

**CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, JULY 16, 2009 AT 3:00 P.M.
CITY COMMISSION MEETING ROOM
CITY HALL**

| <u>Board Members</u> | Attendance | Cumulative Attendance 10/08 through 9/09 | |
|-----------------------------|-------------------|---|---------------|
| | | Present | Absent |
| John Scherer, Chair | P | 7 | 2 |
| John Phillips, Vice Chair | A | 6 | 3 |
| John Barranco | P | 6 | 3 |
| Joe Crognale | P | 2 | 0 |
| Pat Hale | P | 8 | 1 |
| Hector Huguaburo | A | 5 | 4 |
| Joe Holland | P | 8 | 1 |
| Thornie Jarrett | P | 9 | 0 |
| Michael Weymouth | P | 6 | 0 |

City Staff

Lori Grossfeld, Board Secretary
Ginger Wald, Assistant City Attorney
Brian McKelligett, Administrative Assistant II
Terry Burgess, Zoning Administrator
Burt Ford, City Building Inspector
Wayne Strawn, City Building Inspector
Gerry Smilen, City Building Inspector
Dee Paris, Administrative Aide
Lindwell Bradley, Code Enforcement Supervisor
Chris Augustin, Building Official
J. Oppерlee, ProtoType Inc. Recording Clerk

Communication to the City Commission

- The Board would like staff to consider ways to provide assistance to secure properties that are in legal limbo in the event of a hurricane.

Witnesses and Respondents

CE05121325: Robert McIntyre, owner

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CE07040050: Mike Richel, General Contractor
 CE07050197: Anthony Catania, owner
 CE08092242: Jana Gray-Williams, owner

| <u>Index Case</u> | <u>Respondent</u> | <u>Page</u> |
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| 1. CE07040050 Address: Disposition: | Stark Equity Group 1340 Northwest 19 Avenue Extension to 8/20/09. Board approved 7 - 0. | <u>3</u> |
| 2. CE05121325 Address: Disposition: | Crazy Gregg's Marina LLC 301 Seabreeze Blvd. Extension to 8/20/09. Owner to submit the plans in a timely fashion and that plans be reviewed in a timely fashion by the Building Department. Board approved 7-0. | <u>15</u> |
| 3. CE07050197 Address: Disposition: | Anthony & Ana Marie Catania 1636 Northwest 5th Avenue Extension to 9/17/09, owner to submit plans for permits and have all the structural requirements of the structural engineer completed, and a survey. Board approved 7-0. | <u>42</u> |
| 4. CE08092242 Address: Disposition: | Jana Gray-Williams 512 Northwest 22nd Avenue 6-month extension. Board approved 7-0. | <u>70</u> |
| Board Discussion/ For the Good of the City | | <u>83</u> |

The regular meeting of the Unsafe Structures Board convened at **3:02** p.m. at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

All individuals giving testimony before the Board were sworn in.

Approval of meeting minutes

Motion made by Mr. Holland, seconded by Mr. Crognale, to approve the minutes of the Board's June 2009 meeting. Board unanimously approved.

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Case: CE07040050

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Stark Equity Group

1340 NW 19 Avenue

MS. PARIS: Our first case will be on page two, it's an old business case. Case CE07040050, the inspector is Wayne Strawn, the address is 1340 Northwest 19th Avenue, the owner is Stark Equity Group LLC.

We have service by posting on the property 6/4/09, advertising in the Daily Business Review 6/26/09 and 7/2/09. Certified mail as noted in the agenda, violations as noted in the agenda.

This case was first heard at the 2/19/09 USB hearing. At that time the USB Board granted a 30-day extension to the 3/19/09 USB hearing with the stipulation the owner return with written, detailed proposals from his general contractor and his architect and his engineer of their plan for rehabilitation.

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At the 3/19/09 USB hearing the Board granted a 28-day extension to the 4/16/09 USB hearing with the stipulation that the respondent return with written, detailed proposals from his general contractor, architect and engineer with plans ready to be submitted to the City.

At the 4/16/09 USB hearing the Board granted a 30-day extension to the 5/21/09 USB hearing. At the 5/21/09 USB hearing the Board granted a 60-day extension to the 7/16/09 USB hearing.

CHAIR SCHERER: Okay. Wayne, you want to give us an update on the status of this property?

INSPECTOR STRAWN: Wayne Strawn, City Building Inspector. Yes, I met the owner at the property Monday, I believe it was, and I got access to the inside of the property. I think he's given up on the idea of it being a duplex or ever being a duplex.

I had a discussion this afternoon with Dominic Willono, and he's an engineer that has been engaged to do some destructive testing; he's going to try to find out if the footing's are the right size, if they have steel in them, if the tie beam is the right size, if it has steel in it, and so forth and so on. And to determine -

MR. RICHEL: Mr. Strawn, I think that's the wrong address: 1340 Northeast -

CHAIR SCHERER: 1340 Northwest 19th Ave.

INSPECTOR STRAWN: Nineteenth - oh, I'm sorry.

MR. RICHEL: It's okay.

INSPECTOR STRAWN: I'm sorry. I'm sorry.

MR. RICHEL: That's me.

INSPECTOR STRAWN: That's him. Here, sit down. I'm a little confused.

CHAIR SCHERER: Well I was, I'm reading along and I -

MR. RICHEL: I'm Mike Richel, the general contractor.

CHAIR SCHERER: So, come on, speak into the mic and -

MR. RICHEL: Sorry, my voice is a little off. Mike Richel, the general contractor, I was here 60 days ago. Just resubmitted the plans, corrected plans, Monday. So they are back in the system. Permit number hasn't changed and I'm hoping that in another week or two, everything will be approved and we'll have the permit.

MR. WEYMOUTH: What were the corrections that the City asked for?

MR. RICHEL: I'm sorry?

MR. WEYMOUTH: What were the corrections that the City asked for in the plans?

MR. RICHEL: They were.

MR. WEYMOUTH: Structural nature, engineer -

MR. RICHEL: They wanted an engineer's letter or a letter from the architect regarding the structure. Provided that. They wanted some more details on the air-conditioning. He

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provided that. To be honest with you, every discipline had some notes and I just handed it to the architect. I didn't pay that much attention; my apologies.

But they were, all the corrections were done and I believe, the only pass right now is the Code Enforcement, or the after-the-fact. And I think by virtue of the length of time it's been in with no action it's in Zoning, because they take the longest.

MR. WEYMOUTH: No setback violations?

MR. RICHEL: No, no, none at all. No, I just think they're a little backlogged because they took the longest amount of time on the last one I processed. Everybody else was within a day or so. So I'm hoping within two weeks we're good to go, so I would ask for another extension: 30 days, 60 days, whatever your pleasure.

MR. HOLLAND: To both of you: what's the condition for storm right now, are we tied down well, are we comfortable waiting 30, 60 days?

INSPECTOR STRAWN: Wayne Strawn, City Building Inspector. The windows that have been installed appear to be impact resistant and the building is secure today except for one window that's been broken on the east exposure, or the north exposure.

MR. RICHEL: I'll take care of that. I didn't even, I didn't even realize. I haven't been there in a little while.

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INSPECTOR STRAWN: They probably attempted to break in but because they're impact windows they didn't get in, but they destroyed the window.

MR. RICHEL: Great. Okay well, I'll board that up.

MR. HOLLAND: Okay, so all these loose and hanging parts have been dealt with in the past.

INSPECTOR STRAWN: Right. This is the review sheet just for structural. The new plans coming in - I haven't seen them - but there were 10 items just for structural.

[Inspector Strawn presented the review sheet on the Elmo]

Number one, 106.1.3: Elevation above mean sea level of the top of the first floor shall appear on all construction plans. So they needed an elevation certificate.

Number two: Provide floor showing all additions, floor plan, windows and clear understanding of work done without permit, wind load pressures for windows and doors. Three: Separate application for shutters. Well that, we know they're impact windows, so that's not going to be an issue.

Number four: Provide the type and occupancy of construction on the plans. Number five: Structural calculations prepared by the designer of record and provide table of contents and impressed seal of the designer. Number six: City of Fort Lauderdale window schedule. It needs a type of glass, the fasteners, the anchor spacings.

Number seven: Letter from the architect attesting to what

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inspections, if any, were performed and how inspections will be performed if the work is complete. In other words, if it's covered.

Number eight: Provide a window and door schedule on plans detailing wind pressures. Number nine: Three-quarter inch minimum slab recesses required. Your typical wall detail shows flush. Number ten: Designer of record must review, date and hand sign all NOAs.

So this is a considerable laundry list and I'm not as optimistic because the - I was out of town when the plans first came in, so I have never seen the plans and I'm going to go over them myself to make sure they address all the issues. I'm not quite as optimistic as this gentleman is that they're going to be approved that fast. There may be some other issues.

MR. WEYMOUTH: Were these -

MR. JARRETT: Sorry John.

CHAIR SCHERER: Go ahead.

MR. WEYMOUTH: Were these the as-builts or were these, was he using typical wall sections? When you sit here and you show that you don't have a three-quarter inch depression for a typical wall detail, I mean, if that's an as-built condition then obviously -

INSPECTOR STRAWN: There's a new portion, there is an addition that was added to the original building.

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MR. WEYMOUTH: Right.

INSPECTOR STRAWN: So, that would be where that would requirement would come in. The other exterior walls didn't have, they're so old they didn't have those requirements, with the exception of those that were done the enclosure of the rear porch which was done without a permit and there's another addition behind that. So I need to really look at the plans to get a better, a better, more clear picture of what we got.

MR. WEYMOUTH: But reading the comment, we're assuming that there is a depression there. It's not that the architect did an as-built showing no depression, because there is no depression.

INSPECTOR STRAWN: The question is: we don't know. I don't know whether there's a depression or not. If there isn't a depression, which is what I suspect - that may be drawn up that way because that's the way it is - then there's alternate methods to provide the water seal.

MR. RICHEL: There is no depression.

INSPECTOR STRAWN: Okay.

MR. RICHEL: We did expose several of the walls in order to prepare the plans. There is no depression so are going to have to find some alternate means.

MR. WEYMOUTH: And return to Zoning.

MR. RICHEL: I'm sorry.

CHAIR SCHERER: Wayne, how do you respond to number seven,

question seven on that?

MR. RICHEL: Which one was number seven?

INSPECTOR STRAWN: A letter from the architect attesting to what inspections, if any, were performed.

CHAIR SCHERER: Actually, more A than seven.

MR. RICHEL: I haven't seen -

CHAIR SCHERER: How will inspections be performed if the work is complete. How do you do that?

INSPECTOR STRAWN: Well, you, as we, the destructive testing. You have to take stuff apart and look at it.

MR. RICHEL: We, and we're prepared to do all of that.

CHAIR SCHERER: Does that mean you can't issue a permit without having number seven complied with?

MR. HOLLAND: Oh yes.

INSPECTOR STRAWN: Well, the - what the problem comes in is, is it really a true as-built or is it going to have to be modified to meet the code. And usually, some items meet the code and some do not, so the architect or the engineer, he specifies on the plans what he is certifying that that already meets the code and what changes he's making to alter this to meet the code.

CHAIR SCHERER: Okay.

MR. RICHEL: If I'm not mistaken, I believe the plans reflect what will meet the code and it's going to be my responsibility to expose what we need to and take whatever

actions are necessary to do that. So they're really not true as-built plans. They're what would pass under normal circumstances.

MR. WEYMOUTH: Can you scroll to the top of the page for me real quick Wayne, please? Just - Thank you.

CHAIR SCHERER: And this is just structural?

INSPECTOR STRAWN: That's just the structural remarks, correct.

MR. WEYMOUTH: And the permits just recently went back in with these corrections, right?

MR. RICHEL: Yes.

MR. WEYMOUTH: So it took a little over a month to -
Actually [in the audible]

MR. RICHEL: Monday.

INSPECTOR STRAWN: Resubmitted on the 13th, Monday.

MR. WEYMOUTH: And the comments came out on May 27, correct?

INSPECTOR STRAWN: Yes, that's correct.

MR. HOLLAND: Let me ask another - sorry if I missed this, but again, the destructive testing, has any of it been started?

MR. RICHEL: We took some drywall down in order to see what was existing.

MR. HOLLAND: For the engineer.

MR. RICHEL: Yes, for the architect

MR. HOLLAND: For the architect.

MR. RICHEL: Yes. We haven't gone any further, we dug a couple of holes outside to see where the plumbing lines were running.

MR. HOLLAND: Okay, but, so yes, it seems a little bit like the cart before the horse if I'm not mistaken, but in after-the-fact permitting, that testing seems to be needed up front and paramount. But it sounds like plans were submitted with assumptions that these things could be brought up pending the testing.

MR. RICHEL: Actually no. The - we exposed what the architect felt was necessary and he drew the plans the way that they should be to meets code, not what's existing.

MR. HOLLAND: Okay, I got you, you did say that. That's good. So it's based on all the destructive means that the architect needed to sign and seal this building -

MR. RICHEL: As far as we know at this point, yes.

MR. HOLLAND: - as in after-the-fact. Okay I got you, thank you.

MR. RICHEL: I'm fully expecting that once we start the inspection process we'll have to take apart quite a bit more and do a lot more remedial work, you know, but to satisfy the inspectors. But we'll cross that bridge when we get there.

CHAIR SCHERER: Wayne?

INSPECTOR STRAWN: Wayne Strawn, City Building Inspector.

I think there's probably a note on the plans that said contractor will verify conditions.

MR. RICHEL: That may well be.

INSPECTOR STRAWN: Yes, that's sometimes the way they do it and then that leaves it up to the Building Department to have shown to them that it actually looks like what the architect drew.

CHAIR SCHERER: Okay.

MR. HOLLAND: Yes, it sounds like a process that, depending on instead of having all the unknowns determined as known, it requires the contractor's work to do that verification which is going to drag out the process. I just -

CHAIR SCHERER: Once a permit is issued, it's off of our table.

MR. JARRETT: Exactly.

MR. HOLLAND: An application?

CHAIR SCHERER: No, once the permit has been issued. So, it's in for a permit now, but once the permit's issued it comes off our agenda. [Inaudible]

MR. HOLLAND: Oh, I understand that. He's got to - it's a lot of construction or destruction work has got to be done in order for that design professional to signify that this thing is going to be a success and I wish you well on that; I hope there aren't any big surprises.

MR. RICHEL: I'm sure there are going to be plenty.

MR. HOLLAND: Again, my concern is how much time to allow on this and the risks we have with hurricane season. It sounds, I haven't heard where we have a big concern about any items other than the general premise that it's not permitted and the assumption needs to be made that it's not suitable for the hurricane wind loads that we might be seeing. But under the circumstances I think if we feel there's a diligence here we can take it, we should keep it probably month-to-month and see how the progress is being made.

MR. WEYMOUTH: Is the architect the original design professional?

MR. RICHEL: No.

MR. WEYMOUTH: Okay.

MR. RICHEL: Of the original house? No, that was back in the 50s.

MR. WEYMOUTH: No, no, no, not the original house, but the portion that was added on.

MR. RICHEL: No, no. But actually of the additions, there were two permitted additions that were done, I think 30 to 40 years ago and then the two illegal additions were adopted by the current owner; he didn't know they were illegal until after he bought it.

CHAIR SCHERER: Okay. Is there any more comments or questions or a motion?

MR. BARRANCO: I'm prepared to make - I'm prepared to

turn on my mic and make a motion. Move that we grant a 30-day extension to the July - no, when are we - August 20th meeting. And we keep it month to month until we see the permit and things get resolved.

MR. HOLLAND: Second.

CHAIR SCHERER: Okay, we have a motion and a second, any discussion or questions about the motion? Seeing none, all those in favor of the motion signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: Opposed? Motion passes, see you in 30 days.

MR. RICHEL: Thank you very much.

MR. HOLLAND: Keep it well tied down during the season, okay?

2. Case: CE05121325

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Crazy Gregg's Marina LLC

301 Seabreeze Boulevard

MS. PARIS: Our next case will be on page one. This is an old business case. 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 6/3/09, advertising in Daily Business Review 6/26/09 and 7/2/09. Violations and certified mail as noted in the agenda.

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This case was first heard at the 6/19/08 USB hearing. At that time the Board granted a 30-day extension to the 7/17/08 USB hearing, with the stipulation the respondent return with a letter from his restaurant stating that facilities would 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 the 11/20/08 USB hearing. At the 11/20/08 USB hearing, the Board granted a 90-day extension to the 2/19/09 USB hearing. At the 2/19/09 USB hearing, the Board granted a 90-day extension to the 5/21/09 USB hearing. And at the 5/21/09 USB hearing the Board granted a 60-day extension to the 7/16 USB hearing.

CHAIR SCHERER: What's the update for today?

MR. MCINTYRE: Hello everybody, Robert McIntyre, owner of Crazy Gregg's Marina. Currently, I'm getting ready to turn plans in which are going to hopefully address each of the notes that were made on the last plans that I turned in. It's taking a little bit of time, I tried to get out of some of the notes, some of the requirements that were based on the, I guess ADA handicap requirements for new structures. They wanted us to put a 5 by 6 handicapped bathroom in a 10 by 12

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structure. It didn't make a lot of sense, but I guess it's code.

They're also having us put handicapped ramp way up to the building. The building is not open to the public; it's only for a few personnel that basically you must go out and do boat demos and things like that, where if somebody can't walk in the building, I don't know how they're going to safely do a boat demo to paying customers.

But I'm hoping to get plans turned in and get them approved. I'm going to try and still fight, maybe do a waiver on the boat ramp, sorry, not the boat ramp, but the handicapped ramp after we get them submitted. I don't know how else to do it but I've got to get a permit on something going so I don't have to come in here and bother you guys each month. I hear you got some people here that might be able to help me.

MR. HOLLAND: As far as, Robert, just before that, you mentioned, as, have you considered the Board of Adjustments to get out of some of these things or to waive some of these things? I think that's probably the normal method, maybe that's not a good application here, but have you considered it or looked into it?

MR. BARRANCO: The Board of Adjustment can't speak to handicap issues; that's a state, law; it's actually a federal issue.

CHAIR SCHERER: Florida Building Commission does that.

MR. BARRANCO: He's got a good case, sounds like, if it's not open to the public and you don't have more than five people in there, that should all go away. It's just getting somebody here to listen to you and say, yes we agree, you meet the code, and move on so -

MR. MCINTYRE: I mean -

MR. HOLLAND: Thank you for that.

MR. BARRANCO: Yes.

CHAIR SCHERER: So this is our year anniversary I think. No - 13-month anniversary here. It was originally an unsafe structure, now is it still unsafe? I mean what, what has been done?

MR. MCINTYRE: It went through hurricane Wilma and it didn't budge.

CHAIR SCHERER: Right.

MR. MCINTYRE: Some windows were damaged and they were replaced but I'm trying to bring it up to code and it seems like the only thing left here are these handicap issues before I get a permit and I can actually bring it up to code.

CHAIR SCHERER: Right.

MS. HALE: Is everything else sorted out? The bathroom, we sorted out last year, correct?

MR. MCINTYRE: Well, I've got letter from the owner, hopefully -

MS. HALE: Of the restaurant.

MR. MCINTYRE: Yes. Hopefully when it goes through again, you know, it seems like it could be somebody's opinion every time things get turned in.

MS. HALE: I know.

MR. MCINTYRE: So.

CHAIR SCHERER: Well, but the bathroom doesn't, using Quarterdeck's bathroom doesn't work, right?

MR. MCINTYRE: Oh, it should work.

CHAIR SCHERER: But I thought they, you have to put a bathroom in this thing?

MR. MCINTYRE: They wanted us to. I've got a letter from the owner of Quarterdeck, who's also part owner in this property, that gives us authorization to use his restroom. Now, we also have a letter for him for parking spaces. So if somebody can park in our restaurant, or in our Marina, and go over and eat in his restaurant I don't know why they couldn't walk over there to use the restroom from our property, it doesn't make sense.

MR. CROGNAL: I have one question, if you would.

MR. MCINTYRE: Yes sir.

MR. CROGNAL: It's my understanding that ADA requirements can't be waived for two reasons. One is the public access; two, you have employees. A handicapped employee still has to have access. So they, I don't know if they can [inaudible] or

not.

MR. MCINTYRE: The building isn't open to the public. People can come up to the window, but actually coming inside the building, it's locked. They're not allowed inside.

MR. CROGNALE: The employees are not allowed in?

MR. MCINTYRE: Oh, the public is not allowed inside. Employees, this is the information center and boat rental center, so if somebody can't walk up a flight of stairs to get inside the building to work, how are they going to go out on a boat ramp, climb on a boat and safely go through a boat demo to somebody that's paid to go out on a boat. They're not going to be able to, so I really wouldn't be able to hire somebody that couldn't do that.

MR. CROGNALE: Would they consider that discrimination?

MR. MCINTYRE: I mean, if it's going to infringe upon somebody else's safety -

MS. HALE: I think that common sense -

CHAIR SCHERER: Well, we're getting -

MS. HALE: You know, common sense has to -

CHAIR SCHERER: We're getting kind of way far off of where we need to be but - It's a good discussion but -

MR. MCINTYRE: Yes, I don't think we want to spend that amount of time.

CHAIR SCHERER: So, what can we do to get you, what, are they resubmitted? Have you resubmitted the plans?

MR. MCINTYRE: Not yet. Got them, got them ready. The contractor's pulling the roof permit and then I'm going to put them in. There was a roof permit that needed to be pulled.

MS. HALE: Is there anything besides the roof permit?

MR. MCINTYRE: Just turn them in; I've got all the notes addressed.

MS. HALE: It's all done.

MR. MCINTYRE: Yes.

MS. HALE: Okay.

MR. WEYMOUTH: Why do you have the pull a roof permit before the main, the master permit?

MR. MCINTYRE: That was a note that was, I got rejected because it said it needed the roof permit pulled.

CHAIR SCHERER: But, do your plans show a bathroom?

MR. MCINTYRE: No.

CHAIR SCHERER: No. Do they show handicap access?

MR. MCINTYRE: They will.

CHAIR SCHERER: They will.

MR. MCINTYRE: They show handicapped access, a big ramp that comes in off of Las Olas.

CHAIR SCHERER: And was one of the comments that you were required to have a bathroom? So it's going, they're going to fail again.

MR. MCINTYRE: It was, but I've got a comment with the letter from Paul. They didn't have that in the original.

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They didn't have the letter from the other restaurant

CHAIR SCHERER: Maybe Chris can come up and maybe clarify some of this for us.

MR. AUGUSTIN: Chris Augustin, Building Official for the City of Fort Lauderdale. What he stated is correct, the last submission he did not have that letter; that the letter will be acceptable and will relieve him from having to provide that bathroom.

As far as the accessibility, you have to provide accessibility not only to the employees that are work there, because you certainly can't say that you're not going to hire someone that's disabled. And it's my understanding it's the ticket booth and you also have to provide accessibility for any customers that want to buy tickets, whether they are disabled or not, so -

CHAIR SCHERER: Okay.

MR. AUGUSTIN: I think you, someone asked a question about a roof permit?

MR. WEYMOUTH: Yes.

MR. AUGUSTIN: Roof permits are always separate permits just like plumbing permits are, electrical permits, paving permits, fence permits.

MR. WEYMOUTH: Why would that not be applied for at the same time that he's applying for his master?

MR. AUGUSTIN: It has to be, and that's why that comment

is in under the master permit.

MR. WEYMOUTH: [inaudible] I did not understand the way he [inaudible]

MR. AUGUSTIN: Correct.

CHAIR SCHERER: Okay. So, no bathroom required.

MR. MCINTYRE: I've got plans being turned in with the ramp so I should be -

CHAIR SCHERER: Okay.

MS. HALE: Two ramps, one for the customers, or is the door where they sell the ticket, so it's only one ramp?

MR. MCINTYRE: It's a ramp coming in off Las Olas going up to the door area.

MS. HALE: Okay.

CHAIR SCHERER: Will it serve -

MS. HALE: So everybody -

MR. MCINTYRE: But - the public doesn't come inside the building to buy a ticket.

MS. HALE: No, but so, you have a window or something?

MR. MCINTYRE: Yes.

MS. HALE: Could a - I think that's the question: could a handicapped person come up the ramp and buy a ticket, as well as a handicapped person working inside your booth.

MR. MCINTYRE: A handicapped person wouldn't need the ramp to come up to the window; the window's in an area on the other side of the building from where the ramp is.

MS. HALE: Okay -

MR. MCINTYRE: The ramp is only for an employee that would need to come inside the building.

MS. HALE: Right. But a person, an ordinary handicapped person could buy his ticket -

MR. MCINTYRE: Could come to the window without the ramp.

MS. HALE: Without the ramp, okay. I think that was the question you -

CHAIR SCHERER: Okay.

MR. AUGUSTIN: Well, and that was one, that was also one of the comments, that was comment number five: provide compliance with sales and service counters, teller windows, that's all part of Chapter 11 of the Florida Building Code which is the accessibility code.

MS. HALE: But obviously, he's accessible to buy a ticket, just not for the man whose going to sell them.

CHAIR SCHERER: Yes, but the counter heights might not be correct.

MR. AUGUSTIN: Well, I don't know that that's, that he is. If the counter height isn't at the right height, my plans examiner would not have made that comment. Just to enlighten the Board here, today is actually the 365th day since he made application for this permit. Out of those 365 days, it was actually in the Building Department for a total of 13 days.

These plans were taken out many times, there were large

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lapses of time that they were out for corrections. A total of 286 days that the plans were not even in our building. So, the plans were taken out of last on February 23 and we haven't seen them since, so that's why there's such a big delay.

CHAIR SCHERER: Mr. McIntyre, why did it take from February 'til July to get something ready? Forget the bathroom issue because you had the letter.

MR. MCINTYRE: Yes, I mean, originally I was told that I had to turn in plans with a prefabricated building and I did that. And then you change from that to a complete renovation of the new building. Now I did, I went, put 50% down on a building, bought it, so they'd give me the plans.

I turned that in and then it changed to where I had to go through meetings and everything else with City employees to figure out actually what my next step is, because I had to get through Zoning and everything else before it could even try and turn plans back in.

MR. BARRANCO: And, Mr. McIntyre, I'm remembering back too, when you were considering the other structure to replace it, it was, I believe it was a Planning and Zoning issue that was holding you up because it was an existing building and you didn't want to take it down because you're grandfathered in and you're trying to hold onto that because if you had to tear it down then you'd have a problem.

CHAIR SCHERER: You had a legal, nonconforming use of the

property, and then you -

MR. BARRANCO: Right.

CHAIR SCHERER: Oh, Zoning's here too, wow.

MR. BARRANCO: So that's where I think he ended up back with us trying to figure out how he could make that existing one work.

MR. MCINTYRE: I couldn't just turn the plans back in, I had to go figure out, okay, if I can't do what they first told me to do what am I supposed to do? So when I finally figured that out [inaudible] it was a total rebuild -

CHAIR SCHERER: So, so okay so, the next question is -

MR. MCINTYRE: - then I had to get an architect [inaudible] plans

CHAIR SCHERER: - once you, now you have this new set of legal nonconforming use, if you change any parts of the structural components that means you're no longer legal nonconforming, so that means if the countertop height is incorrect, you have to modify the structure which makes you no longer legal nonconforming.

MR. BARRANCO: No, it's got to be more radical than that, I think.

CHAIR SCHERER: I don't know.

MR. BARRANCO: It's got to be a pretty radical change.

CHAIR SCHERER: We have the guy from Planning and Zoning here.

MS. WALD: Excuse me, Chairman, because you're asking the questions in regards to legal nonconforming and Zoning, we do have Zoning here for you as you requested from last time.

MR. BARRANCO: Feel so special today.

MR. BURGESS: Terry Burgess, Zoning Administrator. Yes, if they were to remove this structure like he said, I met with him before, they would have to go through site plan approval, which is P&Z and probably City Commission. He would not meet the setback requirements but if he modified the building, as long as it's less than 50% it's still the same nonconforming structure.

CHAIR SCHERER: What about the structural clause? Any structural component -

MR. BURGESS: That's up to the Building Official. The Building Official can determine whether or not the structural members -

CHAIR SCHERER: Okay.

MR. BURGESS: - have to be replaced and then it supersedes our zoning ordinance.

CHAIR SCHERER: Okay.

MR. AUGUSTIN: I've actually got some questions myself here.

CHAIR SCHERER: Sure.

MR. AUGUSTIN: Originally, when this was submitted it was submitted as a shed, okay, and the Building Department

approved it as a shed. Shed is for storage: life preservers, paddles, whatever. It failed Zoning at that time, and I guess maybe it was because they didn't, maybe it would do away with their legal non-conforming issue, I'm not sure why.

But it is my understanding that these plans were resubmitted January 6th of '09 and they changed the whole thing; it wasn't going to be a shed, now they're, now it's going to be a new sales office. And it's, again, it's my understanding the previous existing building was a manufactured building from back in, I don't know, the 70s or early 80s or something like that.

You can't modify a pre-manufactured building because then the approval, it all goes away. So, I'm not able to look at the plans because like I said before, the plans have been out of the office since February, but I'd love to know what was actually submitted at that time. I'm thinking it's to build a brand-new structure there from the ground up. I may be mistaken, but I'm not sure.

CHAIR SCHERER: Can you - can he build a new structure there? He can't.

MR. HOLLAND: No.

MR. WEYMOUTH: He can't modify the existing -

MR. AUGUSTIN: Not Zoning-wise. I think it's a Zoning issue but it strings out the building end, so something's going to have to give -

CHAIR SCHERER: Right.

MR. AUGUSTIN: - and the Building Code is pretty rigid, it sounds like a variance application [inaudible]

CHAIR SCHERER: So it's similar to what happens when we have a trailer here, when somebody modifies the trailer you can't get a structural engineer to sign off on the components of that.

MR. AUGUSTIN: Exactly.

MR. WEYMOUTH: Basically you're modifying the NOA, which modifies the structure, which voids the NOA.

MR. AUGUSTIN: Correct.

MR. CROGNALE: Question. That's - Question?

MR. WEYMOUTH: I've got two questions.

CHAIR SCHERER: Sure. Go ahead.

MR. CROGNALE: I'd like to, since I'm new to the Board and this has a long history before I came here, the only observation that I'm making right now is the due diligence of time wise of trying to obtain all these documents. It seems like it's awfully long drawn out. It could be a perpetual extension where we could be here for perpetual 60-day extensions. That's my concern about the due diligence of the time on it.

CHAIR SCHERER: Okay.

MR. HOLLAND: It's a dilemma. We have our codes and laws and sometimes things fall between the cracks and that's what

tests the need for the new laws and what have you. I mean I mentioned, I think I was referring to the Board of Adjustment regarding the setback showstopper, but of course the ADA has, is like death and taxes, it's got to be met with and I guess that would be dealt with in a new structure arrangement.

But I think we pretty much exhausted all the options here. I mean there is some hope for discretion from the Department in reviewing, with discretionary powers. This ramp, you say, from Las Olas, does it involve public right-of-way also?

CHAIR SCHERER: Yes, but I don't really think it's a ramp issue anymore. It's not a ramp issue; it's not a bathroom issue. You have a modular building that you modified and you're not going to get a permit for it.

MR. WEYMOUTH: We think he's going to have to modify it. He hasn't submitted the plans back.

MR. MCINTYRE: Yes, I'm getting ready to turn the plans back in to show the ramp.

CHAIR SCHERER: What does the architect say?

MR. MCINTYRE: The - pardon me?

CHAIR SCHERER: What does the architect say about the building? It's a modular building that you have.

MR. WEYMOUTH: Do the plans reflect you having to change any component in the exterior structure of the building; do you have to lower a window, do you have to make an opening

wider?

MR. MCINTYRE: No, no.

MR. WEYMOUTH: Nothing, you don't have to touch anything on the outside.

CHAIR SCHERER: But what about the ADA issue?

MR. WEYMOUTH: Are you in compliance -

MR. MCINTYRE: I don't have to change anything. [In audible] or anything.

CHAIR SCHERER: But what about the ADA issue with the countertop?

MR. WEYMOUTH: That's what I'm asking, you say no. Are you in compliance with parking; are you having to provide handicapped parking for this?

MR. MCINTYRE: Yes. We have handicapped parking on the property already.

MR. WEYMOUTH: Okay, my only other question is, are your hours of operation complementary with the Flanagan's? In other words, you're putting people in the boat at eight o'clock in the morning, they don't open for lunch until eleven. Somebody is, obviously if it becomes a bathroom issue somebody is not going to have access into Flanagan's at eight o'clock in the morning. Are your hours complementary with theirs? Is their facility open the same?

MR. MCINTYRE: It's open, it's not open for the public but it's open; there's people in there.

MR. WEYMOUTH: Well, but it needs to be open for the public for the public to use.

MR. MCINTYRE: There's a manager.

MS. HALE: No, I thought the bathroom was only for your attendant.

MR. MCINTYRE: It's only for the attendant.

MS. HALE: It has nothing to do with the public bathroom. It's for your attendant.

MR. MCINTYRE: The building is not for the public, it's only the employees that work there.

MS. HALE: Am I correct sir? Yes. You're shaking -

MR. AUGUSTIN: It's for the public, it needs to be for the public also.

MR. MCINTYRE: Inside the building? Them to come inside the building? Or just access the window?

MR. AUGUSTIN: If the public comes to your business, place of business, to purchase a ticket, they have to use the restroom, you have to provide a restroom. You're going to provide a letter that you're using adjacent business that meets the requirement within so many feet. I've already checked on that. But that facility has to be open where the bathroom's at, at the same time that your place of business is going to be open.

MR. WEYMOUTH: I think, he's got a set of plans, we let him submit them and we talk about this in 30 days and make a

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hard decision.

MR. AUGUSTIN: Well -

CHAIR SCHERER: Gerry -

MR. AUGUSTIN: I think there's a little bit of information that Gerry can shed on this.

CHAIR SCHERER: Okay.

MR. AUGUSTIN: Goes back to the day after the hurricane. It's very important.

INSPECTOR SMILEN: Good afternoon Board. Gerry Smilen, Building Inspector, City of Fort Lauderdale. We go, we turn the wheels of time back to '05, and the reason why we're all here with this case is because originally there was damage that occurred on this particular structure from the hurricane and it was roof damage.

There's a completely different roof on this structure here and that's when a stop work order was issued on this building and the work proceeded and then that's how we ended up to be where we are today so you basically have a pre-manufactured structure that has been altered structurally and that was the whole problem here that you can't alter a pre-manufactured structure with its own NOAs and engineering. And therefore it loses its exemption to the Florida Building Code and that's where we're at right now.

MR. WEYMOUTH: How old is that structure?

INSPECTOR SMILEN: Well, this damage happened in '05.

I'm saying that I don't have all the records exactly when the first permit was pulled, but I'm thinking it was in the 90s when that was brought in there.

MS. HALE: But it's always been a ticket booth.

INSPECTOR SMILEN: Yes ma'am.

MS. HALE: So it wasn't a storage bin, it was a ticket booth. Yes?

INSPECTOR SMILEN: That was the general purpose.

MS. HALE: The owner's saying yes.

CHAIR SCHERER: Will this, whatever they submit, are they going to get a permit? I mean, will they be able to get a permit to fix the building? I mean, that will answer our question right now.

MR. WEYMOUTH: He probably can't answer that until he sees it. So I'm saying he submits the permits -

CHAIR SCHERER: Yes but if, I'm saying, if you have a modular building and you modified it, you can't, I don't know what you can do.

MR. AUGUSTIN: Exactly.

MR. BARRANCO: Can I speak to that? And I've got some questions to that.

CHAIR SCHERER: Sure.

MR. BARRANCO: I haven't done a lot of modular; I've done some. In many cases they are accepted and they are engineered. And I was actually at one time considering

designing some modular structures. And we have to design the modular structure to meet the code, it has to be. Then it's accepted by the state, by an engineer and it has to be reviewed and it has to be built and it has to be inspected.

And all those things do happen and it does meet code. You put that building on site and you're not required to pull a permit for the structure itself, it's already got its NOA from the state.

So when I come here to the Building Department, it's reviewed for the setbacks and fire and all those things but anything within the building or the structure, right, correct, tied down, those are the things you all look at.

So if that building was originally designed by a structural engineer and by an architect, why could that building not be modified later like any other building by an architect or by an engineer?

MR. AUGUSTIN: Correct, but if that was it - we're talking two different things here. If you're talking about a structure that was designed, they all have to be by an engineer, and it went through either the State of Florida product approval or Dade County product approval -

MR. BARRANCO: Correct.

MR. AUGUSTIN: - and was approved, then it will be accepted. Once you modify that, then that approval goes away. Yes, you could get an architect or an engineer involved to

totally redesign the whole thing, but he'll be responsible for that entire structure from the ground up. How this all came about originally, who knows what that, I don't want to call it a shed, but the pre-manufactured building was approved as. I'm gathering -

MR. MCINTYRE: Sales booth, back in '87.

MR. AUGUSTIN: So you have product approval that shows that it was to be -

MR. MCINTYRE: Yes, Bill Therrell from Sunrise originally put that building there as a sales booth.

MR. AUGUSTIN: He put it there as a sales booth for you -

MR. MCINTYRE: No, no, no, he owned the property back then.

MR. AUGUSTIN: But how was it approved by Dade County, as a shed or as a sales booth? That's, I think that's what it comes down to.

MR. MCINTYRE: It's on microfiche.

MR. BARRANCO: Question, is there a building permit in '87 for this building?

INSPECTOR STRAWN: Wayne Strawn, City Building Inspector. I originally investigated the property. The first stop work order was from Bob Pignataro the day after the hurricane. And then I was the only building inspector assigned to code for about a year or so and I didn't have any time to follow up on it.

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Now the, the original plan and approval by Fort Lauderdale Building Department was for a ticket booth, in fact, it also, there was, the question of the bathroom was raised at that time and they had to provide a document that said the bathroom was going to be available across the street.

My - you say '87?

MR. MCINTYRE: I believe it was '87.

INSPECTOR STRAWN: Okay, I thought it was '83, but it's in that neighborhood. I'm just from memory on what the records say. But there is a full set of plans that for this building to be moved on site, to be tied down and to allow to have a bathroom across the street and the employee travel across the street. That's what was allowed in 1983 or '87.

MR. WEYMOUTH: That whole intersection's been reconfigured since 83 or 87.

CHAIR SCHERER: So -

MR. CROGNAL: Question?

MR. WEYMOUTH: They were going to the bait and tackle store then.

MR. HOLLAND: Yes, right turn lane was eliminated.

MR. WEYMOUTH: Yes.

MS. HALE: I don't think that bothers him.

MR. BARRANCO: Continuing along that same line of questioning that I had then, we just had another case where they were going to investigate it and whoever is signing and

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sealing those documents kind of buy-in, whatever they did out there and he's going to sign and seal those things and he's going to say that it's safe and it meets code.

If this gentleman is able to do that, and there's some architect or engineer crazy enough out there who'd sign and seal this thing, could this case move on? And could he get a permit?

MR. AUGUSTIN: I'm sorry, could you repeat the last part of that?

MR. BARRANCO: I'm sorry. If there is an architect out there who'd be willing to, like you said, sign and seal the whole thing and basically adopt this building as his own, it is still possible for him to get a permit?

MR. AUGUSTIN: Yes, but that would have to be from the ground up.

MR. WEYMOUTH: Yes.

MR. BARRANCO: Has to meet code.

MR. AUGUSTIN: Has to meet code.

MR. CROGNAL: Question?

MR. AUGUSTIN: So the product approval goes away then, it's no longer part of an approved building, it becomes -

MR. WEYMOUTH: And you're modifying a structure that's now 20 years old, you know, the way that was built in '83 or '87 -

MR. AUGUSTIN: With two-by-threes for walls. It has to

pass the impact resistant building section of the code.

MR. WEYMOUTH: Be cheaper for him to build a new one.

MR. CROGNALE: Mr. Augustin, my question to you would be: it seems as if the Building Department has not yet received a valid set of plans that you can sink your teeth in to say yea or nay.

MR. AUGUSTIN: They've changed several times.

MR. MCINTYRE: I've turned plans in plenty of times but each time it's gotten turned back and then we address these issues.

MR. CROGNALE: But we don't have a valid set that he can realistically say, yes we can approve this for a permit process. The time frame is, keeps [inaudible]

CHAIR SCHERER: What happened since May?

MR. MCINTYRE: I was trying to figure out how to address the ADA issues with having to put a bathroom in there and I did meet with people from Plumbing, talked to people from the Plumbing Department and I found out how to put the letter together, everything else. And then I was trying to figure out a get out of having to put the ramp in, which I'm not going to be able to do, I've got to put [inaudible]

CHAIR SCHERER: Do you have an architect?

MR. MCINTYRE: Yes.

CHAIR SCHERER: Who is your architect?

MR. MCINTYRE: Bertram Lewars.

CHAIR SCHERER: And how long is it going to take for them to get a set of plans together to submit?

MR. MCINTYRE: I have them.

MR. WEYMOUTH: Well, he's got them right now, doesn't he?

CHAIR SCHERER: You have them done, 100%?

MR. MCINTYRE: Yes, yes. The roofing permit needs to be pulled. I don't want to turn them in with the roof permit not done so they'll get kicked out again. As soon as he pulls that roof permit I'm putting them in.

MR. WEYMOUTH: You submit the roof application with your master permit. It's a piece of paperwork that takes 30 minutes to fill out and submit with your plans. You could submit your plans tomorrow. And I think that's where we need to go with this thing. Obviously you've got the Chief Building Official's attention here; he'll look at it probably Monday morning. Let's see him in 30 days and hear back from both parties. Because either this thing can be done or it can't be done.

CHAIR SCHERER: Want to make a motion?

MR. WEYMOUTH: I would love to make the motion.

MR. AUGUSTIN: We're maybe five days out on plan review.

CHAIR SCHERER: Hang on, hang on.

MS. HALE: It's on [inaudible].

MR. AUGUSTIN: As far as plan review, I want to say we're current right now, that's why I just made a phone call to my

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administrative assistant to tell me the time frame. We are current on plan review.

MR. WEYMOUTH: In 365 days, if it only spent 13 days in your facility, I'm pretty sure in the next 30 days it'll get -

CHAIR SCHERER: Get a review.

MR. WEYMOUTH: Sufficient time.

CHAIR SCHERER: Okay. Would you like to make a motion?

MS. HALE: Just make it.

MR. WEYMOUTH: I make a motion that we grant him 30 days.

MS. HALE: That's right.

MR. WEYMOUTH: Until the August -

MS. HALE: 20th.

MR. WEYMOUTH: Thank you, 20th meeting.

CHAIR SCHERER: And are there any conditions on that motion or?

MR. WEYMOUTH: I don't know. I think the condition should be that the, that Mr. McIntyre submit the plans in a timely fashion and that they're reviewed in a timely fashion from the Building Department and that everybody's back here on August 20th to discuss what has been submitted.

MR. MCINTYRE: Hopefully I'm not back.

CHAIR SCHERER: Okay.

MR. WEYMOUTH: That would be even better.

CHAIR SCHERER: So we have a motion -

MS. HALE: That would be better. I'll second.

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CHAIR SCHERER: - for a 30-day extension. Is there a second?

MS. HALE: I seconded it.

CHAIR SCHERER: Okay. Any discussion or questions on the motion? Seeing none, all those in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: All those opposed? See everybody in 30 days.

MS. WALD: 35 days.

CHAIR SCHERER: 35, that's what I meant.

MR. WEYMOUTH: August 20th.

3. Case: CE07050197

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Anthony & Ana Marie Catania

1636 NW 5th Avenue

MS. PARIS: Our next case will be on page four. This is an old business case. Case CE07050197. The inspector is Wayne Strawn, the address is 1636 Northwest 5th Avenue, the owners are Anthony Catania and Ana Marie Catania, formerly known as Ana Marie D'Aulerio.

We have service by posting on the property 6/29/09 advertising in the Daily Business Review 6/26/09 and 7/2/09, service by certified mail and violations as noted in the agenda.

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This case was first heard at the 4/16/09 USB hearing. At that time the Board granted a 30-day extension to the 5/21/09 USB hearing with the stipulation that the respondent bring the design professional and/or his or his/her agent and the contract the respondent has with the design professional.

At the 5/21/09 USB hearing the Board granted a 30-day extension to the 6/18/09 USB hearing with the stipulation that the architect appear and report that the owner paid the retainer. At the 6/18/09 USB hearing the Board granted a 30-day extension to the 7/16/09 USB hearing with the stipulation that the owner arrange meeting with building inspector at location to determine the safety condition and the respondent at the 7/16/09 USB hearing be knowledgeable about the property.

MR. MCKELLIGETT: Excuse me, have you been sworn in?

MR. CATANIA: Yes.

MR. MCKELLIGETT: You have, been sworn in? Okay, thank you.

MR. CATANIA: Hi.

CHAIR SCHERER: Hi.

MR. CATANIA: I'm Anthony Catania, I'm the owner of the property. I met with Building Inspector Wayne on, was it Monday or Tuesday? He just came back from vacation. We met there with the architect. I spoke to my structural engineer. I believe, did you speak with him today?

INSPECTOR STRAWN: Yes, I did.

MR. CATANIA: They were speaking today. I ran into a small delay, just a few weeks. I applied for a mortgage, a line of credit on the home. They approved me for a ton last year when I refinanced it and just now I was just trying to get a small bit of that and it was declined.

I got my parents to agree to take another small loan on their home so we can pay out the structural engineer and make whatever necessary repairs to make the structure safe.

CHAIR SCHERER: So -

MR. CATANIA: I'm sorry. The bank's working with me now as well. They're going to defer my payments until we get this taken care of so that's going to help because after meeting with Wayne I had no idea there was so much more as far, the windows, when I purchased the home they had new windows in. They, he says they're thermal but they're not impact, so I have to have shutters put on the home.

He pointed out the electrical coming to the house is just about 3 feet above the home; it has to be at least 6 feet I think he said from the structure. So there's a lot more. I thought it would be pretty much cut and - I thought everything was done properly. So it's going to be a little bit more money than we anticipated. But from what we've already invested into it, it's not going to make an issue whether or not we're going to go through and make it safe.

And we no longer have any intentions of using it as a duplex. The addition was originally built for a large master suite and that's what we intend to keep it for; we don't want to go ahead and get another electric or water meter on the property.

CHAIR SCHERER: So, do you have architectural plans ready to submit?

MR. CATANIA: He does not have them ready yet, no. He wanted to meet with the engineer first. I believe his name is Dominic Rupalo.

MS. HALE: Is this property occupied currently or is it vacant? Those sections.

MR. CATANIA: No, yes, it's occupied. I have tenants in the front, yes.

MS. HALE: But not in the back addition.

MR. CATANIA: I have a friend staying in the back, he just moved in about four weeks ago, he's leaving - Wayne was over there - they're leaving in like 10 days. He's not paying rent or anything. He just lost his townhouse and had no place else to go. He knew the place in the back was empty; I gave him the key to let him stay.

If I felt it was unsafe, the, people were living there prior to Wilma, so if I thought that there was anything unsafe about it I wouldn't have allowed him to stay. But yes, he said 10 days, 14 days at the most he'd be out, they already

got a new place.

CHAIR SCHERER: So this is an investment property it's not a primary residence for you.

MR. CATANIA: We purchased it - it was way out of our price range - we purchased it with the intent to rent it for a couple of years, set some money aside, put it towards lower our mortgage payments and then move in.

CHAIR SCHERER: Don't you live in Atlanta?

MR. CATANIA: We were living in Atlanta, yes. We actually we don't have another home here, we're staying right now with my mother-in-law until we buy another home or move into this one. We haven't decided if we're going to stay in Coral Springs or go into this home. More than likely, with all the money we've dumped into it, we're probably going to have to move into this home.

The neighborhood's changed quite a bit over the past two years dramatically. It's a completely different neighborhood and that's the only reason why we're in question whether or not we're definitely moving in right now or not.

MR. WEYMOUTH: Are your tenants there right now on a month-to-month lease or are they on a -

MR. CATANIA: Well, I haven't, ever since this started we haven't taken any rent. They know what's going on. I don't think it would be fair for me to take their rent. He's keeping it aside so we can use it towards the repairs if so.

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But if they have to leave I told him that we would provide whatever they needed as far as moving and if he needed any like security first month and last month with the other one. Because it was a, you know, it's really not up to them.

MR. WEYMOUTH: So [inaudible] residing in the front portion of the home that is in compliance or conforms. There are no issues other than probably sounds like the windows were replaced.

MR. CATANIA: Well, no, I didn't realize that you needed permits. We had, the contractor redid the kitchen so I don't know if that makes it unsafe or not but there were no permits pulled for remodeling the kitchen.

MS. HALE: But those people live in the front section but they don't pay rent.

MR. CATANIA: Right. It's been two months now. Well, I have their checks, and we were talking, we wanted to see what turned out with this. If we got another extension and are able to move forward I'm using those checks to get the engineer involved now. That'll be enough money, I already worked out a payment plan with him to get him started and involved and get this going and moving.

I had no idea how expensive. There was an, the architect mentioned that there's an x-ray machine that they can use to see what kind of rebar in there. He said just to get that done was like 6, \$7,000. I had no idea we were looking at

anywhere near that kind of money just for that one issue and there's so many other issues on the property, so -

CHAIR SCHERER: You can't pay for the structural engineer?

MR. CATANIA: No, we are now, yes. Yes, we're working with, and now the bank's working with me too, so between the bank and if we're able to get another extension on it, we can use the rent checks towards that too and that's enough for him to get started on it he said.

CHAIR SCHERER: To get started on the plans.

MR. CATANIA: No, no, no, no, to get started on checking to, the, I'm new to this. I think the structural engineer has nothing to do with the plans, that's the architect company we hired, right?

CHAIR SCHERER: No.

MR. CATANIA: Or no?

CHAIR SCHERER: Structural engineer is going to certify the plans and he'll draw [inaudible]

MR. CATANIA: But he's the one that checks to see if it's safe though, right?

MR. HOLLAND: Again, like the other case, we got a after-the-fact situation where there has to be destructive and nondestructive testing to certify the existing components.

MR. CATANIA: Right.

MR. HOLLAND: First and foremost, you might get some real

bad news on the number of zeros on the cost here, which could trigger a go or no-go decision you might be better -

MR. CATANIA: I can't come up with serious money. I'd hate to lose all the money we put into it.

MR. HOLLAND: That's been apparent, yes,

MR. CATANIA: But I just don't, we're, we don't have it, our restaurant's doing, you know, it's just ridiculous compared to what we were doing last year.

MR. HOLLAND: Well, we get similar cases to yours and it's difficult, you know, for laypeople to understand all the aspects of the engineering, the permitting and the architectural requirements. But an after-the-fact needs that investigation.

If there's, if you're holding out the hope that this is going to proceed and you've gotten quotes on this expensive testing and I don't know, you know, then there's the fees for these professionals to analyze the tests and make a decision on how to proceed accordingly and draw up those plans because there's a lot more than a regular [inaudible]

CHAIR SCHERER: And then there's the cost of doing it.

MR. CATANIA: Yes.

CHAIR SCHERER: Which is the major cost.

MR. CATANIA: I know that those are all a lot of costs but I mean, we're into it almost 300 out of our pockets and it's not our pockets actually, my parents refinanced their

home. I mean, I don't want to make payments for another 30 years to them for something that we're going to end up bulldozing down. I'd like to do everything we can and, you know, I mean I'll try and -

CHAIR SCHERER: Didn't it, did this double the size of the house? Didn't it double the -

MR. CATANIA: He added, I don't remember what the square footage is. I think he probably added close to 800 feet and the house was like 948 or 950, something like that.

MR. WEYMOUTH: That's a big master suite.

MR. CATANIA: Yes.

CHAIR SCHERER: See, and what was it, you hired the contractor to do this, it wasn't, you didn't buy it like this, you hired -

MR. CATANIA: No, no, no. We hired, yes, we hired him. He was actually, he moved into the place and then he started doing work a little by little and then he asked me if we wanted an addition back there. So, but he told, he was a, he told me he's been a contractor his whole life.

And like I said, we came back and forth from Atlanta to see my parents all the time. Whenever we came back, we went to the house, everything looked great. The work inside's immaculate, I mean, he did a really good job. I would have never imagined somebody doing all this who's in the business and not pulling the permits, just doesn't make sense.

CHAIR SCHERER: Is that person still around?

MR. CATANIA: He's back in Mexico probably, with the money I gave him.

MR. HOLLAND: We just heard a case recently about plans submitted where the contractor to determine this that and the other. That's putting some of this discovery scope of work into the construction contract and I don't think we want to see a whole lot of that. You know, for your benefit, you need to know up front what's put in and what's got to be done and this structural engineer's fee.

MR. CATANIA: Right, I didn't want to lay out all that money for the structural engineer unless I know, I mean if it's going to be like \$50,000, there's no, I don't think I'd be able to come up with that kind of money.

MR. HOLLAND: You can't get anywhere without the structural engineer's letter based on what's been built.

MR. CATANIA: I haven't. Today was the first time because we were, I was holding off with the architect that we hired. We were holding off to use the structural engineer. My dad told me to try and use somebody that he works with and today's the first day that he, the structural engineer actually contacted me.

CHAIR SCHERER: I mean, on 4/16 we said, when we go through and read, read old business cases and we put a lot of stipulations on the respondent, which is you, there's a reason

why we do that. It's because one time we wanted to make sure that you had paid your architect and we wanted to show proof of it and we wanted to see the contract because we don't want to get strung out for six months.

And here we are six months getting strung out.

MR. CATANIA: Well we have that.

CHAIR SCHERER: You don't have a set of plans hired, you didn't hire them yet, they haven't started doing the plans and you haven't submitted the drawings yet.

MR. CATANIA: We have, we've had a contract with the architect. I'm just -

CHAIR SCHERER: But he hasn't submitted any drawings for the permit.

MR. CATANIA: No, he didn't.

MR. WEYMOUTH: He had a signed piece of paper.

MR. CATANIA: He, it took three, yes -

CHAIR SCHERER: Have you paid them?

MR. CATANIA: We were holding off on, the bank had agreed originally the first month to lay out the money for the architect and then they contacted me and said their legal department advised them not to, they would defer the payments instead. So, but we do have a contract -

CHAIR SCHERER: Alright, but we asked the question in June, actually in May, and report that the owner paid the retainer.

MR. CATANIA: What is the retainer, I'm sorry?

CHAIR SCHERER: To the architect, have you paid the architect?

MR. CATANIA: We, yes, there's an initial deposit on there to get things going, otherwise there's no way he would have met with us or anything.

MR. WEYMOUTH: And you paid that.

MR. CATANIA: Yes. We gave him a check. He asked for 3,000, I believe the check was to get started a thousand.

MR. HOLLAND: And see, that's just on plans. I guess he's maybe looking at some -

MR. CATANIA: I didn't think that we would have to go to a structural, when I gave him that, I talked to him. He said the only thing that, originally the architect told me they might ask for another outlet here. He made it seem like I was going to be like five grand it was going to be done and that was it. So now I'm getting more and more into it, I had no idea that there's going to be like major construction.

MR. WEYMOUTH: And you've got a structural, after your structural engineer is going to come somebody to tell you whether your mechanical and your electrical and plumbing is up to code and that it conforms to certain things -

MR. CATANIA: Yes, Wayne pointed that out on Tuesday.

MR. WEYMOUTH: And that's going to be additional fees too.

MR. CATANIA: Well, the electrical, I mean, I don't know if that's going to make enough of a difference but the electrical, we have a licensed contractor who works for my family. He always comes into the restaurant, so we might be able to work something out with him.

MR. HOLLAND: That's a small ticket item. The structural's the big-ticket item, and it's got things hidden by concrete that needs a \$6,000 x-ray job.

MR. CATANIA: Right.

MR. HOLLAND: What did your architect say about the relationship with the engineer that would be involved? I mean, you're now getting an engineer separate from the architect. Did you have discussions about this architect having his own engineer and under his scope -

MR. CATANIA: Yes, he provided this one, he provided the Dominic Rupolo.

MR. HOLLAND: Okay, and -

MR. CATANIA: Not financially provided, I'm sorry. He recommended him. I didn't want to get somebody else so I didn't, my dad was telling me that he'll blame the engineer and then he'll blame the architect. If you get two people who work with each other, he said I'd have less of a headache.

MR. CROGNAL: Question. It seems to be that the, this whole issue, and we're discussing all the technical technicalities, but the issue's not technicalities. The issue

seems to me that it's all economics. You have to put an economic package together first and then we explore the technicalities.

MR. CATANIA: Financially, is that what you mean?

MR. CROGNALE: The technicalities without the financial package isn't going, isn't working.

MR. CATANIA: Right.

MR. CROGNALE: Because we keep repeat, we keep coming back to the same situation and we're talking structural, we're talking electrical, we're talking all this, but that's really not the issue. The issue seems to be it's an economic package that you have to put together to make it happen.

MR. CATANIA: You mean like the financial, to see what kind of money I'm looking at?

MS. HALE: Financial.

MR. CROGNALE: You would have to [inaudible]

MS. HALE: Money.

MR. CATANIA: Yes, like I said, I wasn't aware financially where I would be until this week -

MS. HALE: I don't think you know now.

MR. CROGNALE: That would be number one, that would be number one.

MR. CATANIA: Yes, that's what I planned on doing with the engineer. I'd like for him to look, I mean I don't know without looking to see the rebar and -

MS. HALE: But you have no money from the bank, correct?

MR. CATANIA: I'm sorry?

MS. HALE: The bank is not going to help you out it's going to be your parents, correct?

MR. CATANIA: Well, my - right.

CHAIR SCHERER: But if you don't have the money to pay for the plans, how are you going to pay for the construction? The construction is a lot of money, you got 800 square feet.

MR. WEYMOUTH: Well the construction is completed in his mind but there's going of the a lot of remedial stuff, just starting off with doing shutters on the windows that aren't compliant.

MR. CATANIA: Right, I mean, like I said, that was just brought to my attention. I had no idea that I was going to have to do any major construction to the place. I thought the place would be fine, they were just going to check whatever to see. It seemed like it was going to be pretty simple.

CHAIR SCHERER: You're talking a structural engineer, the architect's \$3,000, a structural engineer is probably another 2,000, \$1,000. You've got some more MEP engineers, you're up to \$5,000 on consultants.

Now, let's go through the shutters. The shutters, you, how big is your square, it's 1600 square feet.

MR. WEYMOUTH: But the structural won't do it without doing the, he wants to x-ray the slab and all that first.

MR. CATANIA: My Mom [inaudible] for 20 and then I can come up with eight, so I'm hoping that, that -

CHAIR SCHERER: We're just talking about shutter costs, you've got shutter costs of - you, excuse me, hey, sorry, I'm sorry.

MR. CATANIA: Sorry.

CHAIR SCHERER: you have shutter costs of another 3 or \$4,000 for this house, so you're up to \$10,000 before you even touch doing anything in the house to fix it.

MR. WEYMOUTH: Right.

CHAIR SCHERER: Do you have that kind of money?

MR. CATANIA: I can come up with to about 28,000 to make repairs, to put towards the house.

MR. HOLLAND: I think he is -

MR. CATANIA: If it's going to be more than that, I'm sorry, I just wouldn't be able to afford it, no.

MR. HOLLAND: This is an obvious hardship condition. But I empathize that he's trying to learn what we already know and we're here to try and help on the sequence of events and sometimes you're at the mercy of certain architects who are bidding work and engineers bidding concepts and scopes, but we're trying to help you with that.

But it sounds to me like you might be on the track with this engineer and the testing and your go or no-go on that portion. That's what I would recommend to you. We understand

there's a financial hardship but he's got some means that he's trying to work through that. But the most important thing is to get clarity to the situation and that's to even know whether your concrete frame, shell is any good.

MR. CATANIA: Right.

MR. HOLLAND: And he's, that engineer's got to advise you of those costs, you've got to work with him in his hours and the testing to even see if you've got to tear it down or if you can salvage that main part of the structure under this 10 grand ticket and make your decisions on the whole thing.

Because a lot of times it seems so easy to salvage something that's already built but by the time you go through all these things that all we, everybody here goes through, it's sometimes better to do over. It seems crazy but often -

CHAIR SCHERER: To demo it, it's going to cost you five grand to demo the whole thing.

MR. CATANIA: But what do you do, because when I was looking at that, what do you do with all, like five grand and then they have all the electrical and the plumbing that's going through that though?

CHAIR SCHERER: They cut it, they connect it and they disconnect it and it's done, you tear off the old addition and you start anew.

MR. CATANIA: So can we see -

MR. WEYMOUTH: [inaudible] on the back portion, right?

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MS. HALE: No.

MR. CATANIA: If we can get an extension for the other 30 days, then next time that I come in I would, I'll have the structural engineer give me an idea. I mean, if he could come within \$5,000 to let me know if my \$28,000 is going to be enough to get the house up to code, I'd rather salvage that and not tear it down.

And if that's the case, then if it's going to be 5,000 or \$10,000 to save the front of the building, you know, that would make sense to me because the rent's going to be the same regardless if we don't end up moving in there, whether the back portion's on there or the front portion. The only difference is, is all the money we put into it would just be gone.

MR. HOLLAND: Well, you've got to figure out this testing and his letter, certification on what's there or his letter certifying what will need to be done as reflected in the plans. But we've got, you've got to see that and we can't have what somebody else came in with, contractor to determine. It's got to be done.

CHAIR SCHERER: And bring in -

MR. HOLLAND: I mean, that's to your benefit; you cannot not know that information because none of us are going to be able to go anywhere with anything.

MR. CATANIA: Okay.

CHAIR SCHERER: Sure.

MR. CATANIA: I'm sorry, I had no idea that the architect wasn't here.

MS. HALE: I'd like to hear what Wayne has to say.

CHAIR SCHERER: Was your architect supposed to be here?

MR. CATANIA: Yes, I talked to him this morning.

MS. HALE: Wayne, do you have something to add to this?

INSPECTOR STRAWN: Probably a survey should be done to make sure there's no setback issues. Because that's another thing that could happen.

MR. WEYMOUTH: But that's all going to come through the permitting process.

INSPECTOR STRAWN: That's true.

MS. HALE: But it might sort it out before.

INSPECTOR STRAWN: It might help, exactly, as far as making a go or no-go decision, you need to check this, check the zoning issues with regard to setbacks. And the engineer I spoke to this afternoon, he knows exactly what we want. But let's face it if they dig it up and it's built on a simple slab and there's no footings, that would be a game breaker.

MS. HALE: Yes.

MR. HOLLAND: Exactly. First and foremost.

CHAIR SCHERER: And if it's built over the setbacks, I mean, we're wasting our time.

MR. WEYMOUTH: Yes.

INSPECTOR STRAWN: Yes. And you may check your old surveys because I see a lot of additions on the rear yard that are built over septic tanks.

MS. HALE: Right.

CHAIR SCHERER: So, you can call a survey company and get them out there this week, maybe early next week and get, probably get a survey. And they'll tell you, if your building goes over the setback it's not going, it's not going to pass.

MR. CATANIA: Okay.

CHAIR SCHERER: You're going to tear something down.

MR. HOLLAND: Do you really need a survey for that? I mean, I heard him say that but -

MR. WEYMOUTH: You probably do.

MS. HALE: Yes.

CHAIR SCHERER: Because it'll tell you, I mean you could-

MR. BARRANCO: [inaudible] for any of this? You need a survey so you might as well get it.

MS. HALE: How else do you know it's [inaudible]

MR. HOLLAND: I don't know.

CHAIR SCHERER: You need a survey anyways. If you do get a permit, you need a survey.

MR. HOLLAND: Tape measure.

MS. HALE: A tape measure?

MR. HOLLAND: And a copy of the code.

MR. BARRANCO: That's what a surveyor does.

MR. WEYMOUTH: That's how they laid it out to start with.

MR. CATANIA: I have surveys that, when they were building the addition. Like, that's the drawing -

MR. WEYMOUTH: In-progress surveys?

MR. CATANIA: I'm sorry?

MR. WEYMOUTH: In-progress surveys, finished floor surveys, layout surveys for the addition?

MR. CATANIA: I'm -

CHAIR SCHERER: As they were building you, they had surveys done?

MR. CATANIA: Right, like, he had like the layouts done. I mean is that what -

CHAIR SCHERER: No. If you call a survey, you have to get a survey anyways if you're going to get a permit.

MR. CATANIA: Okay. Alright, I can do that.

CHAIR SCHERER: So, I would recommend that's the first thing you do. That way, if it's built over it, you're wasting your time, don't spend any money on a structural engineer, pay money to go get it demoed and you're, start over.

MR. CATANIA: Then I don't need the structural engineer or anything then it's just going to - okay.

CHAIR SCHERER: But, find out - if somebody want to make a motion -

MR. WEYMOUTH: I would like to make a motion. I would like to give Mr. Catania 60 days to submit a set of plans to

the Building Department for the work that was added to the back. If at that time he does not have a set of plans in to the Building Department it will indicate to us as a Board what his intentions are or are not, that he cannot pursue it -

MR. CATANIA: If we - sorry sir.

CHAIR SCHERER: Hang on, hang on.

MR. WEYMOUTH: - either monetarily or whether there is something wrong with the construction that's in place for some reason he will have not submitted to the Building Department.

CHAIR SCHERER: Okay. I have a motion for a 60-day extension, that the respondent has to submit a set of plans within 60 days to the Building Department for a permit. Is there second on the motion?

MR. JARRETT: I'll second.

CHAIR SCHERER: Okay, any discussion? Now, if you'd like to -

MR. CROGNALE: Discussion, I'd like discussion on. To present a set of plans, what type of plans are we going to present?

MR. HOLLAND: Exactly.

MR. CROGNALE: We have to clarify what type of plans we are going to submit to the Building Department.

MR. HOLLAND: We've tried that already. I was discussing more specific things involving the testing being performed, after-the-fact structural testing and the certification from

the engineer regarding what these plans are going to reflect.

MR. CROGNALE: There has to be some stipulations as the type of plans that have to be submitted.

MR. HOLLAND: We just heard something about contractor to determine, so I just want to be more clear about that in this motion. I don't know exactly how to do that.

CHAIR SCHERER: If you're submitting a set of plans to the Building Department, you have to have all of the testing done prior to anyways and you have to have a survey.

MR. CATANIA: Right.

CHAIR SCHERER: So everything that we've talked about you're going to have to have done.

MR. HOLLAND: [inaudible] I'd like to ask, I wonder how often that happens? What do you think Chris? I mean, plenty of people submit plans and learn the process in that process about what they need to submit.

MR. AUGUSTIN: If he submits the plans but doesn't submit everything that's required: the survey and everything else, then he's complying with what your stipulated agreement, your agreement was and -

CHAIR SCHERER: I mean, we can modify it to say a full set of plan as required by code to meet the building code.

MR. WEYMOUTH: Or, as signed and sealed by an architect because the architect's not going to sign and seal a set of plans without all of the [inaudible]

MR. AUGUSTIN: And a current survey.

MR. HOLLAND: Yes, we, I could recommend amending the motion to include that all structural testing and determinations have been made to make the structure whole. If that makes any sense as an addition to that motion.

MR. WEYMOUTH: And I think probably zoning setback and compliance as well.

CHAIR SCHERER: You could very simply state to, so that the structure meets code.

MR. HOLLAND: Well that's a broad one.

CHAIR SCHERER: It's as broad as you're going to get and it's, it encompasses everything.

MR. JARRETT: When he obtains the professional services of an architect, the architect's going to explain this to him. He has [inaudible]

MR. WEYMOUTH: He hired an architect [inaudible] ago and he's finding out now that he needs to spend \$7,000.

MR. HOLLAND: In theory, in theory.

MR. WEYMOUTH: Yes, in theory, yes, you're right.

MR. HOLLAND: I mean, nobody's perfect.

MR. CROGNAL: I think legal counsel wants to talk to us.

MR. WEYMOUTH: The architect is just the guy who draws the lines on the page that says geez, do like your bedroom this big, he has nothing to do with the plumbing, the electrical, most of them, mechanical -

CHAIR SCHERER: Who's the architect on board? Who's the architect Joe?

MS. WALD: I think that was a dig Joe. Ginger Wald, Assistant City Attorney.

MR. HOLLAND: Aw, don't take it personal.

MS. WALD: So I can get you back on track. Based upon the motion, the motion is an extension for 63 days, and making the suggestion that the plans are submitted again. Remember, I kind of let you guys go, but your jurisdiction is basically provide the extension or move forward with should it be demolished or not.

CHAIR SCHERER: Okay.

MS. WALD: Thank you.

CHAIR SCHERER: So we have a motion and a second and some discussion.

MR. HOLLAND: Sounds like we need to modify it and, do we need, I guess with the second we need to vote, but I would propose another motion.

CHAIR SCHERER: Okay.

MS. PARIS: If you make a friendly amendment then the second has to approve that, otherwise you can vote on this motion, vote it down and start over.

MR. HOLLAND: I think what Ginger pointed out, there was a condition in there, it's got to be a suggestion, not a firm condition.

MS. PARIS: So I would take a vote on the motion and vote it down and then make a new one.

MR. HOLLAND: That's what I'm suggesting.

MS. PARIS: Or a friendly amendment.

CHAIR SCHERER: Let's do a friendly amendment.

MR. HOLLAND: Friendly amendment coming up.

MS. PARIS: It has to be accepted by the second.

CHAIR SCHERER: As opposed to a non-friendly amendment.

MS. WALD: Or, Mr. Weymouth can go ahead and on his own, since it was his original motion, could go ahead -

MR. WEYMOUTH: I want to hear a friendly amendment, I've never heard a friendly amendment.

MS. WALD: You just want to complicate this. Go ahead, go ahead Joe.

MR. HOLLAND: Not the friendliest but here we go. Yes, I make it a request to return with plans that reflect complete structural testing and letter certification certifying the condition of the structure and that the plans will meet the code.

CHAIR SCHERER: Okay. There's a friendly motion.

MR. HOLLAND: Amendment.

CHAIR SCHERER: Amendment to the motion. Is there a second?

MS. HALE: I'll second it.

CHAIR SCHERER: Alright. Any further discussion

regarding the motion?

MR. HOLLAND: I think the maker of the motion has to accept.

MS. HALE: Sir, sir, do you realize that probably the best suggestion was get your survey done right now?

MR. CATANIA: Right, yes.

MS. HALE: Because if it's sitting over the property lines, you know, you're not going to be going anyplace.

MR. WEYMOUTH: That's good free advice.

MS. HALE: And this is all moot then, it won't matter. So, you know, Friday morning, start on the phone and get a surveyor out there to look at it. That's just my suggestion.

MR. CATANIA: I appreciate it, thank you.

CHAIR SCHERER: So, do you understand the motion, as it's read? As it has been read?

MS. HALE: No he doesn't understand it.

CHAIR SCHERER: You have 60 days to get -

MR. WEYMOUTH: 63.

CHAIR SCHERER: 63 days, an extension of 63 days and we're recommending to you that you get your plans submitted for permit and have all the structural requirements of the structural engineer completed, and a survey, in nutshell.

MS. WALD: And the friendly motion is accepted, correct? By you. Thank you.

MR. WEYMOUTH: Oh yes, absolutely.

CHAIR SCHERER: Okay. Second on the motion, is there any more discussion on the motion? Seeing none, all those in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: Those opposed? Motion passes, see you in 60 days.

MR. CATANIA: Thank you very much.

CHAIR SCHERER: Thanks.

MR. WEYMOUTH: Just as a cost saving suggestion [inaudible] call a surveyor who's done work on the property before because they've already got the foundry set up and all that and they can come out and -

MR. HOLLAND: Question, when you purchased the - yes, Mr. Catania, when you purchased the property, in your closing papers did you get a survey, I trust?

MR. WEYMOUTH: You had to have; there's a survey somewhere.

MR. HOLLAND: Is that acceptable, a - no?

CHAIR SCHERER: The condition was it has to be recent.

MR. WEYMOUTH: It doesn't, the survey won't reflect the addition that's been done.

MR. HOLLAND: Okay, granted, he may need a new permit, what I'm getting at, he may need to do a new survey, understood, for a permit, but during this determination on whether he's violated the setbacks he could tell that from

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that survey which should have reflected the addition.

MR. WEYMOUTH: That's what Pat's telling him. That's free advice for him to go get the survey first -

MS. WALD: Correct.

MR. WEYMOUTH: - for 500 bucks or 1000 bucks, whatever, and if he's encroaching on the setback than he knows he's so -

MR. HOLLAND: Never mind.

MR. WEYMOUTH: Anyway, find an old survey, call that company and ask them to do it and that'll be your cheapest way out.

CHAIR SCHERER: Alright, next case, thank you. Last case, alright.

4. Case: CE08092242

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Jana Gray-Williams

512 NW 22nd Avenue

MS. PARIS: Our last case will be on page five. It's Case CE08092242, this is also old business. The inspector is Wayne Strawn, the address is 512 Northwest 22nd Avenue, the owner is Jana Gray-Williams.

We have service by posting on the property 5/18/09, advertising in Daily Business Review 6/26/09 and 7/2/09. Service by certified mail and violations as noted in the agenda.

This case was first scheduled for the 12/18/08 USB

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hearing. The 12/18, 12/18/09, excuse me, the 12/18/08 USB hearing was canceled due to lack of a quorum. This case was rescheduled for the 1/15/09 USB hearing.

At the 1/15/09 USB hearing the Board granted a 90-day extension to the 4/16/09 USB hearing with the stipulation the owner return with an update on her discussions with the insurance company and the City. At the 4/16/09 USB hearing the Board granted a 90-day extension to the 7/16/09 USB hearing.

MS. WILLIAMS: Good afternoon.

CHAIR SCHERER: Hello.

MS. WILLIAMS: I apologize first for being tardy; I was on the phone with my mortgage company.

CHAIR SCHERER: You're right on time.

MR. HOLLAND: Are you sworn in?

MS. WILLIAMS: Yes I am, thank you.

MR. HOLLAND: Okay.

MS. WILLIAMS: I truly apologize, my voice is going to go in and out because I was in the hospital for almost a week with pneumonia so I just got out two weeks ago, so please forgive me.

The information came from the attorney's office in regards to, I received one letter last month on June 15th and on June 15th the attorney gave us an update that they had submitted paperwork to the insurance company attorney in

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regards to the, in regards to the lawsuit that was filed against the insurance company in regards to our home.

And as a result, on the letter it states that they have filed a petition for declaratory [sic] relief on our behalf and they had attached a copy for our records, which they gave me a copy for everyone to see today. It says please be advised that no answer to the complaint had been received to my attorney office as of that date, which was June 15th and they have until June 29th to return information.

And then again they had until July 23rd which hasn't come yet to receive answers for the initial interrogatories and the request for production. And as of the letter that I received this Monday, it also states that we should be receiving answers no later than July 17th which was, which is tomorrow because they asked for an extension.

When I spoke to the attorney, the attorney said that instead of them submitting the paperwork on June 29th the attorney office asked for an extension to the 17th, which is tomorrow. I will know something in regards to at least what they're going to do in regards to the insurance situation on the house.

As you know, previously we were going back and forth with the insurance company in regards to providing the money to continue to repair the house or as it is today, demolition the house and rebuild the house. That's the only alternative

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today. However, because we're in the efficiency in the back of the house, the lights are attached, the water is attached, the sewer, everything is run off the front house so we'll be in limbo because we have nowhere else to go.

As result, the only thing that we're depending on is the insurance company to do what they said they were going to do and that was to make sure that our family will be taken care of after this hurricane. And it's four years later and we're still fighting the same fight.

And to make matters even worse, the phone call that I received today from my mortgage company stated that funds were disbursed, the \$16,000 that the insurance company gave us went to the mortgage company - that was one payment - went to the mortgage company. I signed it over to the mortgage company, the mortgage company held onto it and to make a long story short, they've had it since December of 2007. Here it is now 2009, they said they disbursed the check, and I told them I never received a check.

So I called them back again and they called me back before I walked in here today and said they sent the check back to the insurance company and I said well, if the insurance company got the \$16,000 back we don't have anything to work with.

So right now, they're, she's supposed to be speaking with her supervisor, she's supposed to be contacting different

people because at least we have something in the kitty to work with. But now we have nothing in the kitty to work with until we find out what the dilemma is with this, with the lawsuit, with the insurance company, whether they're going to settle with us.

Our hands are tied and we're at your beck and call requesting another extension until we find out what our lives are going to be like in the next couple of months or so.

CHAIR SCHERER: Okay.

MR. HOLLAND: Yes, have a little, having had a little experience in this, I think - on these insurance matters - I think there is some, I think at least the, her attorney's encouraged that there may be some merit in the case here and that some relief may be coming but it can be awfully, awfully slow.

CHAIR SCHERER: And they want, you want to tear the house down but you can't because you're living in the back and it's connected to the electric and the plumbing and everything is coming through the main house.

MS. WILLIAMS: Yes sir.

CHAIR SCHERER: I wonder, if you pull a demo permit, it gets this off of our, but then, if you don't do the work you've got 180 days or 60 days.

MR. AUGUSTIN: Demo permit's only good for 60.

CHAIR SCHERER: So, for 60 days.

MR. AUGUSTIN: Yes, unfortunately the building code's very clear; a demo permit's only good for 60 days.

CHAIR SCHERER: And you wouldn't get it without cutting and capping utilities anyways.

MR. AUGUSTIN: But it could be renewed.

CHAIR SCHERER: But they would have to get the utilities cut and capped anyways, which is the [inaudible]

MR. AUGUSTIN: To issue the permit we'd have to cut the utilities.

CHAIR SCHERER: Yes. So it wouldn't, right.

MR. AUGUSTIN: So that defeats the whole purpose.

MS. HALE: No, you don't want to do that.

MR. AUGUSTIN: No, that's not what we want to do.

MR. JARRETT: The Board has heard this case, has heard about this case before and I think that these people are a victim of extreme hardship and I think that the Board should grant some lenience here and help these people because they're between a rock and a hard spot, and they need an extension and I think that we ought to do this.

MR. HOLLAND: I agree, and also in the context of safety though, which is our prime consideration, we got some safety issues here.

MR. WEYMOUTH: I think -

MR. CROGNAL: Question for the young lady. You say you have an attorney, you've retained legal counsel.

MS. WILLIAMS: Yes, since October of last year.

MR. CROGNALE: Have they filed the complaint?

MS. WILLIAMS: Yes.

CHAIR SCHERER: Yes, it's coming your way.

MS. WALD: It's coming your way, that's the declaratory [inaudible] the lawsuit, that's the lawsuit.

MS. HALE: It's coming, we haven't gotten it yet.

MR. CROGNALE: Oh, okay. I haven't seen it, it's coming our way. So the answer is yes.

MS. WILLIAMS: Yes sir.

MR. CROGNALE: Okay, the answer is yes. I'll wait my turn because I have a suggestion based on that.

MS. WILLIAMS: Thank you, but I'll take back any suggestions that you have, trust me, this has been an ordeal to say the least and after this is all said and done, Ginger, with all due respect, I want to go to law school.

MS. WALD: I hope you do. You've done a great job here every time you've come, so you would be an excellent attorney.

MS. WILLIAMS: Thank you.

MR. WEYMOUTH: [inaudible] our new member out just real quick. Wayne, if you can give him the Cliff Note [sic] version of what's happened on this because we haven't heard this case since he's been on the Board and -

MS. WILLIAMS: Okay.

MR. WEYMOUTH: - just bring him up to speed real quick.

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INSPECTOR STRAWN: Wayne Strawn, City Building Inspector. The hurricane damage, or some of the, was, has exasperated, exacerbated the situation because it's been taking water since hurricane Wilma.

And of course no one has suggested that it is repairable. And there are loose items. The major threat that we have today is the fact that it's windborne debris. If we get a hurricane, there's, some of the ceiling, some of the roof decking is loose and fascia boards are loose and then a lot of flying debris will be generated by the building.

That's the, it is secure today; it's not open to casual entry, but the major threat is to the public is flying debris in a hurricane.

MR. HOLLAND: I apologize if I missed it. Did you give us an update on assistance from the City with housing?

MS. WILLIAMS: Yes. Initially, I applied for the Community Development Block -

MS. HALE: Yes.

MS. WILLIAMS: - I believe it's Community Development Block Grant, and I did not qualify because they said the equity we have in the house was not enough to support the funds that, I believe they put a lien on your property and the funds that they're going to need to use, it wasn't enough cushion for them. So they said we were denied because of that equity.

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However, they have a new program now that is to assist hurricane Wilma - it came in everybody's water bills this month a little yellow copy, okay - to assist all of the hurricane Wilma victims. And I put my name on the list for that. They took my old application and just transferred everything to the new program now that we were qualified for.

But they said they can't do anything until we know something with the attorney and the lawsuit, because one thing will affect the other as far as the monies and so forth. So I'm waiting to hear back from Miss Angela Mejica is that Angela? She was here at the last meeting. Okay, Angela Mejica. I'm waiting to hear back from them and I keep them posted as they get information from the attorney, so everybody will know what everybody else is doing.

CHAIR SCHERER: Okay.

MS. HALE: And will they help you find another place to live while you're doing the construction?

MS. WILLIAMS: Yes, well, that's the only thing, she said that they would, what do they call it, re - temporary housing? Okay.

MS. HALE: Okay.

MS. WILLIAMS: There you go. They would provide us temporary relocation until the house is rebuilt and then they will allow us to be able to go back into the home.

MS. HALE: Right.

MR. CROGNALE: Based on the fact that you do have legal counsel and you're in process, the process is lengthy, we know that -

MS. WILLIAMS: Yes.

MR. CROGNALE: So I think it's only fair for the Board to grant you the extension based on the fact that you have done something with legal counsel, they've got a process in motion, we have to bear with you to get the process done.

MS. WILLIAMS: Yes sir. Do anyone know like, how long? I mean like how long this process, I mean -

CHAIR SCHERER: How long can we give?

MS. WILLIAMS: I'm not like a legal minded person and don't have experience with lawsuits, so I guess -

MS. HALE: We've been doing three months in the past.

MR. WEYMOUTH: They haven't even answered the interrogatories, they're going to take depositions -

MS. HALE: Ginger?

MS. WALD: The declaratory action, the lawsuit, was recently filed as of last month and they have to file a responsive pleading, whether it's going to be an answer or something else. After that, if there's any discovery that needs to be had, which probably in this type of case it would be discovery that would needed, that needed to be had and that's another reason why you wouldn't want to have a demolition of the property because they're going to have to go

on and do an inspection of the property.

MR. CROGNAL: Right.

MS. WALD: Along with that, you're talking about at least three months and then, then and only then, then could a motion for summary judgment be filed by her attorney requesting for the relief to be granted, and then the court would hear that. If there was an issue of fact then the summary judgment would be denied and then it would have to be set for trial.

MR. WEYMOUTH: Couple [inaudible]

MS. WALD: So she's looking at a minimum of six months -

MR. WEYMOUTH: Yes, I agree.

MS. WALD: As to the lawsuit, to find out where she is in the lawsuit, especially with how backlogged that the courts are now because of all these wonderful foreclosure cases.

So I would say that as to the lawsuit, now as to Housing and Community Development, last time that you were here she did provide, and because I have notes [inaudible], she provided the letter from Housing Community Development saying that she was not, she did not qualify for that program. But there is a new program, as was stated, and they, my understanding is that application has been submitted over to that program.

So she may or may not qualify for that, but hopefully she will. And then that is an additional possibility with getting those funds. So there's always the chance with that or maybe

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another program that comes around too, they keep, new ones pop up everyday where she can make that application. But as to the lawsuit, I think we are looking at a minimum of six months.

CHAIR SCHERER: Okay, anybody like to make a motion?

MR. HOLLAND: Just a question, and again, I apologize if it's been gone over already. But Wayne, we have an option for some, I'm concerned about safety of others also as well as this household. I mean, do we have any options for suggesting some selective demolition to secure some of these loose parts that are a hazard to others in storm season here?

INSPECTOR STRAWN: I'm afraid the removal of any parts would just open up the building and make it more susceptible to wind damage.

MR. WEYMOUTH: Is there no way to document, Ginger, the condition of the house and then have it demolished? Is there any way to professionally document it?

CHAIR SCHERER: Yes, but if they, if they demolish it, it cuts the power and the water off to the back building.

MS. HALE: She can't.

CHAIR SCHERER: So you can't demo it.

MS. HALE: That's why it can't be demoed.

CHAIR SCHERER: So, would anybody like to make a motion for six months?

MR. JARRETT: I'll make a motion.

CHAIR SCHERER: Or more?

MR. JARRETT: I'll make a motion. I'll make a motion that the board grant the respondent a six-month extension so that she may pursue this lawsuit and that we don't put these people out on the street.

MR. CROGNALE: I'll -

MS. HALE: I'll second that.

CHAIR SCHERER: So, we have a motion, a second, no discussion, any discussion?

MR. WEYMOUTH: I've got a question, and you may be able to help me answer this or not, but in the event that something happens and somehow this thing moves through a little quicker I would love to have them back before us in a shorter amount of time if for some reason the insurance company says hey, geez, let's resolve this and -

MS. WALD: The request can always be made for a status conference. It can be made by the respondent herself. Or it can be made by the City even though you've provided the extension to come forward and provide the Board with that information. So either one of the parties can do that and then it would be up to the Board whether they want to hear it or not because it would just be a motion for a status conference.

CHAIR SCHERER: Okay, so, if you want to come back in a couple months and give us an update please do, we'd like to

hear it.

MS. WILLIAMS: Oh, I would love to.

CHAIR SCHERER: You don't have to come back for six months though.

MS. WILLIAMS: Okay, well I'll make sure.

MS. HALE: Just come back and tell us that you got another place to live.

MS. WILLIAMS: Yes.

MR. CROGNALE: [inaudible] good news.

MS. WILLIAMS: A praise report is due.

MS. HALE: What happened to your son today?

MS. WILLIAMS: He's at camp and trust me, he wanted me to pick him up early to come.

MS. HALE: Alright then, let's have a vote so she can leave.

CHAIR SCHERER: Alright. There's a motion and a second, no more discussion. All those in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: All opposed? Motion carries. See you in a couple months or six, whatever you choose.

MS. WILLIAMS: Thank you. Everybody have a blessed day, I appreciate it.

MR. CROGNALE: Good luck to you.

MR. HOLLAND: Thanks, good luck.

MS. WILLIAMS: And if you hear of any other programs

please let us know.

MR. HOLLAND: Yes, in the event of a storm condition, I'd hope there could be some kind of assistance through some program from the City to look after this particular case and assisting in securing.

MS. HALE: I think it's appalling. I think the whole situation is absolutely appalling. That there isn't something in place for people like this.

Board Discussion/ For the Good of the City

CHAIR SCHERER: That's it?

MS. PARIS: Well, two issues, I don't know if you have any other questions for any of our guests.

CHAIR SCHERER: Oh, does anybody else have any questions for the, general questions -

MR. HOLLAND: No proper nouns.

CHAIR SCHERER: Thanks for coming everybody, Zoning and Chris and everybody here. Appreciate it.

MR. WEYMOUTH: That did help.

MR. HOLLAND: Yes, we learned a lot, thanks.

CHAIR SCHERER: If you guys weren't here it wouldn't have been, that Crazy Gregg's would have gotten -

MR. HOLLAND: Very warranted.

MS. PARIS: And one last item. Does anyone on the Board have anything for Good of the City that they want us to pass

along to the Commission?

MR. HOLLAND: Any generalities in this case regarding some assistance during hurricane securing if God forbid it happens, if there's some kind of way to help people, you know, in a building in limbo like this, it would help them and their neighbors. I don't know how to do it, some of the staff may have some ideas. They're tight budgets but we have to look out for everybody too.

CHAIR SCHERER: Okay.

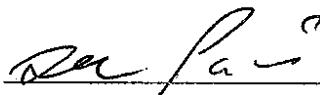
MS. PARIS: Motion to adjourn?

CHAIR SCHERER: Motion to adjourn?

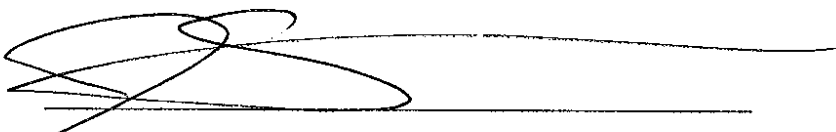
MR. HOLLAND: No motion.

CHAIR SCHERER: We're adjourned. Thank you.

[Meeting concluded at 4:33 p.m.]



BOARD CLERK



JOHN SCHERER, CHAIRPERSON

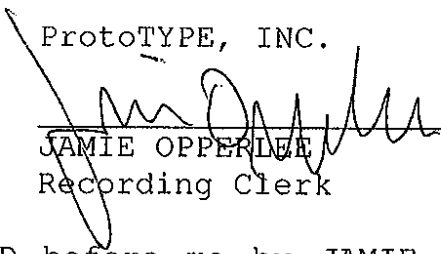
Minutes prepared by: J. Opperlee, Prototype Services

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held July 16, 2009, at 3:00 p.m., City Hall, 100 North Andrews Avenue, City Commission Meeting Room, Fort Lauderdale, Florida.

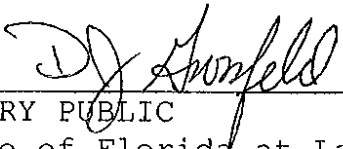
Dated at Ft. Lauderdale, Broward County, Florida, this
25 day of July, 2009.

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 25 day of July, 2009.


NOTARY PUBLIC

State of Florida at Large

Notarial Seal:



D.J. GROSSFELD
MY COMMISSION # DD 667809
EXPIRES: April 26, 2011
Bonded Thru Budget Notary Services