, we had a structure that was a prefabricated structure that had its own engineering and design and that was exempt from the Florida Building Code.

As soon as Hurricane Wilma came through and damaged this building, repairs were done on that building -

CHAIR SCHERER: Right.

INSPECTOR SMILEN: - because they needed, it was partially damaged and that ruined the exemption of that structure from the Florida Building Code.

However, during this period of time since the original structure was set on this property, the zoning had changed. So now, what you have is, if you remove that building the only area that's left with the new zoning, you have new side setbacks. There's enough room for about a structure about two feet wide to fit on there. So that's why the gentleman here is trying to save what he has.

CHAIR SCHERER: Okay.

MR. PHILLIPS: Well, it seems that there was some hardship to the Board of Adjustment.

CHAIR SCHERER: So they're working with you to try to keep something that you have in lieu of making you just waste money.

MR. MCINTYRE: Yes, like I said, the mechanical engineer came out, made drawings, they just got the architect on Tuesday and he'll be turning it in to the City.

CHAIR SCHERER: So Zoning doesn't allow you to put the new unit that you bought on the property anymore. Is that since June? June of this year, it was in the past six months this happened?

INSPECTOR SMILEN: What, the zoning?

MS. HALE: September.

CHAIR SCHERER: Yes, the zoning.

INSPECTOR SMILEN: No, this zoning happened way back; it didn't just change. So the problem is it was, as long as the existing structure stays there, then he gets -

CHAIR SCHERER: It's a legal, non-conforming use, as long as you don't modify it structurally, it's fine.

INSPECTOR SMILEN: Right.

CHAIR SCHERER: Now you're trying to get the exemption of it, okay, to keep it there. Okay.

MR. HOLLAND: Jack, you suggested, you mentioned the board of Adjustment; why can't this be a Board of Adjustment matter? Anybody?

MR. JARRETT: Well, I only think that he would have the

opportunity if you wanted to, to go to the Board of Adjustment in the future to have the building totally replaced if you wanted to, but that would take, God, months and months and months and, it's -

MR. MCINTYRE: And it's also out by the beach, and apparently there's half a dozen committees that -

MS. HALE: Yes.

CHAIR SCHERER: So, if we order the demolition of it, does that mean that you can never build anything on this again?

MS. HALE: Yes.

MS. WALD: It's probably, based upon the two-foot answer that we got from Gerry, the answer is probably going to be yes.

MS. HALE: Yes, the two feet.

MR. JARRETT: Yes, yes, I don't think we want to go there.

MR. MCINTYRE: [inaudible] Activity Center for the entire property.

CHAIR SCHERER: I'm just thinking if we hadn't, if we, if it was not that case, then -

MR. JARRETT: How much time do you think you need? Is sixty days enough to get your -

MR. MCINTYRE: Yes, like I said, the engineering drawings should be coming in to the City, I know it's right before

Thanksgiving, but we just got them [inaudible] looking at them.

MR. JARRETT: It is the holidays, right.

CHAIR SCHERER: So, ninety days?

MR. PHILLIPS: Is it still a windstorm hazard now, in your opinion?

INSPECTOR SMILEN: Well, I couldn't tell you if it was. It appears to be okay the way it is right now, but then again, there weren't any inspections done, there wasn't a permit pulled. We don't know exactly how they did everything, we just have pictures of various stages without any detailed pictures showing exactly what was done and how it was done. So that would have to be backed up by an engineer's letter and certification of what he has.

MR. JARRETT: I think -

MR. PHILLIPS: There was a health hazard about using the bathroom, what was it, Quarterdeck or -

MR. MCINTYRE: Yes, I furnished a letter.

MS. HALE: Yes, we got the letter.

MR. JARRETT: Yes.

MR. MCINTYRE: I furnished a letter.

MR. HOLLAND: And I think we're about out, we're almost out of windstorm season so that buys some time.

MR. JARRETT: Well, I'm ready to make a motion.

CHAIR SCHERER: Okay.

MR. JARRETT: I make a motion that - and I was going to - let me say this first, that I was going to say sixty days, but Ginger suggested ninety because it is the holidays - I'm going to make a motion that we give him a 90-day extension and I don't have a calendar to pop that date out.

MR. PHILLIPS: Second.

MR. HOLLAND: I'll - yes.

CHAIR SCHERER: Okay, motion and a second. It's the January -

MS. HALE: No.

CHAIR SCHERER: No.

MR. MCINTYRE: February?

MR. JARRETT: February.

MS. HALE: February something.

MR. MCINTYRE: God, I hope I don't see you guys in February.

CHAIR SCHERER: Okay, so the motion and a second. Any discussion? No discussion. All those in favor, signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: All those opposed?

MR. MCINTYRE: Thank you.

CHAIR SCHERER: Motion passes. Okay, next case.

4. Case: CE06090900

[INDEX](#)

HSBC Bank USA, N.A., Trustee

1913 SW 11 ST

MS. PARIS: Our next case will be on page four. This is a new business case. Case CE06090900. The inspector is Gerry Smilen. The address is 1913 Southwest 11th Street. The owner is HSBC Bank USA NA Trustee. We have service by posting on the property 9/26/08. Advertised in the Broward Daily Business Review 10/31/08 and 11/7/08.

We have service by certified mail to the owner, West Palm Beach, Florida, signature illegible. Service by certified mail to HSBC Bank, USA, attention: Roger K. McGregor as EVP., Buffalo, NY, signature illegible. And certified mail to the Tenant in Possession returned.

CHAIR SCHERER: What do we got now?

MR. PHILLIPS: [inaudible] the high school?

CHAIR SCHERER: Southwest 11th.

INSPECTOR SMILEN: Yes, I guess so, yes. Okay, Gerry Smilen, Fort Lauderdale Building Inspector, presenting case CE06090900. Address is 1913 Southwest 11th Street. The following violations do exist:

FBC 117.1.1

THE SINGLE FAMILY DWELLING HAS BECOME UNSAFE.
THE BUILDING IS A WINDSTORM HAZARD AND HAS BEEN
DAMAGED BY THE ELEMENTS AND DOES NOT MEET THE

REQUIREMENTS OF THE MINIMUM HOUSING CODE OF THE
CITY OF FORT LAUDERDALE.

FBC 117.2.1.1.1

THE HOUSE IS VACANT AND OPEN AT THE WINDOWS IS
AND THEREFORE DEEMED UNSAFE.

FBC 117.2.1.2.1

THE FOLLOWING BUILDING COMPONENTS ARE HANGING
LOOSE AND LOOSENING:

DRYWALL CEILING

WOOD SIDING

ELECTRICAL FIXTURE

FRONT DOOR ASSEMBLY

STUCCO

ROOF EAVESDRIP MATERIAL

ROOF SHINGLES

ROOF SHEATHING

FASCIA BOARD

FBC 117.2.1.2.2

THE FOLLOWING STRUCTURAL PARTS ARE
DETERIORATING:

ROOF SHEATHING

CARPORT SLIDING DOOR FRAMING

WOOD SIDING

FRONT DOOR JAMB

FBC 117.2.1.2.4

THE FOLLOWING BUILDING COMPONENTS ARE SAGGING
AND LEANING:

DRYWALL CEILINGS

WINDOW AWNINGS

WOOD FENCE AT A/C UNIT

KITCHEN CABINETS

VANITY CABINETS

FBC 117.2.1.2.5

THE FOLLOWING SYSTEMS HAVE BEEN INSTALLED
WITHOUT OBTAINING THE REQUIRED PERMITS:

A CENTRAL A/C SYSTEM

A HOT WATER HEATER

UPGRADED ELECTRICAL SERVICE

EXTERIOR OUTLETS

APPLIANCE WIRING

PREMISE WIRING

A WINDOW A/C UNIT

WASHER AND DRYER HOOK-UPS

FLUORESCENT LIGHTING

THE INSTALLATIONS OF THESE COMPONENTS DO NOT
COMPLY WITH THE MINIMUM HOUSING CODE OF THE
CITY OF FORT LAUDERDALE AND VIOLATES THE
STANDARDS OF THIS CODE.

FBC 117.2.1.3.1

THE FOLLOWING INSTALLATIONS HAVE COMMENCED AND
WERE COMPLETED WITHOUT PERMITS:

A SECOND BATHROOM IN THE REAR OF THE BUILDING

A CENTRAL A/C SYSTEM

AN ENCLOSED CARPORT

A PREFAB STALL SHOWER UNIT

A HOT WATER HEATER

NEW WINDOWS AND DOORS

KITCHEN CABINETS

ROOF SHINGLES

ELECTRICAL SERVICE UPGRADE

ENCLOSED FRONT AND REAR PORCHES

WASHER AND DRYER CONNECTIONS

FBC 117.1.2

THE ENCLOSING OF THE CARPORT, FRONT PORCH AND
REAR PORCH HAVE COMMENCED WITHOUT OBTAINING
PERMITS. AND UPON COMPLETION, CERTIFICATES OF
OCCUPANCY WERE NOT ISSUED.

I have the following drawings and pictures to submit as
evidence.

[Inspector Smilen displayed photos and drawings of the
property on the Elmo]

Okay, what we have here is the original blueprint of the
home. Okay, I'll get it - a little pushy there. Okay.

Anyway, we've got right here, as you can see, this used to be an open carport which is no longer. This right here would be the porch area which is enclosed and in here, this whole rear porch area is enclosed.

Okay, here we have the front view of the house right over here. This is showing where the carport, or used to be, open carport. Upon a closer look, you can see how this sliding door was framed in the opening here, and obviously, there isn't any Building Department in this country that would approve that installation.

And here's another showing we have wires and all kinds of things hanging around here. We have a lot of rotted wood here that has not been maintained properly.

This is showing an area of the roof where we have a lot of areas are deteriorating from the elements. This area here is showing where you have siding that was used which is not allowable by today's standards for the exterior wall and of course this are here which is just completely rotting and deteriorating.

It's very easy to get inside the unit. This area right here is where the carport used to be. This is the block wall on the inside. This is the new hot water heater that was installed without a permit. As you can see, there's a vent. This is an awning window. The vent is missing on this window so it allows access into, from the carport. And this is

another area here with some other illegal wiring that was done inside the carport, or garage as it is now.

CHAIR SCHERER: Gerry, is the building occupied?

INSPECTOR SMILEN: The building is vacant.

CHAIR SCHERER: Vacant. Is there a respondent here today?

INSPECTOR SMILEN: Sorry?

CHAIR SCHERER: There's no respondent.

INSPECTOR SMILEN: Okay. Right here, this window is on the carport or the garage area and it is unlocked and that allows access right into the whole building.

MS. HALE: Why wouldn't somebody go in there and steal that brand new water heater thing up on the - ?

INSPECTOR SMILEN: Well, it's suspended, so my, it's probably too much work for them, I guess. This, actually, maybe I'll go back there. Just kidding. Here is showing another area of the deterioration of where the crawl space is on this building. As you can see, the wood is terribly, terribly deteriorated.

MS. HALE: You have a recommendation on this disaster?

CHAIR SCHERER: And the City, yes, what's the City recommending?

INSPECTOR SMILEN: Yes, demolish.

CHAIR SCHERER: Okay.

MR. PHILLIPS: I'd like to make a motion.

CHAIR SCHERER: Is there a motion? Yes. Go ahead.

MR. PHILLIPS: I move we find the violations exist as alleged and we order the property owner to demolish the structure within 30 days, and we order the City to demolish the structure should the property owner fail to timely demolish. Such demolition to be accomplished by a licensed demolition contractor pursuant to a City issued demolition permit.

CHAIR SCHERER: Okay, there's a motion, is there a second?

MR. HOLLAND: Second.

CHAIR SCHERER: Any discussion? None. All those in favor, signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: Motion carries. Next case.

MS. HALE: Gerry, this came from that, was that Wayne's? Oh, okay, I thought it was yours, sorry.

INSPECTOR SMILEN: Thank you Board.

CHAIR SCHERER: Thank you Gerry.

5. Case: CE08092283

[INDEX](#)

**Wells Fargo Bank National Association
as Trustee
2200 NW 6 Ct**

MS. PARIS: Our next case is on page eight; it's a new

business case. Case CE08092283, Inspector Wayne Strawn. The address is 2200 Northwest 6th Court; the owner is Wells Fargo Bank National Association as Trustee.

We have service by posting on the property 10/1/08, advertised in the Broward Daily Business Review 10/31/08 and 11/7/08.

Service by certified mail to the owner, stamped by HOMEQ, Raleigh mail 10/20/08. Certified mail to Earlston Lewis returned unclaimed. Certified mail to Jennifer Kopf Esq., Shapiro and Fishman, LLP, signed by C. Gallie 10/17/08. And certified mail to the Tenant in Possession returned vacant.

INSPECTOR STRAWN: Wayne Strawn, City Building Inspector with regard to 2200 Northwest 6th Court. The violations that exist on the property are as follows:

FBC 117.1.1

THE SINGLE FAMILY BUILDING HAS BECOME UNSAFE. THE BUILDING IS A FIRE AND WINDSTORM HAZARD AND HAS BEEN PARTIALLY DESTROYED BY AN ABORTED REMODEL AND EXPANSION ATTEMPT. THE BUILDING DOES NOT COMPLY WITH THE PROVISIONS OF THE FORT LAUDERDALE MINIMUM HOUSING CODE OR THE MAINTENANCE STANDARD OF THE FLORIDA BUILDING CODE.

FBC 117.1.2

THE BUILDING IS AN INCOMPLETE AND ABANDONED

JOBSITE. PERMIT NUMBER 05072849 FOR THE REMODEL OF THE BUILDING AND THE ADDITION OF A MASTER BEDROOM, BATHROOM, LIVING ROOM AND GARAGE EXPIRED PRIOR TO COMPLETION. NO CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED. THE BUILDING IS THEREFORE PRESUMED AND DEEMED BY THE FLORIDA BUILDING CODE TO BE UNSAFE.

FBC 117.2.1.1.1

THE BUILDING IS VACANT, UNGUARDED AND NOT SECURED PROPERLY. THE BUILDING IS DEEMED BY THE FLORIDA BUILDING CODE TO BE A FIRE HAZARD.

FBC 117.2.1.2.1

VARIOUS BUILDING MATERIALS AND COMPONENTS ARE LOOSE, HANGING LOOSE OR LOOSENING. THESE PARTS INCLUDE THE WINDOWS AND THE PLYWOOD USED IN AN ATTEMPT TO SECURE THE BUILDING.

FBC 117.2.1.2.3

THE BUILDING IS PARTIALLY DESTROYED BY AN ABORTED ATTEMPT TO EXPAND, REBUILD AND REMODEL.

FBC 117.2.1.2.5

THE PREMISE WIRING INSTALLED UNDER THE AUSPICES OF PERMIT NUMBER 05072855 HAS NOT BEEN APPROVED. THE WORK FAILED THE ROUGH INSPECTION AND THE JOB WAS ABANDONED WITHOUT SUBSEQUENT

INSPECTION. THE WORK IS PRESUMED AND DEEMED TO BE UNSAFE.

FBC 117.2.1.3.1

A REMODEL AND EXPANSION PROJECT WAS COMMENCED AND PARTIALLY COMPLETED. BUILDING PERMIT 05072849 HAS EXPIRED WITHOUT COMPLETION OR THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

ELECTRICAL PERMIT 05072855 HAS NOT PASSED ANY INSPECTIONS BEFORE THE PROJECT WAS ABANDONED.

PLUMBING PERMIT 05072857 DID NOT PASS ANY INSPECTION BEFORE THE PROJECT WAS ABANDONED.

MECHANICAL PERMIT 05072856 DID NOT PASS ANY INSPECTIONS BEFORE THE PROJECT WAS ABANDONED.

ALL THE PERMITS CONNECTED TO THE JOB HAVE EXPIRED. THE WORK IS PRESUMED AND DEEMED TO BE UNSAFE.

FBC 117.2.1.3.2

THE INCOMPLETE BUILDING HAS BEEN ABANDONED IN A CONDITION PROHIBITING OCCUPATION AND IN VIOLATION OF THE CITY OF FORT LAUDERDALE'S MINIMUM HOUSING CODE.

INSPECTOR STRAWN: I'd like to present these photographs for evidence.

[Inspector Strawn displayed photos of the property on the Elmo]

This is a front view of the building where a front porch was enclosed. There's the side view of the front closure of the front porch. I'd like to point out, I reviewed the plans that were submitted in order to obtain this building permit and it showed a continuous connection between the tie beam and the footing.

However, since I'm familiar with the building long before it was, the attempt was made to rebuild, I knew this was a front porch slab, and you can still see the front porch slab. So if they built on top of the front porch slab, how did they connect the footing to the tie beam? So we can see a case where they're not following the plans as they were approved.

MR. PHILLIPS: Is there a footer there? Or are they just using the tie, the porch -

INSPECTOR STRAWN: I would suggest that they're using whatever supports the front porch slab, that they didn't put a footing there. So it's not only a question of an expired permit, it's a question of they were proceeding along not in accordance with the approved plans.

MR. PHILLIPS: Do front porch slabs have footers?

INSPECTOR STRAWN: Sometimes. Sometimes they have a thickened edge, especially where it was elevated slightly.

MR. HOLLAND: Sometimes they have lesser footers only capable of supporting the porch and not a lead structure.

MR. PHILLIPS: Certainly not to support that wall.

INSPECTOR STRAWN: That's correct. And of course, not, this isn't going to give you the uplift requirement. That's why they tie the rebar all the way down to the footing.

MR. JARRETT: Wayne?

INSPECTOR STRAWN: This is -

MR. JARRETT: Wayne, when you referred to the tie beam, is it, by you saying that, those are like tie beam blocks there, is that what the U blocks for a tie beam? Because I didn't see a tie beam there.

INSPECTOR STRAWN: That could be above the camera range there.

MR. JARRETT: Oh, okay. It's the dark area.

INSPECTOR STRAWN: Yes, right.

MR. JARRETT: Alright.

INSPECTOR STRAWN: This is a side view of the construction project as it is abandoned. None of these windows were approved; the installation was not approved. I've actually shaken some of them that, there isn't any screws in some of them.

CHAIR SCHERER: Are those actually impact windows?

INSPECTOR STRAWN: I can't tell.

CHAIR SCHERER: They spent some money on them.

INSPECTOR STRAWN: There was an attempt to secure the building with this plywood just tacked up. It's loose on the building; it's not secured properly. There's another front

view. A side view and the, there's a better shot of that slab where the front porch was. It's clearly visible here where they just built on top of it.

MR. PHILLIPS: There's really no way to correct that situation after-the-fact, is there?

INSPECTOR STRAWN: Well, you could undermine it and pump concrete under it.

CHAIR SCHERER: You could [inaudible] piles.

INSPECTOR STRAWN: But it's, you cause yourself a problem. It's much easier to do it right the first time.

MR. PHILLIPS: Usually, they box out the, they frame it out and they pour the concrete with the rebar [inaudible]

INSPECTOR STRAWN: You put footing forms in, right, and go from there.

MR. PHILLIPS: There's no way to do that, is there?

CHAIR SCHERER: Yes, you could do a pile, you could do a side pile.

INSPECTOR STRAWN: It's really difficult because you don't have your tie down steel either, and how are you going to tie your steel into an existing tie beam? It's, so, basically, if they're going to do that right, they're going to tear that front porch area off and rebuild it properly. That would be the right - here -

CHAIR SCHERER: When was the permit issued, 05/07? So does that mean it's -

INSPECTOR STRAWN: That was an '06? Were the permit numbers '06 numbers?

CHAIR SCHERER: 0-5, 05, numbers, so that means May.

INSPECTOR STRAWN: So that would be, the permit number's generated when the application comes in, so it may not have been issued until early in '06.

MS. HALE: Yes, but who was it issued to?

INSPECTOR STRAWN: The people who abandoned it to the bank.

MS. HALE: Right. So, do you have to start over again when you have a new owner, for a permit, or does the permit go with the property, not with the owner? You know what I'm saying?

INSPECTOR STRAWN: The permit, the documents of the permit, they would have to go back to the designer, get copies from the designer and pull a permit in another contractor's name to finish this building.

MS. HALE: Right.

INSPECTOR STRAWN: And then they would have to start following the plan.

MS. HALE: Right. What do you suggest?

INSPECTOR STRAWN: Well, I'd suggest demolition. I don't think it's economical to go ahead and finish it.

CHAIR SCHERER: Okay. Is there -

INSPECTOR STRAWN: Especially the quality. Here you have reinforcing rod which is just [inaudible] form.

MR. PHILLIPS: Mr. Chairperson, could I make a motion?

CHAIR SCHERER: Yes, I was waiting for it.

MR. PHILLIPS: I move that we find the violations exist as alleged and that we order the property owner to demolish the structure within 30 days that we order the City to demolish the structure should the property owner fail to timely demolish. Such demolition to be accomplished by a licensed demolition contractor pursuant to a City issued demolition permit.

CHAIR SCHERER: Is there a second?

MS. HALE: Second.

CHAIR SCHERER: I have a motion and a second, any discussion?

MR. JARRETT: Can I just have one question?

CHAIR SCHERER: Sure.

MR. JARRETT: I was trying it and Jack jumped in there with his motion real quick.

MR. PHILLIPS: I've got a dental appointment for a crown.

MR. JARRETT: Oh, you want to be in pain, huh?

MR. PHILLIPS: I want to maintain a quorum.

MR. JARRETT: Real quick question, what percentage of the home, guess, is the addition and how much of it is the original home?

INSPECTOR STRAWN: The addition is over fifty percent,
yes.

MR. JARRETT: Oh, okay, alright.

CHAIR SCHERER: So -

MR. PHILLIPS: I think we'll be seeing a lot of these
with Wells Fargo.

MS. HALE: Right. And they -

MR. PHILLIPS: And Washington Mutual type of sub-primes
taking these things back.

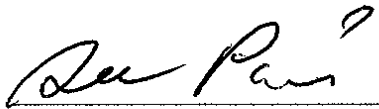
CHAIR SCHERER: No more discussion? All those in favor,
signify by saying aye.

BOARD MEMBERS: Aye.

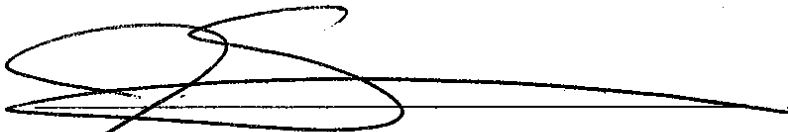
CHAIR SCHERER: All those opposed? Motion passes.

MS. PARIS: That completes our agenda, thank you Board.

[Meeting concluded at 4:27 p.m.]



BOARD CLERK



JOHN SCHERER, CHAIRPERSON

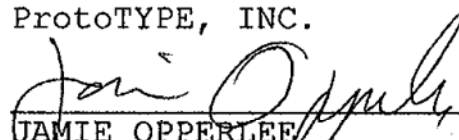
Minutes prepared by: J. Opperlee, Prototype Services

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held November 20, 2008, at 3:00 p.m., City Hall, 100 North Andrews Avenue, City Commission Meeting Room, Fort Lauderdale, Florida.

Dated at Ft. Lauderdale, Broward County, Florida, this 25 day of November, 2008.


ProtoTYPE, INC.



JAMIE OPPERLEE
Recording Clerk

SWORN TO and SUBSCRIBED before me by JAMIE OPPERLEE who is personally known to me and who signed the foregoing for the purposes therein expressed.

DATED this 25th day of November, 2008.



NOTARY PUBLIC
State of Florida at Large

Notarial Seal:



YVETTE KETOR
MY COMMISSION # DD 745295
EXPIRES: December 30, 2011
Bonded Thru Budget Notary Services