

CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, NOVEMBER 17, 2011 AT 3:00 P.M.
CITY COMMISSION MEETING ROOM
CITY HALL

Cumulative
 Attendance
 10/11 through
 9/12

Board Members

| | Attendance | Present | Absent |
|------------------------------|------------|---------|--------|
| Michael Weymouth, Chair | P | 2 | 0 |
| Joe Holland, Vice Chair | P | 1 | 1 |
| John Barranco [arrived 3:14] | P | 2 | 0 |
| Joe Crognale | P | 2 | 0 |
| Pat Hale | P | 2 | 0 |
| Thornie Jarrett | P | 2 | 0 |
| Don Larson | A | 1 | 1 |
| John Phillips [arrived 3:07] | P | 2 | 0 |
| B. George Walker | P | 2 | 0 |

City Staff

Lori Grossfeld, Board Secretary
 Carrie Sarver, Assistant City Attorney
 Ginger Wald, Assistant Attorney
 George Oliva, City Building Inspector
 Chris Augustin, Chief Building Official
 Dee Paris, Administrative Aide
 Brian McKelligett, Administrative Assistant II
 Jamie Opperee, ProtoType Inc. Recording Clerk

Communication to the City Commission

None

Witnesses and Respondents

CE11090815: Mario Botell, owner

| <u>Index</u> | | |
|----------------------|--|------------------|
| <u>Case Number</u> | <u>Respondent</u> | <u>Page</u> |
| 1. CE11090815 | BOTELL, MARIO | <u>3</u> |
| Address: | 700 SE 14 CT | |
| Disposition: | 63-day extension to 1/19/12. Board approved 8-0. | |
| | | |
| 2. CE11011181 | WEAVER, RICHARD L EST | <u>27</u> |
| Address: | 1700 SW 9 ST | |
| Disposition: | Withdrawn. | |
| | | |
| | Communication to the City Commission | <u>28</u> |
| | | |
| | For the Good of the City | <u>28</u> |

The regular meeting of the Unsafe Structures Board convened at 3:00 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. Jarrett, seconded by Ms. Hale, to approve the minutes of the Board's October 2011 meeting. In a voice vote, motion passed 6-0.

Cases[INDEX](#)**1. Case: CE11090815****BOTELL, MARIO****700 SE 14 CT**

MS. PARIS: Our first case will be on page two, this is a new business case, Case CE11090815, the inspector is Gerry Smilen, the address 700 Southeast 14 Court. The owner is Mario Botell. This case will be presented by George Oliva.

We have service by posting on the property 10/13/11, we've advertised in the Daily Business Review 10/28/11, 11/4/11. Certified mail as noted in the agenda.

INSPECTOR OLIVA: Good afternoon Board, George Oliva, Building Inspector for the City, on behalf of Inspector Smilen I'm presenting case number CE11090815 on page two of the agenda. This case was opened by code inspectors on January 27, 2011 and transferred to Inspector Smilen on September 12, 2011. The following pictures were taken by both inspectors and I would like to submit them into the records.

[Inspector Oliva presented photos of the property]

As you can see, that's the front, that's the front of the property. That's at the rear of the property where the carport begin to extend all the way to the back of the property. That's another picture of the carport. And you

1 can see that's on the rear of the property, and the carport's
2 all the way to the setback, right by the fence. That's
3 another side view of the carport so you can see how close it
4 is to the property line. That's inside so you can see the
5 lines and the electrical inside the carport. And that's a
6 side view showing that the carport's all the way to the
7 property line next to his property.

8 One second. As you can see, Mr. Botell owns the
9 property since 205, I mean 204, 204. And you can see the
10 permit history on that property; no permit was ever issued
11 for that carport. And this is the aerial picture from
12 Broward County Property Appraiser which you can see that the
13 carport is all the way back into the setback of that
14 property. This is another picture from Broward County which
15 shows that on 205 there was no carport at the rear of that
16 property. And this is another picture the following year in
17 206 which you can see that the carport was already built at
18 the back of the property.

19 So we're asking for the Board to find for the City
20 that this property's unsafe and order the building owner to
21 demolish in 30 days the unsafe structure.

22 CHAIR WEYMOUTH: Before, does anybody have any
23 questions for the inspector?

24 MR. JARRETT: I do. I just have one, it appears,
25 no doubt that it appears in the setback. Do we know for a

1 fact the fence is like the property line there?

2 INSPECTOR OLIVA: By Inspector Smilen, he went over
3 with Sonny to inspect the property and they say that it's
4 already over the setback of the property. And the back is
5 supposed to be, I believe, 20 feet.

6 MR. JARRETT: Oh, okay, 20 feet in that
7 neighborhood, okay that answers my question.

8 INSPECTOR OLIVA: But, like I say, this is the
9 first time that I see this case have been today, but I'm
10 trying to work as best as I can here.

11 CHAIR WEYMOUTH: Before we hear from the respondent
12 I have got a question just as a -- I'm assuming, but I don't
13 want to assume, under the second violation the last word says
14 unsafe. I'm assuming that's a typo and it should say that
15 the occupancy was not issued deeming the structure safe,
16 correct?

17 INSPECTOR OLIVA: Right.

18 CHAIR WEYMOUTH: Okay. You don't get a CO for an
19 unsafe structure unless things have changed.

20 MR. HOLLAND: That was a good catch, I noticed that
21 too Mike. It's a little ambiguous.

22 MR. MCKELLIGETT: No, no, no, no. You're talking
23 about number two?

24 CHAIR WEYMOUTH: It says the carport was commenced
25 without a permit and after its completion a certificate of

1 occupancy was not issued deeming it, deeming the structure
2 unsafe.

3 MR. MCKELLIGETT: That's correct, it was not issued
4 which deems the property to be unsafe.

5 CHAIR WEYMOUTH: Okay, so we're missing a comma or
6 something.

7 MR. MCKELLIGETT: A comma possibly.

8 CHAIR WEYMOUTH: Okay, all right, sorry about that.
9 Okay.

10 [Mr. Phillips arrived at 3:07.]

11 MS. PARIS: Excuse me, let the record reflect Jack
12 Phillips is here.

13 CHAIR WEYMOUTH: Good afternoon, sir.

14 MR. BOTELL: Good afternoon.

15 CHAIR WEYMOUTH: Could you state your name for us
16 please.

17 MR. BOTELL: My name is Mario Botell, I own the
18 property at 700 Southeast 14 Court. I first of all just want
19 to bring out some things that I kind of disagreed with. I
20 bought this property in '03 in 1903, when I bought this
21 property I had to meet all the requirements from the mortgage
22 company was going to issue the loan, the property.
23 Therefore, there were surveys that were done, there was
24 everything that was done.

25 This was all built beforehand. It took its course,

1 everything was approved for the loan. The property was
2 actually appraised. The title company actually even issued a
3 title. The land surveyors had the property surveyed
4 including the garage. I never built it, I never had anything
5 to do with it, it was built over 20 some odd years ago.

6 John Hogue, the owner of that property prior to my
7 buying it from him, John had been in the course of code
8 enforcement over the property back in 1986. I have the legal
9 papers for it. Code enforcement took John to court over this
10 situation. What the resolution was I don't know, but I do
11 know one thing, that if there was a resolution that this was
12 built unsafe and it was built without a permit, why wasn't
13 the City then violate this property and had given it a record
14 of violations?

15 All it did is it drug around for the next 20 years
16 nobody's ever heard about it again. All of a sudden it's a
17 mission-critical to tear this down and to get me. Basically
18 I own a foreclosure because I don't know what to do with this
19 land anymore. I mean, I'm supposed to tear down something
20 that I never built, I never designed, I never put it up.

21 The City has lost its records. Dick Eaton, one of
22 the Code Enforcement guys, it come in due to a complaint from
23 a neighbor. And it was agreed upon between the neighbor and
24 I that if I was to put a gutter, everything would be okay.
25 We put the gutter. Dick showed up, I showed up, the neighbor

1 showed up, everything was fine.

2 Two years later now, again it has become mission-
3 critical to do this, to tear this down. I mean, it's been
4 through Wilma, it's been through hurricanes, all, it's been
5 up for 20 some odd years. The paperwork got lost within the
6 system, nobody knows anything about the state attorney having
7 taken John, John Hogue the previous owner had fought this,
8 you know, with the city, with Code Enforcement. What the
9 final decision on the City was, something dropped through the
10 crack because nothing was ever filed on this property. Had I
11 known that I would have never bought it. None of us would
12 buy a piece of land if we knew that it had some kind of
13 violation attached to it. No mortgage company would finance
14 it either.

15 So, I mean the proof is all in, here's the title
16 from a local attorney, a title company issued a title on the
17 land. Here's the survey including the thing in the back,
18 dated in '06. There was a comment just made on how something
19 was not there from a satellite photo; I think that's
20 incorrect. I've never added, all I've ever done is just
21 greased the wheel and keep the grass cut.

22 MR. PHILLIPS: Did you say it was in foreclosure?

23 MR. BOTELL: Sir?

24 MR. PHILLIPS: Did you say it was in foreclosure?

25 MR. BOTELL: I am in foreclosure. I [inaudible]

1 MR. PHILLIPS: Are you collecting the rent from the
2 tenants?

3 MR. BOTELL: Am I collecting rent? Only from one
4 tenant.

5 MR. PHILLIPS: Are you paying your mortgage?

6 MR. BOTELL: The mortgage company would not allow
7 me to pay for the mortgage. I'm actually taking care of the
8 insurance for the property and taking care of all the other
9 needs including the water, the power. The property's pretty
10 well-kept.

11 MR. PHILLIPS: Okay. Is there a foreclosure date?

12 MR. BOTELL: We don't have one yet sir; I'm trying
13 to save the property.

14 MR. PHILLIPS: Do you have a lawyer for the
15 foreclosure?

16 MR. BOTELL: Yes I do. And I'm trying to save the
17 property in any way I can, but when all of this came to a
18 head a couple of years ago I'm going like, do I just walk
19 away? You know, why has this become this kind of problem
20 now? Do I walk away, do I try to save my mortgage, do I try
21 to keep my home?

22 MS. HALE: Do you live there in one of these units?

23 MR. BOTELL: I live, yes. I am homesteaded into
24 one of the units; I live in the back unit.

25 MS. HALE: Okay, okay.

1 MR. BOTELL: So, you know, that's been like right
2 now, I mean, the attorney that's working on it is trying to
3 negotiate something with the bank so maybe I could keep the
4 property, maybe I could bring in some decent tenants that I
5 could keep and make a payment on it. But with this hanging
6 over its head, you know, it would just become the banks'
7 problem, the city's problem. I want to solve it, I want to
8 find some way out.

9 MR. PHILLIPS: Did your lawyer make a claim under
10 the title insurance policy that you bought there's a defect
11 in the title to try to get some money?

12 MR. BOTELL: I haven't had the funds to afford that
13 many attorneys sir. I've been trying to do everything myself
14 all I can. So yes, I did retain counsel for the original
15 fighting for the foreclosure and then I did retain counsel
16 again as of recent for another --

17 MR. PHILLIPS: I'm talking about your title
18 insurance policy.

19 MR. BOTELL: The title insurance we haven't even
20 dealt with that yet because we don't know if there is,
21 there's something that I could, you know, I talked to a City
22 Commissioner, I have his, and he suggested me to a couple of
23 attorneys. I've spoken to them, they said for me to show up
24 here, to be here and we'll go from here.

25 You know, my big question is, had I known that this

1 property had a violation that's been attached to it, there
2 was actually even a building that was done next to mine and
3 there was a condo conversion. At the time, the owners of my
4 property and the property next door were negotiating with
5 Code Enforcement over drainage issue. There were Code
6 Enforcement people there every day. I mean, this was seen.

7 When I pulled the permits in '04 to do some work on
8 my building I was given an order to cease and stop all work,
9 then I went and I had all the architectural plans done,
10 including the area in the back that's of question now. All
11 of those papers were reviewed by building inspectors and they
12 approved it and we went on started working. Then all this
13 popped up all of a sudden so I found myself in the middle of,
14 do I keep going, do I stop, do I, you know. So I'm in, you
15 know, I'm in a situation here where I just don't know what to
16 do with this. I mean, I don't have the money to hire a
17 demolition company to come and demolish this, nor do I, and
18 you know, I just, I don't know what to do with it guys. I
19 really --

20 CHAIR WEYMOUTH: Mr. Botell, allow us to ask you a
21 couple of questions.

22 MR. BOTELL: Please do.

23 MR. JARRETT: First, you held up a survey, is that
24 a signed and sealed survey?

25 MR. BOTELL: Yes sir, it is.

1 MR. JARRETT: Would you like to present it for
2 evidence?

3 MR. BOTELL: Absolutely sir.

4 [Mr. Barranco arrived at 3:14]

5 MR. JARRETT: That we might see it.

6 MR. BOTELL: Yes sir.

7 CHAIR WEYMOUTH: While he's looking at the survey,
8 you say you live at the property, and you said you live in
9 the back of the property, so I'm assuming that you are
10 inhabiting the portion that is being deemed unsafe.

11 MR. BOTELL: No, what's being deemed unsafe is a
12 carport that was built in the back. The apartment that I
13 lived on is not. It was an addition that is not in question
14 here.

15 CHAIR WEYMOUTH: The carport is attached to the
16 existing structure Mr. [inaudible] George, do you know? Or
17 Mr. Botell, if you'll tell, is the carport attached to the --

18 MR. BOTELL: Yes, it's attached, the roof
19 [inaudible].

20 CHAIR WEYMOUTH: I'm sorry, you bought the property
21 when?

22 MR. BOTELL: I bought the property, I looked at a
23 property in Christmas of '03 and '04, that survey was written
24 and I finalized the deal in '04.

25

1 CHAIR WEYMOUTH: Real quick, just as a quick
2 departure, just to recognize John Barranco joined the Board.

3 MR. BARRANCO: Thank you.

4 MR. WEYMOUTH: Yes sir.

5 MS. HALE: Could we see that picture again that you
6 had from the '05 was it?

7 INSPECTOR OLIVA: '04.

8 MS. HALE: Now, is that the tax records?

9 INSPECTOR OLIVA: No, that's the Broward County
10 Property Appraiser's records.

11 MR. PHILLIPS: Do you have your copy of your title
12 insurance policy?

13 MR. BOTELL: Yes sir, I do.

14 MR. PHILLIPS: Can I take a look at it?

15 MR. BOTELL: Yes please.

16 MR. JARRETT: Did you note the date on that
17 [inaudible] Could we pass it down here and let them see it.

18 CHAIR WEYMOUTH: You want to pass that down and
19 [inaudible]

20 MS. HALE: Because I do know that she is going
21 around and taking pictures now, and they are for everybody to
22 look at. On the other hand, she's taking them now and so if
23 you have a crummy looking house the person who buys it has it
24 on his website then it's a crummy looking house. Now, I
25 don't know when this picture was taken.

1 MR. BOTELL: I've been doing satellite photographs
2 of the property even before I bought it and I can date back
3 and nothing has ever changed from the first Google Earth
4 photos that were taken of that property.

5 MS. HALE: I mean, you can say that in 2005 there's
6 no carport in the rear but these photographs that she's now
7 putting on her webpage that's a fairly new thing that she has
8 been doing. I don't know, I don't see a date on this that
9 says when the photograph was taken. I understand that it's
10 there today but I'm not sure that in '05 a man went up in the
11 airplane and took that picture, I don't know.

12 MR. JARRETT: Can I see that picture?

13 MS. HALE: Of course.

14 CHAIR WEYMOUTH: While we're passing around
15 pictures, if you'll make sure that the records reflect that
16 the accurate land survey that was presented has a survey date
17 of December 18, 2003.

18 MR. PHILLIPS: December 22nd or the 18th?

19 CHAIR WEYMOUTH: December 18, 2003.

20 MR. PHILLIPS: Okay.

21 MS. HALE: And he purchased in 2004.

22 CHAIR WEYMOUTH: I'm sorry? Okay, December 22,
23 2003 is when it was signed; I was just looking at the survey
24 date. So, late December 2003 is when this survey is showing,
25 and I'm assuming that the area in question is the part that's

1 noted on here as covered concrete, correct? That's where the
2 alleged -- not the alleged -- that's where the carport is?

3 MS. HALE: Is that your house, sir?

4 MR. BOTELL: I was just -- Can you repeat that?

5 CHAIR WEYMOUTH: On the survey, there's --

6 MS. HALE: On the picture, you said, is that your
7 house?

8 MR. BOTELL: On the picture it's, the one in red
9 that is my house and you can see the garage that extends all
10 the way out to the alley [inaudible] where the gate is, you
11 can see the opening where the, or the pre-existing before
12 this garage was built in the 80s, that is the garage and
13 there is no cars parked there.

14 MR. WEYMOUTH: Mr. Botell?

15 MS. HALE: Yes, yes. And you do understand that
16 yours is the garage that does go all the way to that line
17 which is an alley or a street or something.

18 MR. BOTELL: Absolutely I do I --

19 MS. HALE: You do know that everybody else's is
20 pushed back on that picture.

21 MR. BOTELL: I truly understand that, yes I do.

22 MS. HALE: Okay.

23 CHAIR WEYMOUTH: Mr. Botell?

24 MR. BOTELL: Yes.

25 CHAIR WEYMOUTH: You, it sounded like got some

1 legal advice before you appeared here today. Just out of
2 curiosity, what are you asking this Board for?

3 MR. BOTELL: I am asking for advice from you guys
4 you guys are the City leaders, you guys are supposed to tell
5 me, hey, do I walk away from this or do I just take a little
6 bulldozer tomorrow and go tear it down.

7 CHAIR WEYMOUTH: I'm certainly not qualified to
8 give you legal advice.

9 MR. BOTELL: Well, see, here's part of the papers
10 that went to court. Why was this never recorded within the
11 violation by the state attorney, therefore allowing me to
12 gain title to this property?

13 CHAIR WEYMOUTH: I think Mr. Phillips sort of
14 alluded to maybe, you know, you may have a --

15 MR. PHILLIPS: Mr. Botelli [sic] we don't give
16 legal advice.

17 MR. BOTELL: I understand you don't.

18 MR. PHILLIPS: Okay, it's not right for you to ask
19 us. Number two, you buy something caveat emptor, buyer
20 beware. You have title insurance, you have a lawyer. It
21 doesn't cover code enforcement. That's why law firms send
22 estoppel letters to the City before the closing that says are
23 any liens, titles, defects, problems, this or that. It's 50
24 bucks. You send it in advance, the City checks it, they will
25 do it. If you didn't do that or your lawyer didn't do it,

1 tough apples. If it's an illegal structure you're going to
2 have to remove it.

3 MR. CROGNALE: Mr. Chairman?

4 CHAIR WEYMOUTH: Yes sir?

5 MR. CROGNALE: May I?

6 CHAIR WEYMOUTH: Yes Joe.

7 MR. CROGNALE: To the respondent: have you looked
8 and we're going to assume for, in light of what the City has
9 presented to us that it is an unsafe structure. So we're
10 going to get that assumption out of the way. What would it
11 take to be required to make that a legal structure, if it's a
12 doable thing, if it's within reason. We know it's unsafe at
13 this point but it's been standing for 20 years. What would
14 it take for you to inquire about bringing it up to today's
15 code? Is it doable or is it not doable?

16 MR. BOTELL: I would think it could be doable. Is
17 it within my budget to do it? I don't think so. No, because
18 according to Mr. Smilen or Smillen, he would like for me to
19 just spend way more than I can afford in order to bring this
20 to code. I mean, to follow today's code it would just be, if
21 I had to do a setback from the property line and I just,
22 it's, I couldn't -

23 MR. CROGNALE: So it's not economically feasible to
24 bring it up to today's code.

25

1 MR. HOLLAND: Yes, let's keep the Chair on board
2 here. I think we're probably prepared to move this forward
3 unless, you know -

4 CHAIR WEYMOUTH: Would you like to make a motion
5 Joe?

6 MR. HOLLAND: Yes. I move that we find the
7 violations exist as alleged and that we order the property
8 owner to partially demolish the structure within 30 days, or,
9 I guess --

10 MS. HALE: No.

11 MR. HOLLAND: I won't insert partial. Owner to
12 demolish the structure within 30 days and that we order the
13 City to demolish the structure should the property owner fail
14 to timely demolish. Such demolition is to be accomplished by
15 a licensed demolition contractor pursuant to a City issued
16 demolition permit.

17 CHAIR WEYMOUTH: We have a motion, do we have a
18 second? Seeing we don't have a second --

19 MR. BARRANCO: I'll second that. This isn't
20 working. I'll second that.

21 CHAIR WEYMOUTH: I'm sorry?

22 MR. BARRANCO: I'll second that motion.

23 CHAIR WEYMOUTH: Okay. Do we have any further
24 discussion?

25

1 MR. PHILLIPS: Yes, I think that it doesn't look
2 like there's life safety issues. I know there's a
3 foreclosure issue. There is, I think we should, and it's the
4 winter season, there's not a lot of hurricanes facing us. I
5 think we should give him six months to get a hold of an
6 engineer, an architect -- actually, I'll -- let's say three
7 months or 60 days to get, come back with his lawyer and an
8 architect. He's making money off the side. He's keeping it,
9 he's not paying his mortgage probably in the last three years
10 the bank's, and I don't know, but if he's serious about it
11 let him come back with an engineer and an architect, maybe an
12 after-the-fact permit. Maybe he can cut it back so that it's
13 within the setbacks.

14 CHAIR WEYMOUTH: Jack, we've got a motion and a
15 second on the [inaudible]

16 MR. PHILLIPS: Well, that was just discussion.

17 CHAIR WEYMOUTH: No, I hear you. And so, and I
18 will tell you that I'm leaning your way so I don't know who
19 else is and if there's, if there's no --

20 MR. PHILLIPS: Maybe the mover would like to amend
21 it.

22 MR. HOLLAND: More discussion right now. Yes,
23 first of all, I raised the motion just like we were trained
24 to get things started. We do a lot of discussion in advance

25

1 of a motion but sometimes to initiate the formal discussion a
2 motion is called.

3 CHAIR WEYMOUTH: Yes.

4 MR. HOLLAND: I'm undecided at this point; I'm open
5 on the issue.

6 CHAIR WEYMOUTH: Why don't we take a vote on the
7 motion and if it doesn't fly, then Jack, you can make a new
8 motion. Because we don't have a December hearing and so that
9 may provide the 60 days or so that you're trying to offer to
10 the respondent so --

11 MR. HOLLAND: Yes. And regarding discussion, I did
12 hear that he doesn't have the means and wherewithal to cut
13 this back as far as the setback violation, so that sounds to
14 me like a concession, is the reason I think about --

15 MR. PHILLIPS: Well, he might get a hold of his
16 mortgage company and say look, rather than demolish it and
17 affect the value, if there's a deed in lieu of foreclosure,
18 or modification or a consent final judgment --

19 CHAIR WEYMOUTH: He may have some remedy through
20 his title insurance.

21 MR. PHILLIPS: He may --

22 MS. HALE: That's right, his attorney.

23 CHAIR WEYMOUTH: You know, that's, again -

24 MR. PHILLIPS: I wrote a book on the subject.

25 MS. HALE: Yes, I think I remember that book.

1 CHAIR WEYMOUTH: That's not for us to determine.

2 MR. HOLLAND: Right, but when things are built in
3 violation of the Florida Building Code and in violation of
4 setback requirements, I consider it double jeopardy and very
5 unlikely to go before the Board of Adjustments and have
6 adequate corrections and be cost-effective to do so.

7 MR. PHILLIPS: Probably right.

8 CHAIR WEYMOUTH: Okay. Is there any more
9 discussion?

10 MS. HALE: No.

11 CHAIR WEYMOUTH: All right. All in favor say aye.

12 MR. HOLLAND and MR. BARRANCO: Aye.

13 CHAIR WEYMOUTH: All opposed say no.

14 MS. HALE, MR. PHILLIPS, MR. JARRETT, MR. CROGNALE,
15 MR. WALKER, MR. WEYMOUTH: No.

16 CHAIR WEYMOUTH: All right, so motion does not
17 carry. Would somebody else like to make a new motion, or,
18 not even somebody else, would somebody like to make a new
19 motion?

20 MR. JARRETT: I'll make a motion. I move that we
21 find the violations exist as alleged and that we grant the
22 respondent actually a six-month extension. That's what my
23 motion is going to be so that he can work this out with his
24 title company or somebody. We don't want to move him out of
25 his home over something -- It appears to me that the survey

1 says the photo is not correct. The survey says 2003 and the
2 photo says 2005. So, you know, that it wasn't there and it
3 doesn't make any sense. I'm just on the caution, to alleviate
4 any problems with this --

5 CHAIR WEYMOUTH: We've got a motion, so let's --

6 MR. PHILLIPS: I'll second that.

7 CHAIR WEYMOUTH: Okay, now discussion, if you want
8 to finish, Thornie -

9 MR. JARRETT: No.

10 CHAIR WEYMOUTH: -- before we go to somebody else.
11 Joe?

12 MR. HOLLAND: Yes, Thornie, I think the issue is
13 the carport if I'm not mistaken. Why does that move him out
14 of -- are you in the, living in the carport portion?

15 MR. JARRETT: No.

16 MR. HOLLAND: Well, you just said move him out of
17 his house.

18 MR. JARRETT: No, what I'm saying is --

19 MS. HALE: He lives in it --

20 MR. JARRETT: Is he's already said he doesn't have
21 the money to do this. Well, I was just wondering if he could
22 go back to his title company and get them to pay for it or
23 something -

24 MR. HOLLAND: Oh.

25

1 MR. JARRETT: -- that would help him stay in his
2 home and it would also get rid of the structure before next
3 season which is our main concern here. You know I'm, in my
4 motion I asked for the, for us to find the violations true.
5 So I just want to give him time to do --

6 MR. HOLLAND: Well it was just a clarification
7 about moving him out of his house.

8 CHAIR WEYMOUTH: I'd like to weigh in on this also.
9 I agree with giving Mr. Botell additional time to explore his
10 options. I do not agree with six months because that puts us
11 into May, puts us at the doorstep of hurricane season.

12 MS. HALE: Yes.

13 CHAIR WEYMOUTH: Quite frankly, if he doesn't have
14 the money he knows that now. It's a matter of a commitment
15 from him to contact an attorney to understand what his
16 various avenues and remedies are whether it's through title
17 insurance, whether it's through partial demolition, whether
18 it's whatever. But I agree that I think he should have an
19 extended period of time to research that. But --

20 MR. PHILLIPS: If it were 60 days, could he come
21 back with a lawyer --

22 MS. HALE: Oh yes.

23 MR. PHILLIPS: -- and say look, here's the plans
24 and let him get another extension.

25

1 CHAIR WEYMOUTH: I would like to [inaudible] 60 days
2 and say, look here's where we're at and I think we're moving
3 in this direction and can you give me another 30 days or what
4 have you.

5 MR. CROGNALE: Mr. Chairman?

6 CHAIR WEYMOUTH: But to, but just to give him
7 until, just to give him until the doorstep.

8 MR. JARRETT: I'll take that friendly amendment.

9 MR. PHILLIPS: Okay.

10 CHAIR WEYMOUTH: So, you're amending the motion to
11 give him an extension to the January 19, 2012 meeting which
12 is 63 days from now?

13 MR. JARRETT: Yes.

14 CHAIR WEYMOUTH: Okay.

15 MR. JARRETT: Is that what the Board would like to
16 do, that time?

17 CHAIR WEYMOUTH: We've got that as amendment. Do
18 we have a friendly second?

19 MR. PHILLIPS: I'll second, I'll second that.

20 MS. HALE: Well, you seconded it the first time so.

21 CHAIR WEYMOUTH: Any additional, any additional?

22 MR. CROGNALE: Discussion? Yes, yes sir.

23 CHAIR WEYMOUTH: Go ahead.

24 MR. CROGNALE: I'm of the opinion to agree with the
25 respondent in one point. The city's hands are not completely

1 clean in this method. They're not completely clean. He's
2 raised enough issues that the City may have been a little bit
3 accomplice in this thing letting it drag on so long. So
4 based on that, I'm inclined to allow him, the respondent, to
5 take a little bit of time to clarify it if he can.

6 MS. HALE: Joe, I will agree with you 100% on that
7 and I would say if you came back with pictures, you've got to
8 make certain the date on the picture, not just the fact that
9 you printed it out now. That picture may have been taken a
10 year ago or 10 years ago, we don't know.

11 MR. HOLLAND: Mr. Chair?

12 CHAIR WEYMOUTH: Yes sir.

13 MR. HOLLAND: I 100% disagree with both those
14 opinions. I don't believe the City is culpable at this point
15 that's alleged. I don't think we've seen evidence to that.

16 CHAIR WEYMOUTH: I agree with you and I don't know
17 why it's even up for discussion to be honest with you because
18 it's not up to us to determine whether the City has got a dog
19 in the fight on this or not. Let's bring it back. He can
20 bring his attorneys, we've got our, the city's got their
21 representation here and now let's move forward.

22 MR. HOLLAND: Yes.

23 CHAIR WEYMOUTH: So, we've got a motion, we've got
24 a second, is there any additional discussion?

25 MR. HOLLAND: Yes, does the staff have any response

1 to this old case that just disappeared is that can be
2 corroborated or --

3 MR. WALKER: Can I jump in here actually?

4 MR. HOLLAND: Sure George.

5 MR. WALKER: The document that was passed through
6 earlier shows a voluntary dismissal but it also shows that
7 the plaintiff was actually the previous homeowner and the
8 plaintiff dismissed the action. So it wasn't the City that
9 initiated something and then just stopped doing it. It was
10 actually, the, probably the plaintiff, previous homeowner
11 filed a declaratory action and then he dismissed it. It
12 wasn't, it doesn't appear to me, just based on that document
13 that it was the city.

14 MR. HOLLAND: Yes, and it was before the Board of
15 Adjustments which mean he was going for relief on the
16 violation on the setback. Usually goes before Board of
17 Adjustments and then he withdrew, so that to me says the City
18 did make a case out of it, it went for proper handling and
19 was withdrawn. I guess at that point he stays in violation
20 but nothing, maybe something after that occurred. I don't
21 know.

22 MR. BOTELL: I understand for term of the digging
23 that was done with the state attorney that no papers were
24 found because there was the flood in the courthouse or
25 something where no records have been found.

1 MR. HOLLAND: Okay, this is, by the way, this is a
2 City of Fort Lauderdale matter as far as the building permit
3 and the Board of Adjustments. States attorney wouldn't be
4 involved unless --

5 MS. HALE: Yes he might be. Was this ever
6 unincorporated property that was incorporated back into Fort
7 Lauderdale?

8 CHAIR WEYMOUTH: This is east, this is east of
9 Federal south of --

10 MS. HALE: I don't know. Just asking.

11 CHAIR WEYMOUTH: Okay. Any additional discussion?
12 Okay let's take this to a vote. All in favor of extending
13 this to the January --

14 MS. HALE: 19.

15 CHAIR WEYMOUTH: -- 19, 2012 meeting say aye.

16 BOARD MEMBERS: Aye.

17 CHAIR WEYMOUTH: All opposed? Motion carries.

18 We'll see you in a couple of months, come prepared.

19 Ms. Paris, do we have another case?

20 MS. PARIS: Yes we do.

21

22 **2. Case: CE11011181**

23 **WEAVER, RICHARD L EST**

24 **1700 SW 9 ST**

25 MS. PARIS: Our last case will be on page one.

1 Case CE11011181, and it's withdrawn.

2 [INDEX](#)

3 **COMMUNICATION TO THE CITY COMMISSION**

4 MS. PARIS: Do we have any communication to the
5 City Commission?

6 CHAIR WEYMOUTH: Is there any communication to our
7 fearless leaders? Seeing none, any new business?

8 MS. PARIS: None that I'm aware.

9 [INDEX](#)

10 **FOR THE GOOD OF THE CITY**

11 CHAIR WEYMOUTH: I've got a couple of, two things
12 to real quick. And I'm glad you guys executed it today. I
13 would like to respect the new cases and get them up first so
14 that they're not sitting around through old cases that keep
15 coming back and coming back so, and you guys did it today so
16 I'm happy to see that. But to me it's not fair when we've
17 got a large agenda to make the new people wait through the
18 second.

19 And then also, the pictures and support
20 information. Obviously, the respondent supplied us with the
21 survey on the case we just heard, but the support pictures
22 and the aerials and things like that, actually I think Mr.
23 Barranco had asked at the last meeting if we could get
24 support materials from the past using Google Maps or whatever
25 to show when actual additions were done, if possible.

1 Can we get that kind of support material e-mailed
2 to us at the same time as we get the agendas?

3 MS. PARIS: So you want the evidence for the
4 hearing ahead of time?

5 CHAIR WEYMOUTH: For me it would help. Again, you
6 guys recite these cases pretty quickly -- well hello Mrs.
7 Wald.

8 MS. WALD: Hello.

9 CHAIR WEYMOUTH: You guys recite these cases
10 pretty quickly and the pictures fly through and so you know,
11 as we sit here and try to focus in on them, I don't want to
12 bring the whole procedure to a halt, but I also would like to
13 have a little time to --

14 MR. PHILLIPS: Mr. Chair, the only comment I would
15 have is I think we're supposed to restrict our decision here
16 together as a collective Board. That might lend itself to
17 someone driving by or looking, so I think just --

18 CHAIR WEYMOUTH: Well, that's kind of where the
19 question was going.

20 MR. PHILLIPS: The integrity of the system
21 probably requires us to wait. I don't know.

22 CHAIR WEYMOUTH: You want to add to that?

23 MS. WALD: I can add to that. Ginger Wald,
24 Assistant City Attorney, even though the rules, the technical
25 rules of evidence do not apply, this is a quasi-judicial

1 board and my recommendation would be if you need more time to
2 review the pictures, to review what is provided, take that
3 time while you're sitting up here.

4 CHAIR WEYMOUTH: Okay.

5 MS. WALD: But it would be better as a practice
6 and procedure as opposed to providing it to you in advance
7 because the other side doesn't have it. And they can't stand
8 up and object if you're home. And then you don't have the
9 opportunity to look at it in a public forum, in front of the
10 sunshine and be able to discuss it and that would be the
11 reason why I would recommend not doing that.

12 The other thing too is, some of these items,
13 they're obtained fairly late. Not necessarily the pictures,
14 obviously the photographs that are taken of the potential
15 violation is done normally a long time ago. I believe -- and
16 I can't remember it was this Board or Code Enforcement Board
17 -- I'm getting confused maybe. But one of the boards -- it
18 might have been this one -- had asked for updated photos.
19 Was it this Board? If it's not, then ignore me.

20 MS. HALE: No, it must've been the other one.

21 MS. WALD: Never mind, it was Code Enforcement
22 Board.

23 MR. PHILLIPS: No, the Code Board --

24 MS. HALE: You know what? No, but that's quite
25 true because this one was dated January, you know, at the

1 beginning of this year and if it had deteriorated, this is
2 poured concrete so I don't think it is, but it could have
3 deteriorated a great deal in 11 months. To the fact that
4 it's even worse than what was presented to us.

5 MS. WALD: It must have been Code Enforcement
6 Board then that had asked that staff, when they're presenting
7 the case. And I think it was for cases when they come back
8 if they could have the updated photographs, now that I'm
9 thinking about it a little bit more clearly.

10 And that's not always the case for your cases but
11 again, if that's something you would like to see that
12 obviously can be recommended to staff when they come back
13 with maybe the cases that have already been heard once, if
14 they want, if you wanted to see some updated photographs as
15 opposed to just testimony from the officers. So obviously
16 it was Code Board [inaudible].

17 CHAIR WEYMOUTH: Let's not change things. I will
18 not expect any attachments to my agendas in the future.

19 MS. WALD: Okay.

20 CHAIR WEYMOUTH: Is there anything else?

21 MS. WALD: Any other questions?

22 CHAIR WEYMOUTH: Seeing that there are no other
23 items, we are adjourned until next year. Happy Holidays to
24 all.

25 [Meeting concluded at 3:36 pm.]

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BOARD CLERK

Michael Weymouth

MICHAEL WEYMOUTH, CHAIR

[Minutes prepared by: J. Opperlee, Prototype, Inc.]

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held November 17, 2011, at 3:00 p.m., City Hall, 100 North Andrews Avenue, City Commission Meeting Room, Fort Lauderdale, Florida.

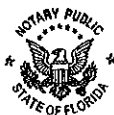
Dated at Ft. Lauderdale, Broward County, Florida, this 19 day of JANUARY, 2012

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 19 day of JANUARY, 2012.



D.J. GROSSFELD
MY COMMISSION # EE 085058
EXPIRES: April 26, 2015
Bonded Thru Budget Notary Services

D.J. Grossfeld
NOTARY PUBLIC
State of Florida

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