

**CITY OF FORT LAUDERDALE  
 UNSAFE STRUCTURES BOARD  
 THURSDAY, APRIL 15, 2010 AT 3:00 P.M.  
 CITY COMMISSION MEETING ROOM  
 CITY HALL**

<u>Board Members</u>	Attendance	Cumulative Attendance 10/09 through 9/10	
		Present	Absent
John Scherer, Chair	A	2	4
John Phillips, Vice Chair	A	5	1
John Barranco	P	5	1
Joe Crognale	P	6	0
Pat Hale	P	6	0
Joe Holland	P	6	0
Thornie Jarrett	P	5	1
Don Larson	P	5	0
Michael Weymouth	P	6	0

**City Staff**

Lori Grossfeld, Board Secretary  
 Ginger Wald, Assistant City Attorney  
 Brian McKelligett, Administrative Assistant II  
 Lindwell Bradley, Code Enforcement Supervisor  
 Burt Ford, City Building Inspector  
 Gerry Smilen, City Building Inspector  
 Chris Augustin, Building Official  
 George Oliva, Building Inspector  
 Dee Paris, Administrative Aide  
 J. Opperlee, ProtoType Inc. Recording Clerk

**Communication to the City Commission**

None

**Witnesses and Respondents**

CE08010842: Annie Baynham and Carnette Best, owners  
 CE08101034: John Brown, owner; Javier Acebal, architect

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<b><u>Case Number</u></b>	<b><u>Respondent</u></b>	<b><u>Page</u></b>
<b>1. CE08101034</b> Address: Disposition:	<b>50 Isle of Venice LLC</b> <b>50 Isle of Venice</b> 35-day extension to May 20, owner to cooperate with Inspector Ford to get all items taken care of. Board approved 7-0.	<b><u>3</u></b>
<b>2 CE08010842</b> Address: Disposition:	<b>Carnetta Best, Deloise Townsend, Annie Baynham &amp; Henrietta Smith</b> <b>2620 Northwest 21 Street</b> 35-day extension to May 20. Board approved 7-0.	<b><u>14</u></b>
<b>3. CE08031555</b> Address: Disposition:	<b>Ivory D. McCutcheon Jr.</b> <b>2630 Northwest 21 Street</b> Withdrawn - no service	<b><u>30</u></b>
<b>Board Discussion/ For the Good of the City</b>		<b><u>30</u></b>

The regular meeting of the Unsafe Structures Board convened at 3:08 p.m. at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

Neither Chair Scherer nor Vice-chair Phillips was presents.

**Motion** made by Mr. Holland, seconded by Ms. Hale, for Mr. Barranco to act as Chair for this meeting. In a voice vote, Board unanimously approved.

**All individuals giving testimony before the Board were sworn in.**

**Approval of meeting minutes**

**Motion** made by Mr. Larson, seconded by Mr. Holland, to approve the minutes of the Board's March 2010 meeting. In a voice vote, Board unanimously approved.

Board members introduced themselves in turn.

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**Case: CE08101034**

**50 Isle of Venice LLC**

**50 Isle of Venice**

MS. PARIS: We'll start with our first case on page one, it's an old business case. Case CE08101034, the Inspector is Burt Ford. The address is 50 Isle of Venice. The owner is 50 Isle of Venice LLC.

We have service by posting on the property 3/1/10, we've advertised in the Daily Business Review 3/26/10 and 4/2/10. Certified mail and violations as noted in the agenda.

This case was first heard 1/15/09 USB hearing. At that time the Board granted a 60-day extension 3/19/09 USB hearing with the stipulation for the owner to return and inform the Board of his intentions and plans for the property. In the meantime, no work will be done the property without permit.

At the 3/19/09 USB hearing the Board granted a 90-day extension to the 6/18/09 USB hearing with the stipulation that the respondent will return with a contract from a licensed

general contractor. At the 6/18/09 USB hearing the Board granted a 120-day extension to the 10/15/09 USB hearing with the recommendation the property be secured from current windstorm threats with due diligence, as observed by City inspector.

At the 10/15/09 USB hearing, the Board granted a 120-day extension to the 2/18/10 USB hearing. At the 2/18/10 USB hearing the Board granted a 56-day extension to the 4/15/10 USB hearing.

MR. BROWN: Good afternoon.

BOARD MEMBERS: Good afternoon.

MR. BROWN: I'm John Brown, one of the people involved in the ownership of the property, and I have with Javier here my new architect -

MR. LARSON: Can you speak into the mic?

MR. BARRANCO: You've got to speak up a little bit, please.

MR. BROWN: I'm sorry.

MR. BARRANCO: Thank you.

MR. BROWN: We have just submitted a new set of plans. The structural engineer, Bruce Bromley, was attempting to do, he did the structural drawings and he was, originally he said I can do all the drawings. But the City kept submitting things back that they wanted corrections, and so finally we came to the conclusion that with Javier working with Bruce Bromley,

who, he's a licensed architect and a builder here in Fort Lauderdale, that he's going to do the addition.

I'm doing a big addition on my house a block away and so I said Javier can you help us out to get this approved and through for 50 Isle of Venice, and so he was kind enough to go ahead and get the drawing, redraw the drawings and submit them to the City. And hopefully address - we just talked to Mr. Ford, the Inspector - he's got a chance to look at them and he seems to think that they're in pretty good shape, and they should pass this time, with maybe exception of a couple minor things.

So, I apologize for taking so long with this thing, but the original structural engineer felt that he could satisfy the City, but he was unable to.

MR. BARRANCO: Right, right. Okay. So you, and I'm trying to remember all the facts here, you are in for permit currently?

MR. BROWN: Pardon me?

MR. BARRANCO: You have applied for a permit then, with drawings.

MR. BROWN: Yes.

MR. BARRANCO: Okay.

MR. BROWN: We have the permit number and everything has been submitted with this. These are the new set of drawings that Javier re-did, the structural engineer drawings to

satisfy all the comments that the City sent out last time.

MR. BARRANCO: Okay.

MS. HALE: May I ask when Javier submitted the plans?

MR. ACEBAL: It was submitted a week ago and -

MS. PARIS: Sir, state your name please, state your name.

MR. BROWN: I'm sorry?

MR. ACEBAL: Hi, I'm Javier Acebal, architect. It was submitted about a week ago, and they're in for plan review. We actually addressed all of the comments that were previously not addressed by the engineering company. So we did a whole new set of drawings and addressed all the comments. And I actually talked to the reviewer Bruce Andres, and he went over with me what they were looking for in the whole scope of work.

MS. HALE: Alright.

MR. ACEBAL: So, hopefully that should go through.

MR. BARRANCO: Okay, we'd like to hear from staff.

INSPECTOR FORD: Burt Ford, Building Inspector for the City of Fort Lauderdale. They have indeed been resubmitted. They were resubmitted on the 13<sup>th</sup>, they have gone to -

MS. HALE: Thirteenth of what, Burt?

INSPECTOR FORD: This month.

MS. HALE: Oh, this month, okay.

INSPECTOR FORD: This month. A few, two days ago.

MS. HALE: Two days ago.

INSPECTOR FORD: Monday, Tuesday, I'm sorry. I got a

real brief look at them. Today I went over and looked for them. They were on the chief plumbing inspector's desk, as Mr. Brown said, looks like most of it's there. If there's anything on there it's going to be a minor, minor thing. They have included the entire building now, first, second floors as well as the affected area for the fire.

I do have just some minor issues that I'd like him to take care of just while we're in the process just a maintenance around the area. The, we're getting a lot more rain, I just would like to see him maintain the pool a little better because there's quite a bit of water on here and either just have a maintenance guy go over there and just empty that out on a regular basis just so we don't get any mosquitoes or children that fall in there.

I also would like to have him just maintain the front fence areas [inaudible] quite a bit, just to keep it up a little bit better for the neighbors and whatnot, and to keep the area secured. There's one window in the back. You just need to re-secure, it looks like somebody may have broken into there. Just get that secured.

And they do have an infestation of rats. I witnessed a bunch of them running down this hole. Maybe we should take a look at that as well, while we're in the process of the review maybe get somebody out there and just work on that. I had a, I did have a neighbor come and complain that they're migrating

over to their building now. So those are just some basic issues while we're being in review.

The plumbing contractor failed it. I don't know, I just talked to him briefly. The notes aren't in there. But tomorrow I'll go through it, I'm going to sit with the structural guy, we'll go through it real good. Again, think it's just minor items.

MR. WEYMOUTH: Is there any additional demolition associated with the work that's coming up?

INSPECTOR FORD: No, looks like they're just going to, they're looking to remodel the whole thing and get it up to snuff.

MR. JARRETT: Burt, I have a question about that pool. You said just empty out that tarpaulin, is that, is that secure?

INSPECTOR FORD: There's a bunch of stuff underneath of it too, though.

MR. JARRETT: Oh.

INSPECTOR FORD: Yes, he's got two by fours running and wire mesh.

MR. JARRETT: So, you consider it safe.

INSPECTOR FORD: Yes. Absolutely.

MS. HALE: Do you remember that? There were, yes, yes.

INSPECTOR FORD: Just need to, just clean it off from time to time with the rain coming in. And then also just make



sure that the water underneath of it is treated as well, so we don't have a bunch of mosquitoes.

MS. HALE: Burt, on that same thing, I remember that there was a latticework thing that went over the pool.

INSPECTOR FORD: Correct.

MS. HALE: Was there a fence at that time, around the pool itself or only around the yard at that -

INSPECTOR FORD: Only around the front of the property.

MS. HALE: So, you could access, actually then, the property from the dock area in the back?

INSPECTOR FORD: Yes, from the sides yes, you can get there from the sides, but again, they do have the pool completely covered.

MS. HALE: What's the tarpaulin for then?

INSPECTOR FORD: It's just over the framing. I showed pictures of when they first did it that you could actually see, I don't know if we have that in the file or not -

MS. HALE: Never mind.

INSPECTOR FORD: - but you could actually see the framing and whatnot.

MS. HALE: Okay. We did see the framing once a long time ago.

MR. WEYMOUTH: Burt - what's the anticipated permitting time now for a project like this to get through the City? Obviously it's how quickly they respond to corrections and all

but -

INSPECTOR FORD: Exactly. I don't think it'll take more than probably 'til the end of next week to get through all the trades and notice be given out. As soon as I see that everyone's looked at it I can go ahead and give Mr. Brown a call and let him know instead of waiting on the mail.

MR. JARRETT: Gerry -

MR. HOLLAND: Does the, yes thanks. Does the architect take over the responsibility as previous structural engineer or, do the seals come off, do you retain the seals? Or, at what point do you take professional responsibility for that work?

MR. ACEBAL: Well, we're doing both. The structural engineer is doing his own structural set and then we're doing the architectural. The structural engineer didn't have the whole scope of work shown on his set of drawings. So we basically just did an architectural set of drawings and a structural set of drawings. Bromley is still the structural engineer of record, but now I'm the architect of record.

MR. HOLLAND: Okay, and you're, okay, got it. Thank you.

MS. HALE: Do you have a builder, do you have a contractor?

MR. BROWN: Pardon me?

MS. HALE: Do you have a contractor?

MR. BROWN: Not as yet, but I'm considering using Javier,

because I'm building a 6,000-foot addition on my house so I think he's going to work with me -

MS. HALE: So he's an architect and a contractor?

MR. ACEBAL: Yes, I'm a registered contractor also.

Mr. BROWN: He's a general contractor also, yes.

MR. WEYMOUTH: Mr. Brown, what are you looking for from the Board?

MR. BROWN: Pardon me?

MR. WEYMOUTH: What are you looking for from the Board, are you looking for another extension?

Mr. BROWN: Yes, I'd like another extension of keep it 45 days, even 30 days. I don't know, it's up to you guys. I, if Mr. Ford thinks that we can get it through the City, soon as we get it through the City we'll have a permit and then I guess, I don't know, once we get the permit what happens then.

MR. WEYMOUTH: We've got a little quagmire in that we're either going to go 35 or 91 days, because we're not giving any two-month extensions.

MR. BARRANCO: Right.

MR. WEYMOUTH: It's whether we drag him back in here, Inspector Ford, in 35 days.

MR. BARRANCO: Yes, I think it's unrealistic, 35 days to get -

MR. LARSON: Mr. Chairman?

MR. JARRETT: Yes.

MR. LARSON: If it's alright, I'd like to make a motion we give him, wait 'til I get the [inaudible] I move that we find that the violations exist and exist as alleged, violations exist as alleged and that we grant the respondent 35 days to bring the property into compliance by - I lost my sheet -

MS. HALE: May 20<sup>th</sup>.

MR. LARSON: May 20<sup>th</sup>. In that motion, I would like to also give them 10 days to clean up around the outside and secure it as requested by the Inspector. I think you can get that done with less than 10 days, but I think that needs to be cleaned up prior to anything else. And you can do the two of them at the same time.

MR. BARRANCO: Okay, we have a motion, do we have a second?

MS. HALE: I'll second.

MR. BARRANCO: All those in favor, aye.

BOARD MEMBERS: Aye.

MR. JARRETT: Can we have some discussion?

MR. BARRANCO: I'm sorry.

MR. JARRETT: Did we, I question whether or not your motion included everything that the Inspector founded.

MR. LARSON: Yes, yes, yes.

MS. HALE: Including the rats.

MR. LARSON: Including everything that the inspector had

brought before us.

MR. JARRETT: And I assume that it's a no-brainer, we don't have to spell out what they have to do with the rats and stuff?

INSPECTOR FORD: Well, obviously we're going to have to get a pest professional in there. Do whatever he's got to do just to try to get that under control.

MR. HOLLAND: These are recommendations other than our primary task.

INSPECTOR FORD: Right.

MR. HOLLAND: So, it doesn't either be on or off the motion. I recommend off at this point, unless you want to make conditions specific.

MR. JARRETT: No, no, I just wanted to make sure it was covered that -

MR. WEYMOUTH: If a permit is issued before the 35 days from now, this does not reappear, correct? It goes away?

INSPECTOR FORD: Correct. Correct.

MR. BARRANCO: So, will you accept an amendment to the motion and just keep the motion as is with the extension and recommend that the owner cooperate with Burt Ford and getting all those things taken care of?

MR. LARSON: I don't know what the purpose of recommended, I made the motion that he get it done, period. And I don't think it can get any stronger than that. And I

don't think we could, I don't think, a recommend, was not a recommendation, I think it's a, unless you feel that the recommendation is better than a direct order or something that we -

MR. HOLLAND: No, It's - Prior to your joining the Board we were instructed by Counsel that our task is limited to extensions and demolitions and primarily, and that these other things, although can be conditions to the motions in the form of, they, we can't force it upon them or coerce it upon them.

MR. LARSON: Okay, then put recommendations in.

MR. BARRANCO: So, you'll accept that amendment?

MR. LARSON: Yes.

MR. BARRANCO: Okay. So, we did have a motion, a second, we amended that motion, we had a discussion, and now I'm going to call it to vote.

MR. LARSON: I don't like it.

MR. BARRANCO: All those in favor?

BOARD MEMBERS: Aye.

MR. BARRANCO: Any opposed? Motion passes.

MR. WEYMOUTH: Good luck.

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**Case: CE08010842**

**Carnetta Best, Deloise Townsend,**

**Annie Baynham & Henrietta Smith**

## **2620 Northwest 21 Street**

MS. PARIS: Our next case will be on page two. This is also an old business case. Case CE08010842. The Inspector is Jerry Smilen, the address is 2620 Northwest 21 Street. The owners are Carnetta Best, Deloise Townsend, Annie Baynham and Henrietta Smith.

We have service by posting on the property 3/1/10 we've advertised in the Daily Is Review three 2/6/10 and 4/2/10. Certified mail, and violations as noted in the agenda.

This case was first heard at the 2/10, 2/18/10 USB hearing. At that time the Board granted a 60-day extension to the 4/15/10 USB hearing. For information, this is the duplex case that we heard a couple of months ago. The other side of the duplex, which is on page 3, there was a tax deed sale; there's been a new owner as of April 6, and they are not here so we will not be hearing the case on the west side of the duplex.

MR. BARRANCO: Okay, do we have anybody here?

MS. BAYNHAM: Good afternoon, Annie Baynham.

MR. WEYMOUTH: Good afternoon.

MS. BEST: Carnetta Best.

MS. BAYNHAM: We here for the continuation of the property at 2620 to bring you up to date, what we have done and how we're trying to get the whole property renovated. We have been working diligently for both sides of the property,

property 2630 and property 2620, and we just was informed that that property been sold.

As I mentioned before, that property belonged to my nephew, Ivory McCutcheon, and we got several bids to come and look at both property. As you know, because the roof it's adjoining property, it was hard to get a company to come in and just do one side at a time and so we had general contractors come in to do both sides, and they gave us quotes, and we do have quotes for that.

But since we found out as today, the property been sold, we would just talk about our property, our 2620. We do have contractors coming in, we have bids that gave us a price to come do a complete renovation.

Since meeting with you last we do have the property windows all boarded up so no one can get into the property and as general contractors come to review the property and see how much it's going to cost to do a complete renovation, that's the roof, the ceiling and all the inside, the drywalls as well as the electric and the pipes.

So we do have quotes for that. So we're working to meet the Code Enforcement's requirements. So I don't know what to do from that and let's wait and see what happens since we don't have to worry about both property now, because as you know last time they were going to demolish both property because we didn't have enough square feet which was 5 feet



from the property line to the side of the property wall.

So now we don't have to worry about the other property, so only thing we can ask you do, give us extension time to go ahead and have the whole property renovated on 2620.

MR. BARRANCO: Okay.

MS. BAYNHAM: Let's narrow it down for us today.

MR. BARRANCO: Okay, is there anybody else here to speak on behalf or against?

MS. BAYNHAM: The oldest sister, Henrietta Smith, I'm not sure I told you last time since December 12, Deloise Townsend passed away, so she's not here.

MR. BARRANCO: Okay, I'm sorry.

MS. BAYNHAM: Okay.

MR. BARRANCO: Could we hear from staff? Thank you.

MR. WEYMOUTH: If I recall correctly, last time we talked about this you had not gained access to their half of the duplex and that they were going to allow you in to check the unit out from the inside.

INSPECTOR SMILEN: Yes, Gerry Smilen, Building Inspector, City of Fort Lauderdale. That's correct. I have slides or pictures showing what we were allowed to have access to the property. Picture girl, please. Thank you.

[Inspector Smilen displayed photos of the property]

MR. WEYMOUTH: All these pictures are exclusive to the property in question now?

INSPECTOR SMILEN: Anyway, yes, what we're doing right now is we're addressing the eastern unit, which would be 2620.

MR. WEYMOUTH: Okay.

INSPECTOR SMILEN: As you can see here, this, the roof is leaking and it has caused areas of the ceiling to come down - is that moving along or, what are we doing - okay. Here's more areas. This, the roof is leaking throughout the whole unit as you'll see. There is damage there is a lot of mold in the walls. Quite an extensive mold remediation would have to be done in this, these are the kitchen cabinets here; they're all completely ruined from all the moisture and wetness. They would have to be completely removed. That's my desk, you don't have to worry about that.

MR. HOLLAND: Nice and clean.

MR. BARRANCO: I think I've [inaudible]

INSPECTOR SMILEN: [inaudible] in there. Keep going, keep, just, uh, no, okay. This is the bathroom here where evidently there was a plumbing situation, there was a repair in the midst there. This is in one of the bedrooms, with the darker area. There are some areas, this is part of the wall area in one bedroom that the wall board's been removed. This is another area in that same bedroom there.

There is damage that's occurring structurally to some of the rafter and roof system areas from the constant water that's coming in there from the elements and the exposure.

You can see there's some roof sheathing that's been replaced with the newer wood in there and you can just see it's all over the place. This is a ceiling that's ready to come down, that's an area of wall.

There's quite a bit of drywall that would have to be removed and the roof would have to be repaired obviously before this would all happen. It's a very extensive procedure that would be needed to bring this house back to any type of a living condition.

That's the outside, this is the ceiling in the outside utility room, which is, as you can see, starting to deteriorate with the structural members up there. That's wiring from a, for the hot water heater. That's more area there where you can see the wood is just not structurally sound. And this is the outside area where it's rotting away. That's the front of the house there, where they had boarded up some of the windows. And that's the side of the house.

The building is secured at this point. I did check that out. Okay, we can stop.

At this point, just I want to mention the west unit because the west unit and this unit are tied together, and the reason why they're tied together is - and I've confirmed this with the Zoning Department - is basically, if we were to knock down the west unit, which is a separate case from this, this unit, the way it is right now, could not remain because of a

zoning issue, because you need a minimum of a 5-foot side setback.

The way the duplex is right now, it's two pieces of property, with separate folio numbers deeded to two different owners, where the property line is right on, right, goes right down the middle of the building. So if you remove the west side the east side would not be able to stay the way it is. And there would have to be, something would have to happen.

So there's a couple of scenarios that can happen. The first scenario would be for somebody, which you know now the bank has taken over the west side. If the bank were to come in there and rebuild that side, then these people here would be able to take care of their side and there wouldn't be an issue.

The second issue is if the bank wasn't going to do anything and we had to knock down that other side - and I'm going to show you pictures of the other side - again, just in correspondence to this case, not presenting the other case, okay, do we understand each other on that?

MR. BARRANCO: Um hm.

MS. HALE: Yes.

INSPECTOR SMILEN: Want to show you some pictures of that.

MR. JARRETT: Can we just ask you one question?

INSPECTOR SMILEN: Sure.

MR. JARRETT: Reference this issue about if the one side is torn down and the other side, now the setback is not legal, that isn't one of those situations where it's a nonconforming structure?

INSPECTOR SMILEN: No.

MR. JARRETT: Because, I mean, when it was built, it was conforming, I don't know.

INSPECTOR SMILEN: Well -

MR. JARRETT: It just seems like that's one of those situations.

INSPECTOR SMILEN: Well, it really isn't because what happens is a nonconforming structure once you alter it or modify it, doesn't qualify for that anymore.

MR. JARRETT: Oh, because it's more than 50% needs to be done; is that where we're going?

INSPECTOR SMILEN: Yes, right. So what I'm saying here is that the remedy, the first remedy would be for the bank to rebuild the other side. The second remedy would be if that side had to be demolished, that they could try for a zoning variance, which I doubt very seriously they would be able to get.

The third option would be for them to obtain the property on the west side, which would be, would cause a unity of title, and then they wouldn't have the setback problem anymore on this side. So those are pretty much the three scenarios

that we're looking at.

This is the front of the building here the way it stood a couple days ago. It is open and abandoned. This is the rear of it where you can just see, this, that's the utility room there where the water just been, you have foliage growing in there. Every area of structurally on this roof is just, it's just coming apart. This is water that's sitting inside the unit right now as we speak. It's about one to two inches of water laying in there. I don't know if that's affecting the other side yet, but I imagine it's got to eventually with the way mold travels.

MR. CROGNALE: Gerry, just a little quick technical question, if you would -

INSPECTOR SMILEN: Okay, that's all for now. sure.

MR. CROGNALE: Gerry? Quick technical question. If they re-roof their half, alright, and the other half is not re-roofed, does the possibility exist that they'll get any infiltration from the unprotected roof into their, into the new -

INSPECTOR SMILEN: The place where it's possible for to get them to get any water intrusion would be underneath the party wall. Now, the way this has been constructed, according to the plans is, there are two 8-inch block walls as a tenant separation there. I don't believe there's any recesses in the slab for those block. So therefore it's very conceivable that

that water could travel underneath those two block walls and go right into there because the plane of the slab is all at the same level.

MR. CROGNALE: The plane is the same.

INSPECTOR SMILEN: Yes.

MR. WEYMOUTH: I've got a question and it's probably more towards Ms. Wald than anybody. With the ownership now on the west side in the bank's possession, I am assuming that the bank is not going to voluntarily look to correct the problem that exists on the west side. They're not going to put any money into anything, these guys are scrambling to find money.

MS. WALD: Ginger -

MR. WEYMOUTH: With that being said, how long is it going to take to resolve this, because obviously these women probably don't want to put any money into their unit until they know that the other side is going to be corrected because the only other remedy is for us to demolish the - if we demolish one side we have to demolish everything is what I'm hearing.

MS. WALD: Ginger Wald, Assistant City Attorney. In regards to how you began your question, what is the bank going to do or not do: We can't answer that.

MR. WEYMOUTH: No, I understand.

MS. WALD: And the reason why we're not moving forward with the other part of this case is because that tax sale

occurred. Notice was sent out, but the problem is, the City does not have the proof that notice was actually received. And therefore, out of abundance of caution, we cannot move forward, otherwise we would have.

Because obviously the bank being the new owner is an interested party. As part of the tax sale, this wasn't a foreclosure type of situation where they normally get notice. We didn't know who was going to end up with the property until the tax sale actually occurred.

In regards to demolition of one or the other, again, that is something these were brought as two separate cases, they're two separate. Understanding that they do have some common elements together, based upon what had happened way before these two properties were separated and made into the duplex. That is going to have to be determination that you have to make on a case-by-case basis on both one of these even though they're tied together, which is why they were brought -

MR. WEYMOUTH: When do we anticipate, when do we anticipate the west unit appearing before the Board?

MS. WALD: Well, it also depends what you're going to do with this case. It makes more sense as to having the cases together because they have, as you said, they have the similar roofline and common wall. We would normally bring the case if we didn't have notice, to the next hearing. So that would be the May 20<sup>th</sup>, isn't what you said, May 20<sup>th</sup>?



MS. HALE: Um hm.

MS. WALD: May 20<sup>th</sup> would be the next hearing. So we would normally in a regular case that was not tied to another one, go ahead and set that for the next hearing on the 20th due to it just being a notice issue.

MR. WEYMOUTH: It would, and this is my knee-jerk reaction, but to give these women any direction right now as to whether we're going to demolish or give them an extension or one thing another. To hear it without hearing the other one, they're not going to go forward and repair it. I think we need to hear them both at the same time, and probably make a decision on the other one before we send them off because they're prepared, it sounds like, to start repairing it, but [inaudible] after that.

MR. JARRETT: I would agree with your -

MS. HALE: Yes.

MR. JARRETT: I would agree with that.

MR. WEYMOUTH: So with that said -

MS. WALD: And again, because this is such a unique situation. I don't know if you have the information now that the bank has obtained this property -

MS. BAYNHAM: Yes, [inaudible] before we came

MS. WALD: Okay, good, good. So my -

MS. BAYNHAM: [inaudible] New York.

MS. WALD: Okay, excellent. So then you also have that

information and you can contact them, because I know before you were going to talk to the relatives.

MS. BAYNHAM: Yes.

MS. WALD: Okay, thank you.

MR. WEYMOUTH: They ought to pursue, you ought to pursue trying to buy it.

MS. BAYNHAM: I will, I thought, I was, when I saw this I thought the bank had already purchased it. I didn't know if there was a chance to still look at it, but -

MR. WEYMOUTH: They're sitting there waiting for you to call them.

MS. BAYNHAM: Okay. I'll do that.

MR. WEYMOUTH: With that being said, Mr. Chairman, I'd like to make a motion.

MR. BARRANCO: Okay, we'll hear your motion.

MR. WEYMOUTH: I move that we find the violation exists - wait a minute, this is the tear down? Sorry ladies.

MR. BARRANCO: I think since they've already had an extension you just have to -

MS. PARIS: You can just make a motion for an extension.

MR. BARRANCO: Yes, okay just make that motion for an extension.

MR. WEYMOUTH: I move that we grant them a 35-day extension and re-address this case on May 20<sup>th</sup> along with the western unit, I don't have the address. Yes I do -

MS. PARIS: 2630.

MS. HALE: 30.

MR. WEYMOUTH: Everybody has it. 2630 Northwest 21<sup>st</sup> Street.

MR. BARRANCO: Okay, we have a motion, do we have a second?

MR. JARRETT: I'll make a second, but I'd also like to make the first comment on discussion.

MR. BARRANCO: Okay.

MR. JARRETT: Because I have a question for the inspector about the issue of the building being open. Is that a concern? You showed us pictures of some windows out.

MR. WEYMOUTH: You're talking about the 2630 property, the west property.

MS. PARIS: That's actually not in front of us.

MR. JARRETT: Okay, that's the other property.

INSPECTOR SMILEN: We're not hearing that case today, so-

MR. JARRETT: Absolutely. You've clarified that, okay.  
End of my discussion.

MR. BARRANCO: One other part of this discussion that I want to bring up and this is directed at staff, is, there was some question as to existing, nonconforming structures on sites. This is a fee simple project. My understanding is that if you tear that building down next door, this is an existing nonconforming structure that continues to exist. And

it's okay. It's a Planning and Zoning question, but I'd like to be educated and have somebody on record at our next meeting. So I'd like to invite somebody from the Planning and Zoning Board who could address that issue at the next meeting.

SUPERVISOR BRADLEY: Lin Bradley, Code Supervisor, City of Fort Lauderdale. Yes, we can ask to have somebody from Planning and Zoning here at the next meeting to, for an educational process. We can do that John.

MR. BARRANCO: Thank you. Could we, do we have any more discussion? Anybody have questions?

MS. HALE: Ginger?

MS. WALD: Yes ma'am?

MS. HALE: You know, these are not unusual structures.

MS. WALD: No, they're not.

MS. HALE: It's the first one that we have dealt with since I've been on this Board. And we didn't have any when I was on Code Enforcement Board, but these are not unusual in the City of Fort Lauderdale, nor Oakland Park. And I cannot imagine that this is the first case where somebody owned one half and the bank is now the proud possessor of the other half. I have a feeling if you do a little research you're going to find there's already a precedent set for how they are dealing with these joined houses with two different owners. I'm sure on your street, you probably have others, so there has to be -

MS. WALD: And I do understand that, but please also take into consideration that, even that being so, each case has to be handled on a case-by-case basis.

MS. HALE: Oh, of course!

MS. WALD: And yes, we have seen plenty of these in Code Enforcement Board, and we're still seeing them in Code Enforcement Board.

MS. HALE: Yes. I don't remember if we got any.

MS. WALD: I don't know, I did not know, and Joe and Thornie have been around longer on the Board than I've been assigned to the Board, if they can recall any of them going to Unsafe Structure Board, but as long as I have been assigned to handle this Board, I do not know of any.

MS. HALE: Right. But I think there is a history for solving these kind of problems when they're joined because it's not an unusual kind of ownership.

MR. HOLLAND: Okay.

MR. BARRANCO: Gerry?

INSPECTOR SMILEN: Mrs. Baynham would like to ask the Board about the west unit, 2630.

MS. BEYNHAM: We are willing to board up the building at 2630.

MR. BARRANCO: Oh, excellent.

MS. BEYNHAM: Hopefully, it stay secure. We do have some people going around vandalizing the property, but, so we will

have it boarded up, okay?

MR. BARRANCO: Thank you, very nice of you, thanks.

MR. JARRETT: Thank you very much.

MR. BARRANCO: Okay, so we had a motion, we had a second, any more discussion? Okay, we'll have a vote. All in favor?

BOARD MEMBERS: Aye.

MR. BARRANCO: Any opposed? No? Passes. Next case.

MR. WEYMOUTH: Good luck ladies.

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**Case: CE08031555**

**Ivory D. McCutcheon Jr.**

**2630 Northwest 21 Street**

Withdrawn, no service.

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**Communications to the City Commission**

MS. PARIS: That does it for our agenda. However, any communication to the City Commission? No? And we do have - I'm sorry, go ahead - And, hang on one second. You guys want to address that?

MS. WALD: No, I did.

MS. PARIS: Okay.

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**Board Discussion/ For the Good of the City**

MS. PARIS: Any more Board business?

MR. LARSON: I have one question of the attorney.

MS. WALD: Yes ma'am, sir? Sorry.

MR. LARSON: In regards to what Joe was saying about the recommendation, we can't make a motion to make the gentleman, recommendations mean nothing. To me there's no way to enforce a recommendation and this Board should be able to enforce to have them clean that up. What is our legal arm that would force them to do that, even if we used the term recommendation.

MS. WALD: That's fine. You're, and you weren't here on the Board, and as Joe said, when I explained this to the Board a few years ago. You are limited because this is not the Code Enforcement Board.

MR. LARSON: Okay.

MS. WALD: You are limited to the Florida Building Code violations that you have on your agenda that's in front of you as to each one of the violations. And you are limited to making a determination based upon those violations. Whether it meets the criteria of the Florida Building Code and the property should either be demolished or not demolished. That's the simplest determination of any of the boards that has to be made.

As to saying, I want you or I'm ordering you to do

something beyond that, you don't necessarily have that authority. What you can do, and what has been done before by this Board is to recommend, or to suggest that they should do certain things to protect this property if they want to continue to go forward and attempt to obtain a permit to renovate the property. Knowing that if they don't do those things what's going to happen next time when they show up.

They've already been told, the owner has already been told or the architect or whomever appears on behalf of the owner, that they need to do X, Y and Z. This Board has told them, you need to do X, Y and Z. You've got to secure this property that you want to preserve and save.

And some properties can't be and that's understandable. Sometimes you have a situation where the owner may come in, it's going to be beyond their means - just talking generally - beyond their means to expend the funds, it's going to be over 50% to make the repairs that are going to be necessary to save the property.

And when you have those type of cases, what do you normally do? You order a demolition. In the cases where the owner's making progress, but it's taking a while, because they have to get plans and they have to get the architect to do that, it has to be certified -

MR. LARSON: I understand all that.

MS. WALD: - changes have to be made and submitted back



to the departments. Then, you still want that owner to protect that property as a safety concern.

Well, in Code Enforcement Board, you would have that authority to go ahead and order that. But you're not on Code Enforcement Board. What the -

MR. LARSON: But this is quasi-judicial right?

MS. WALD: Oh yes, it's quasi-judicial. Both are quasi-judicial.

MR. LARSON: But you lose it when you go from one Board to the other.

MS. WALD: It's a different type, well, no, it's not a loss. It's a different type of board. You have a different function on the Unsafe Structure Board than you do as to the Code Enforcement Board. And remember when we were talking last time and I gave you some examples of drafts, rough, rough, rough draft number one from the Florida Building Code.

Our code that we have now is old and antiquated. The Florida Building Code had changed and that's why we're looking to make the changes to our code to be consistent with the Florida Building Code. But it's still the basic situation, the basic facts, you were chosen by the Commissioners to be on this Board for your expertise again. And your expertise are very specific and they're dealing with these structures themselves.

And of course, most of the time we're dealing with homes,

people's homes and houses and whether those homes and those houses are fit for human habitation. And that's one of the determinations you can be made if it brought under the Florida Building Code that way. Or if it's brought as an unsafe structure. Can be from a wind storm, can be from a fire, you've seen fire cases, you've seen all these different cases. Depends how it's brought under the Florida Building Code as to what you can do or cannot do.

If an item is brought under the Florida Building Code - but I'm going to tell you right now you're not going to see it because it would not be proper to be brought in front of this Board - but if one of the violations was brought that would require an item to be secured like a window to be secured or something like that, or pool, remember we had the pool discussion in the past, then you could do that.

But you're not supposed to be doing that. So those items are not supposed to be brought in front of you. And I can tell you in the last two years, year and a half - guys help me out on this - you've seen less cases.

And the reason why you've seen less cases is not that there's less out there. But they're being brought in front of the Code Enforcement Board to attempt to get that type of compliance and to hold that over their heads and get that type of compliance so we know it's going to happen or not.

If it does not occur, you're kind of the Board of the

last chance. And I hate to say that, you're not a bunch of people with sickles and black coats on, but that's what you are.

MS. HALE: [inaudible and] about that.

MS. WALD: You're making -

MR. BARRANCO: Do you think we could get those -

MS. WALD: Well, some of you are.

MR. BARRANCO: - as part of our uniform.

MS. WALD: We can get pictures. We can have our own little club.

MR. WEYMOUTH: [inaudible]

MS. WALD: Yes, maybe for Christmas this year I'll do that for you. But, that is your, that's your job. Your job is not to act as the stopgap, your job is to say, look, I'm going to give you more time to get those plans in, to get this done. But if you don't do it and I have made the findings of fact that this property is unsafe and should be demolished, I'm going to do it. And that's the reason why, and that's kind of the long version, but that's the reason why.

MR. LARSON: Thank you.

MS. WALD: Anything else?

MR. HOLLAND: Very good.

MR. BARRANCO: Any other questions? We've got the Chief Building Official here again, thank you. Any questions for the Chief?

MS. PARIS: Would you like to come and address the Board?

MR. BARRANCO: Alright.

MR. HOLLAND: Move to adjourn.

MR. LARSON: Second.

MR. BARRANCO: So moved. That's it, thank you.

MS. PARIS: Thank you.

[Meeting concluded at 3:50 pm.]



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BOARD CLERK



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JOHN BARRANCO, ACTING CHAIR


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 April 15, 2010, at 3:00 p.m., City Hall, 100 North Andrews Avenue, City Commission Meeting Room, Fort Lauderdale, Florida.


20 Dated at Ft. Lauderdale, Broward County, Florida, this day of MAY, 2010.

ProtoTYPE, INC.

  
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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 20 day of May, 2010.

  
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NOTARY PUBLIC  
State of Florida at Large

Notarial Seal:



D.J. GROSSFELD  
MY COMMISSION # DD 687809  
EXPIRES: April 26, 2011  
Bonded Thru Budget Notary Services