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**CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, JANUARY 19, 2012 AT 3:00 P.M.
CITY COMMISSION MEETING ROOM
CITY HALL**

Cumulative
Attendance
10/11 through
9/12

<u>Board Members</u>	Attendance	Present	Absent
Michael Weymouth, Chair	P	3	0
Joe Holland, Vice Chair	P	2	1
John Barranco	P	3	0
Joe Crognale	P	3	0
Pat Hale	P	3	0
Thornie Jarrett	P	3	0
Don Larson	P	2	1
John Phillips	A	2	1
B. George Walker	A	2	1

City Staff

Lori Grossfeld, Board Secretary
Ginger Wald, Assistant Attorney
Skip Margerum, Code Enforcement Supervisor
George Oliva, City Building Inspector
Jerry Smilen, City Building Inspector
Burt Ford, City Building Inspector
Chris Augustin, Chief Building Official
Dee Paris, Administrative Aide
Brian McKelligett, Administrative Assistant II
Jamie Oppерlee, ProtoType Inc. Recording Clerk

Communication to the City Commission

None

Witnesses and Respondents

CE11090815: Mario Botell, owner; Robert Vick, architect
CE11090240: Earth Lee McCray, owner's son

<u>Index</u>		
<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
1. CE11090240	MCCRAY, CLARA M EST	<u>3</u>
Address:	712 NW 15 WAY	
Disposition:	91-day extension to 4/19/12. Board approved 7-0.	
2. CE11090815	BOTELL, MARIO	<u>41</u>
Address:	700 SE 14 CT	
Disposition:	Owner to demolish carport structure within 91 days or the City will demolish. Board approved 7-0.	
	Communication to the City Commission	
	For the Good of the City	

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. Crognale, seconded by Mr. Larson, to approve the minutes of the Board's November 2011 meeting. In a voice vote, motion passed 7-0.

Cases[INDEX](#)**1. Case: CE11090240****MCCRAY, CLARA M EST****712 NW 15 WY**

MS. PARIS: We're going to start at the bottom of page one, Case CE11090240, the inspector is George Oliva, the address 712 Northwest 15 Way. We have service by posting on the property 1/11/12 and we've advertised in the Daily Business Review 1/13/12.

Violations as noted in the agenda. Certified mail as noted in the agenda. This case was first heard at the 10/20/11 USB hearing. This case was withdrawn by the Building Official, Chris Augustin.

INSPECTOR OLIVA: Good afternoon Board, George Oliva, Building Inspector for the City. I'm presenting case number CE11090240 on page one of today's agenda. This case was opened on September 7, 2011 and it was presented to the Board for the first time on October 20, 2011 and it was withdrawn for lack of pictures of the inside of the dwelling.

The following pictures were taken on January 10, 2012. That was the day that we served the inspection warning on the property so we could go inside and take the pictures for the evidence that were needed to show the Board that this house is unsafe.

[Inspector Oliva displayed photos of the property]

1 As you can see, this property was deemed unsafe by
2 the City and those are the pictures that we took from the
3 inside of the property. That's as you come inside to the
4 right side where the, I believe the living room used to be.

5 MR. MCCRAY: That's not the living room; that's my
6 bedroom.

7 INSPECTOR OLIVA: Oh, that's your bedroom? Thank
8 you sir. And that's a picture of the ceilings inside the
9 dwelling. That's another picture of the bedroom. That's a
10 picture as you're going to the back of the property to the
11 kitchen area, that's a picture of the roof. That's another
12 picture of the ceiling where the water's leaking through the
13 roof.

14 That's part of the kitchen. That's an opening in
15 the roof above the kitchen. That's part of the kitchen
16 cabinet that fall down from the wall. That's a piece of the
17 roof that gave in into the kitchen area and the owner put
18 like a board to hold the trusses so they won't fall. That's a
19 picture of the bathroom. That's another picture inside the
20 bedroom.

21 That's another picture of the ceiling where all the
22 drywall already collapsed and you can see all the water spot
23 on the roof deck. That's another picture of the bedroom where
24 you can see that the water has been dripping into the
25 [inaudible] that's a gap on the roof deck also you can see

1 that the rafters are in really bad shape also.

2 Everything has been damaged by the water
3 penetration into the dwelling and you can see that the mildew
4 is growing already inside this property. We deemed this
5 property to be unsafe and we request the power to be cut from
6 the Florida Power Light service pole into the property. Also
7 you can see the reason why we did that is that a lot of the
8 wires are exposed and the electrical pipes are hanging loose
9 already from the ceiling.

10 That's another one that is hanging loose as you can
11 see the wires. That's another one that you can see that it's
12 open, exposed and that's a fan inside the bathroom the
13 exhaust fan that already fall. That's another picture of the
14 master room.

15 MR. MCCRAY: [inaudible]

16 MR. MCKELLIGETT: Excuse me sir, you're going to
17 have an opportunity to speak in a moment, okay?

18 Well, that's where the owner of the property's
19 sleeping or was sleeping. And that's another electrical and
20 that's another view of the kitchen right there.

21 As you can see this property is completely unsafe
22 to person to live inside and City's asking the Board to find
23 for the City that this property is unsafe and order the
24 building to be demolished in 30 days.

25 MR. MCCRAY: No way man! You ain't going to knock

1 my house down! You are not going to knock my home down!

2 CHAIR WEYMOUTH: Sir, sir, please, please, you will
3 -- sir.

4 MR. MCCRAY: You promised to help me fix my
5 [expletive] house!

6 INSPECTOR OLIVA: Let me finish doing the case,
7 then.

8 MR. MCCRAY: You knock my house down, you're going
9 to have to knock me down. You're going to take me, I'm
10 going to hell.

11 CHAIR WEYMOUTH: Sir.

12 INSPECTOR OLIVA: Let me finish the case, hold on.

13 MR. MCCRAY: Yes, whatever.

14 INSPECTOR OLIVA: Give me the --

15 MR. MCCRAY: You won't be walking around here.

16 INSPECTOR OLIVA: Okay, the day after we sent the
17 warrant to the owner of the property -- oh, he said he's the
18 owner of the property -- we met at the Building Department
19 with him and I point him to go and seek help under the new
20 proposed Housing Rehabilitation Program with the City of Fort
21 Lauderdale. I don't know if he went or not; I haven't
22 received no call from them over there but.

23 Once again, I'm put a lot of emphases in this case
24 and the gentleman he needs help. This is a property that he
25 cannot be inside because of the unsafe and it's unhealthy for

1 him to be inside that property, and he needs help. But once
2 again, the City cannot have a person living inside an unsafe
3 structure for his own sake. Not only for the neighborhood
4 but for his sake.

5 MR. MCCRAY: You [inaudible] out in the street just
6 like everybody else laying down in the park over there.

7 CHAIR WEYMOUTH: Sir, you'll have your opportunity.

8 INSPECTOR OLIVA: Right now, that's the case that I
9 got and if you want to listen from the owner of the property.

10 CHAIR WEYMOUTH: Alright, and, before, Inspector
11 Oliva before you sit down, are there any questions of the
12 inspector?

13 MR. HOLLAND: Yes, I have one. Are there
14 additional complaints from surrounding neighbors on this?

15 INSPECTOR OLIVA: Yes, I do have --

16 MR. HOLLAND: Okay, thank you. Right.

17 INSPECTOR OLIVA: -- a couple of neighbors are
18 being afraid that in case of high wind that property's going
19 to blow away and he's going to get killed.

20 MR. HOLLAND: Okay, thank you.

21 CHAIR WEYMOUTH: Any other questions of the
22 inspector? Okay, would you like to speak, sir?

23 MR. MCCRAY: Yes sir.

24 CHAIR WEYMOUTH: I know this is difficult for you
25 but I'm going to ask you to control your emotions.

1 MR. MCCRAY: No, listen sir, all I want to say
2 this. I asked that gentleman, I have his card right here --

3 CHAIR WEYMOUTH: Before, it's, hey, I get to run
4 the meetings, okay?

5 MR. MCCRAY: Yes sir.

6 CHAIR WEYMOUTH: Before you start, please give us
7 your name.

8 MR. MCCRAY: My name is Earth McCray.

9 CHAIR WEYMOUTH: Okay. And are you the owner, sir?

10 MR. MCCRAY: Yes.

11 CHAIR WEYMOUTH: Okay. Go ahead.

12 MR. MCCRAY: Yes sir, I asked that gentleman last
13 year, I have his card right here in my pocket, in my wallet
14 right here. I asked him, I said, I need help. He said my
15 roof was bad. The house does not need to be knocked down,
16 all I need is the roof to be fixed.

17 This house did not look like this, the hurricane
18 tore that up. In fact, the year before the hurricane hit, my
19 aunt, my father's sister, came over and she had the whole
20 house remodeled. All that fascia board, all that stuff was
21 brand-new, everything, and the house was painted. And then
22 the hurricane came and tore it up. And then I have been
23 asking, I've been asking everybody for help because I'm on
24 disability, I receive disability benefit.

25 I have a, see, I have a tumor in the back of my

1 head that causes me to have seizures, that's part of it, and
2 I am HIV-positive. And I cannot work regular job, I'm on
3 temporary thing, I'm on, on this, my medication and I have
4 all this stuff, I can't work a regular job so I'm on, this
5 money, you know, this [inaudible] money. And all I want is,
6 I've been asking for help to help me with the roof. I have
7 friends that are professional roofers but I don't have the
8 money.

9 And that's my home, that's the only home I've ever
10 lived in and I don't want to live in no apartment buildings,
11 I don't want to live in those low income, all that. My mother
12 and father both, they worked to build that house and put and
13 build that house and my mother, when she was first married to
14 my father she told me, she said she did not like living and
15 paying rent to anyone. They lived and they paid, they worked
16 hard for that home and they gave, and that was left to me.

17 And I -- all I want, the roof, the inside of the
18 house, all that can be fixed by one of my friend's a
19 professional plasterer and a home remodel. He said he would
20 do it for me. The house would not look like that, all I need
21 is the money to fix the roof, that's all I ask for.

22 I don't want it knocked down. If it's knocked
23 down, where am I going to live? How can I rebuild it? It's
24 not, the house is not, it looks worse than what it really is.
25 All I want is the money to fix the house. How can I fix it if

1 no one will give it to me? It's not like I'm a junkie or a
2 drug addict or a alcoholic or anything; I do none of those
3 things. I, the reason, and because of my illness I stopped
4 drinking. I don't, I have never used drugs, I don't smoke
5 tobacco, I don't do anything. I'm not some bum in the
6 street. It's just I had, I've been sick. I had bad things
7 happen to me. Don't knock my home down, help me fix it.
8 That's all I ask.

9 MR. HOLLAND: If I may, I'd like to ask a question.

10 CHAIR WEYMOUTH: Is there anything additional that
11 you want to present? I'm sure the Board is going to have a
12 couple of questions for you. If there's anything more that
13 you'd like to express, otherwise, if you'll entertain some
14 questions.

15 MR. MCCRAY: Yes sir.

16 MR. HOLLAND: Yes, thanks. I was, you're not
17 alone, there's a lot of people in similar circumstances
18 unfortunately and we hear a lot of them here and our heart
19 goes out to you and the others that get in this situation and
20 some of the questions we ask are hopefully meant to help but
21 not necessarily a direct part of our job to determine whether
22 the violations exist or not.

23 But I did want to ask you, have you been working
24 with advocates or somebody who's able to help you and work
25 with agencies to try and get --

1 MR. MCCRAY: Yes sir. I, when this all happened
2 they did bum rush my house and say they had a warrant. I
3 wasn't even home when they came in there. My cousin, who
4 lives next door to me, he owns the house next door to me, he
5 called me and told me that they had went in my house.

6 MR. HOLLAND: Well that's part of the process, I
7 think. The City employees follow very explicit, written,
8 tried and true method to try and do the right thing. And my
9 understanding from working with this Board and the City staff
10 is there's a lot of, it's a last resort thing. They really do
11 have a long list of methods to try and remedy the situation
12 without it coming this far and I'd like to believe that City
13 staff has done this in an appropriate way because I've never
14 seen any reason to think that they haven't. We see very
15 similar cases Mr. McCray.

16 MR. MCCRAY: This is the only thing I've
17 experienced with them coming in there. No one, the people
18 who I've I talked to, including this gentleman right here who
19 just spoke, he told me, he said, okay, we will work with you
20 on this house but you've got to get it fixed. I said no
21 problem. If you're going to help me, give me, here's his
22 card right here.

23 And he, and I told him, I said, if you, he said he
24 was going to work with me and we were going to fix the house
25 and it wouldn't come to this point. But I believe, I truly

1 believe that I'm being railroaded just like everybody else
2 over in the neighborhood.

3 MR. HOLLAND: How about agency help? Have you
4 talked to certain agencies that help with these situations?

5 MR. MCCRAY: Well, I went, I got the paperwork to
6 be submitted on the first of this month coming for the people
7 to fix my roof for me. And, but I can only submit it on the
8 30th.

9 MR. HOLLAND: Is that a contractor type of thing?

10 MR. MCCRAY: Yes.

11 MR. HOLLAND: Well, that's not what I'm talking
12 about. The issue is money. Often what we hear are issues of
13 money.

14 MR. MCCRAY: They said they're paying to fix the
15 roof for me. And --

16 MR. HOLLAND: As part of a government program or
17 something --

18 MR. MCCRAY: Yes, exactly.

19 MR. HOLLAND: -- that's subsidized where you don't
20 have to pay anything? Do you know the name of that?

21 MR. MCCRAY: I should, I didn't bring the paperwork
22 with me. But I can tell you this, I went down to the legal
23 aid to the legal aid thing down on 441 and had them help me
24 submit this so there's no mistakes in it or anything because
25 they said they was only accepting like 25 applications.

1 MR. HOLLAND: And did they follow through and help?

2 MR. MCCRAY: Yes, they said they would get back
3 with me before the first.

4 MR. HOLLAND: Oh, first of the year.

5 MR. MCCRAY: Yes, the first.

6 MR. HOLLAND: And did they?

7 MR. MCCRAY: Not yet, not yet. They should
8 sometime this week coming.

9 MR. HOLLAND: Yes.

10 MR. MCCRAY: But I'm, it's not that I'm not trying
11 to do something, do the fixing, but no one's been working
12 with me.

13 MR. HOLLAND: Well, I think they are. As a
14 structural engineer, I have concerns for your health in this.
15 And I understand you're very attached to the residence, but
16 there's a safety issue.

17 MR. MCCRAY: What I'm saying, it may be unsafe, may
18 be unsafe, right, I'm not going to live in it until it is
19 repaired. But I don't want it knocked down. The house is not
20 in that bad a shape that it need to be knocked down.

21 MR. HOLLAND: Well, I imagine they've explained,
22 have they explained to you that often, in bringing this thing
23 up to current building code safety standards there may be
24 more than just the roof. I think that was apparent in the
25 presentation, there's a lot of deficiencies: electrical,

1 rotted wood everywhere, not just the roof.

2 MR. MCCRAY: I just told you sir, I got lot of my
3 personal friends and relatives they are plasterers, they are
4 electricians, everything. I'm not worried about that; that
5 will be corrected. All I need is the roof fixed though,
6 that's it. I'm not worried about the electrical stuff.

7 MR. HOLLAND: That's, actually, but that's an
8 opinion and unfortunately a lot of what the City has to deal
9 is in factual information about the condition.

10 MR. MCCRAY: Please don't do this. Do not do this.
11 Because if you do this, I will die. Because I'm not going to
12 live in an apartment building, I'm not going to live in a low
13 income, I'm not going to do that. I own, that's my property!
14 How can you just destroy it and I told you I can fix it? All
15 I need is the finances.

16 CHAIR WEYMOUTH: Are there any other questions of
17 the respondent from any of the -- yes sir.

18 MR. LARSON: I have a couple. Sir, do you have a
19 mortgage on that?

20 MR. MCCRAY: No! The house, I keep telling you, my
21 father, my father built that.

22 MR. LARSON: Okay, just answer the question yes or
23 no. Okay, at least there's no there's no mortgage.

24 MR. MCCRAY: No, no mortgage.

25 MR. LARSON: Okay. Is your taxes paid in full?

1 MR. MCCRAY: I'm not, the house was homestead
2 exempted when my mother owned it.

3 MR. MCCRAY: But I'm not sure if it is now. I
4 haven't been paying any taxes.

5 MR. LARSON: Did you pay last year's taxes?

6 MR. MCCRAY: No sir.

7 MR. LARSON: And the year before?

8 MR. MCCRAY: No.

9 MR. LARSON: So, you're behind in your taxes right
10 now, and you can't pay those because you're not working,
11 correct?

12 MR. MCCRAY: Yes.

13 MR. LARSON: Okay.

14 MR. MCCRAY: I'm on disability. I take, I receive
15 disability benefits.

16 MR. LARSON: Right, right, right, right. I
17 understand the disability side. I just wanted to know
18 whether there was any mortgages on it or anything like that.

19 MR. MCCRAY: No sir.

20 MR. LARSON: Okay, alright. That's all.

21 CHAIR WEYMOUTH: Any other questions? Quick
22 question for you. You said that a lot of this damage was
23 done at the time the hurricanes came through five or six
24 years ago.

25 MR. MCCRAY: The hurricanes, because the house is

1 in, the house is in perfect order.

2 CHAIR WEYMOUTH: Was the house insured at the time?

3 MR. MCCRAY: No, no it was not. I could not afford
4 insurance.

5 CHAIR WEYMOUTH: Okay. Any other questions?

6 MR. LARSON: I have none.

7 MR. BARRANCO: I just need clarification.

8 CHAIR WEYMOUTH: Okay.

9 MR. BARRANCO: The application, you said the first,
10 is that the first of the year you were going to -- is my mic
11 on? Oh, there it is.

12 MR. MCCRAY: First of the month, February.
13 February.

14 MR. BARRANCO: Oh, February first.

15 MR. MCCRAY: Yes.

16 MR. BARRANCO: Okay, So you're still waiting for
17 that response.

18 MR. MCCRAY: I'm still waiting for, that's when,
19 that's when, that's the only time I'll be able to submit the
20 application, on February first.

21 MR. CROGNALE: And you don't know the name of the
22 agency.

23 MR. MCCRAY: I have all the paperwork at home. If
24 I had known, I didn't realize I needed to bring that.

25 CHAIR WEYMOUTH: Okay, there's an additional

1 question?

2 MR. HOLLAND: Yes, this may be for the Board. The
3 property is listed as an estate of Clara McCray?

4 MS. HALE: Yes.

5 MR. HOLLAND: Are there other, usually members of
6 the estate other than maybe Mr. McCray here who are involved?
7 Or, how does the, who is involved in the estate?

8 MR. LARSON: Who's the executor?

9 MR. MCCRAY: Sir, sir --

10 MR. HOLLAND: Are you --

11 MR. MCCRAY: I'm an only child. My mother had only
12 one child: me, and my mother passed away in '01.

13 MR. HOLLAND: Okay, so it's just you.

14 MR. MCCRAY: Yes.

15 MR. HOLLAND: Okay.

16 MR. LARSON: So you're the executor?

17 MR. MCCRAY: Yes.

18 MR. LARSON: Of record?

19 MR. MCCRAY: Yes.

20 CHAIR WEYMOUTH: Can we confirm that if at all --

21 MS. HALE: Ginger?

22 MS. WALD: Ginger Wald, Assistant City Attorney.
23 The City Attorney's office did a title search on this
24 property at two different times. The title search shows that
25 Miss Clara M. McCray owned the property. She died sometime

1 in 2001 I believe.

2 MR. MCCRAY: September.

3 MS. WALD: September 2001. At that point, Broward
4 County property appraiser's office changed for the tax deed
5 as to the estate of Clara M. McCray. No probate was ever
6 opened in this case so that the ownership of the property is
7 still in Clara McCray's name.

8 Your question in regards to, before as to taxes,
9 because we also did a research on the taxes as part of the
10 title search. Tax certificate was issued the time that we
11 did the search which I believe was earlier in the month, the
12 amount of taxes due were \$14,894.17.

13 MR. LARSON: So the taxes have not been paid for
14 quite a few years.

15 MS. WALD: Many years, yes.

16 CHAIR WEYMOUTH: Okay.

17 MS. WALD: Any other title questions?

18 MS. HALE: But Broward County has not come back on
19 those taxes?

20 MS. WALD: Yes, a tax certificate was issued.

21 MS. HALE: Oh okay, I'm sorry I didn't --

22 MS. WALD: They just haven't -- tax certificate was
23 issued, sorry, it just hasn't moved forward for a tax deed
24 sale yet, that's all.

25 MS. HALE: Oh, okay.

1 MS. WALD: Any other title questions?

2 CHAIR WEYMOUTH: I have, well, I've got a quick
3 question. I understand that in this forum anyone can speak
4 on any one case.

5 MS. WALD: Correct.

6 CHAIR WEYMOUTH: I am sitting here of the belief
7 that he is here representing the ownership of the property.
8 Is that an accurate reflection? Is he, do we look to this
9 man as the owner of the property?

10 MS. WALD: No, as to the title owner, no; he's not
11 listed as the title owner.

12 MR. WEYMOUTH: No? Okay.

13 MS. WALD: He may have a claim, he may have a claim
14 two different ways but it hasn't proceeded to the court
15 process. So he could potentially have a claim as an heir,
16 either intestate or testate. I don't know if Mrs. McCray had
17 a will or not.

18 But that is something that he would have to move
19 forward and do. And of course, if he's able to prove that and
20 show that, he can do that. If it is intestate, there is, he
21 does not necessarily have to go through the court process,
22 but if it was homesteaded and could go over to Broward County
23 and do the proper paperwork to put himself as the owner. But
24 again, those are the things that he would have to do.

25 But he is not listed as the title owner of the

1 property, but he is someone that has stated that there's
2 nobody else and that he was the sole resident of this
3 structure.

4 MR. LARSON: You don't know if in the estate yet,
5 we wouldn't know that until whether he had joint tenancy or
6 anything like that? It hasn't been probated.

7 MS. WALD: Estate, the estate was, the estate
8 itself was never ever formally opened. I could not find any
9 type of opening of any estate in this county. We also
10 searched in some other counties and we could not find an
11 estate being opened and it doesn't sound like one was, so.

12 MR. CROGNALE: But the taxes --

13 CHAIR WEYMOUTH: Two questions. One, by the amount
14 of time that he's had on living at the property, I'm assuming
15 since at least 2001, is there any kind of squatter's rights
16 that he can now claim?

17 MR. LARSON: No.

18 MS. WALD: No.

19 CHAIR WEYMOUTH: Okay. My second question, and
20 then I'll turn it back over to the Board because I think
21 there's some other questions. In his capacity right now, even
22 if there were some sort of aid or governmental assistance
23 that can be put forth for the property, he would not be able
24 to encumber that property, with its current ownership.

25 MS. WALD: Yes. That would be a problem for him.

1 And he would, and I believe he stated in his testimony -- I
2 keep saying he, I apologize Mr. McCray. I believe Mr. McCray
3 did state in his testimony that he went to legal aid, and
4 again, on my presumption would be to get the assistance to
5 get the property titled in his name properly. And that
6 obviously is something he could do on his own or at least
7 attempt to do on his own.

8 Again, I can't represent him, I can't give him
9 legal advice as to what to do, but that is something that he
10 could seek possibly to do. If he's able to do that, then he
11 would be able to move forward with different assistance and
12 also would be able to move forward with the pulling of
13 permits because obviously it would require permits to be
14 pulled.

15 CHAIR WEYMOUTH: Okay, Joe, if you'll hold your
16 question for just a minute.

17 MR. CROGNALE: Sure.

18 CHAIR WEYMOUTH: Because I know Thornie's got a
19 question for Ginger. I don't know if yours is going to
20 Ginger but I know he's definitely got a question for Ginger.
21 So go ahead Thornie.

22 MR. JARRETT: Could you clarify? You said that
23 there was a tax certificate already issued?

24 MS. WALD: Yes.

25 MR. JARRETT: Does that mean that this property is

1 now subject to a tax sale?

2 MS. WALD: It is subject to one. One has not been
3 set as to the last time that we did the title search, which
4 was -- I will tell you one second -- January 11, 2012.

5 MR. JARRETT: So, it could just be a matter of a
6 few days and this could be sold at a tax auction.

7 MS. WALD: Well, I wouldn't say a few days.
8 Usually what happens is they, Broward County, what will occur
9 is they'll send out the notice, the notice will go to the
10 property owner -- and I don't think he's received one.
11 Notice also goes to any other lien holders.

12 And a lot of times the City will receive notices
13 such as if there was an outstanding code lien or if there was
14 an outstanding water bill. But it doesn't happen that fast,
15 I can tell you that.

16 CHAIR WEYMOUTH: Okay. We'll recognize Joe.

17 MR. CROGNALE: If you sit patiently all of my
18 questions were answered by my colleagues, the two questions
19 were answered by my colleagues. Thank you.

20 CHAIR WEYMOUTH: Incredible.

21 MS. WALD: Any other questions for me? No? Thank
22 you.

23 CHAIR WEYMOUTH: Any other questions? Anyone want
24 to make a motion? It's a difficult situation.

25 MR. LARSON: If I would make a motion, it would be

1 to, not to take effect until after he had a chance to find
2 out whether he was approved or not approved in regards to
3 what he talked about the first of February. Because we have
4 no --

5 CHAIR WEYMOUTH: You said the first of February?

6 MS. HALE: Yes.

7 MR. LARSON: Of 2012.

8 CHAIR WEYMOUTH: Okay. And then let --

9 MR. LARSON: We have no paperwork to prove that he
10 actually submitted it but I'm going on your word, sir.

11 MR. MCCRAY: Yes sir.

12 CHAIR WEYMOUTH: Let the Chair also point out that
13 there will not be a meeting in March, so if we grant any
14 extensions it'll either be 28 days or there'll be 91 days. So
15 if you are making a motion, please just keep that in mind.
16 So, would you like to make a motion?

17 MR. LARSON: I'm trying to figure out how he would
18 be notified and if he, I don't want to put a time date
19 extending this 60 or 90 days on that motion but if it, if he
20 doesn't get approved, then it's a moot deal and something's
21 got to happen with this property and I don't want to keep
22 extending it. Unless it's the only way we can word that,
23 that it has to be a 60-day extension.

24 MS. HALE: Ginger, could I ask, will any of these
25 groups that help people who need help in their houses, will

1 they give it to somebody who doesn't own the house? Because
2 right now unfortunately Mr. McCrary [sic] doesn't own the
3 house; it's still in the name of his aunt or his mother.

4 MR. MCCRAY: My mother.

5 MR. LARSON: His mother.

6 MS. HALE: Mother, I'm sorry.

7 MS. WALD: Ginger Wald, Assistant City Attorney, I
8 can't speak to any specific program in and of itself because
9 one, I'm not a part of those programs, I'm not the attorney
10 for the programs. I know it's difficult for some of them.
11 But if Mr. McCray, if that is a requirement of a program, Mr.
12 McCray does have an opportunity and can work on it now to
13 attempt to get the property into his name through, again,
14 whether it's going to be testate or intestate and through
15 possibly having to go through a probate process.

16 But again, I really can't speak as to whether
17 that's going to be an impediment for each one of the programs
18 that he's seeking to receive assistance from. I can't answer
19 that question, I'm sorry.

20 MS. HALE: Okay.

21 MR. LARSON: Well, the courts, if you died
22 intestate, the courts could appoint him as the heir.

23 MS. WALD: Yes, yes. That's also something that
24 can be done. A court, if probate is open, and lets intestate
25 or testate --

1 MR. LARSON: Yes.

2 MS. WALD: -- can be opened and it is possible for
3 him to be the personal representative. And also, as the
4 personal representative, again, legally he can move forward
5 with different things on the house. And personal
6 representatives we have in the past gone ahead and issued
7 building permits to. So that is correct, I can answer that
8 question.

9 MR. LARSON: The only building permit I'm having it
10 to with the situation is if all this goes through he gets the
11 total ownership of it, he has no basic financing to be able
12 to fix what it is unless this group that he's applied to
13 comes up with the funds, and that's at this point is very
14 iffy. I don't mind giving him, what would we need on that, a
15 60 --

16 MR. HOLLAND: We, yes, Don, we also have a wood-
17 frame structure, and in my opinion is inherently unsafe
18 [people speaking at the same time] just getting into it, and
19 --

20 MR. MCCRAY: A wood-frame structure?

21 MR. HOLLAND: That's my understanding, it's mostly
22 wood-framed.

23 MR. MCCRAY: The building itself?

24 MR. LARSON: I don't think the --

25 MR. MCCRAY: The only thing is wood is the roof.

1 MR. LARSON: I think it's a CBS except for the roof
2 and some of the interior walls.

3 MR. HOLLAND: In the violations it's described as
4 wood-frame. I think that's plaster and stucco you're seeing.

5 MR. JARRETT: Can we get it clarified?

6 MR. HOLLAND: Inspector?

7 MR. CROGNALE: Mr. Chairman?

8 MS. HALE: Looks kind of like --

9 CHAIR WEYMOUTH: Just a moment Joe.

10 INSPECTOR OLIVA: Per the building records that we
11 have from the property it shows that it's a wood frame. But
12 once again, that's from 1948, so.

13 MR. HOLLAND: Right. From the pictures I see, it --

14 CHAIR WEYMOUTH: Can you, can you --

15 MR. MCCRAY: The house is not wood.

16 CHAIR WEYMOUTH: Can you scroll through a couple of
17 pictures, see if there's, go back one, go back one.

18 MS. HALE: Go back.

19 CHAIR WEYMOUTH: Go forward two, now take a step
20 sideways. No, go on, there you go, stop, no, I can't tell.

21 MR. LARSON: Can't tell.

22 CHAIR WEYMOUTH: It does look wood.

23 MR. LARSON: It's hard to tell on that one.

24 MR. MCCRAY: What are you talking about, the walls?

25 MR. JARRETT: The walls.

1 MS. HALE: The exterior wall.

2 MR. MCCRAY: That's not wood, that's paneling.

3 MS. HALE: No, the exterior walls.

4 MR. MCCRAY: The outside of them?

5 MR. LARSON: Yes, around the outside of the house

6 the outside walls, what are they are, are they cinderblock?

7 MR. MCCRAY: It's cinderblock.

8 MS. HALE: Cinderblock?

9 MR. MCCRAY: Yes.

10 MS. HALE: Okay.

11 CHAIR WEYMOUTH: Go forward a couple.

12 MR. LARSON: That's what we're trying to figure

13 out.

14 CHAIR WEYMOUTH: Keep going, keep going.

15 MR. JARRETT: Back one please. That's the trusses.

16 CHAIR WEYMOUTH: Yes, that's just the --

17 MR. BARRANCO: That's terrible.

18 MS. HALE: Can't tell, it's so blurry.

19 MR. JARRETT: That's [inaudible] but that --

20 CHAIR WEYMOUTH: Keep going.

21 MR. LARSON: Can't tell.

22 MS. HALE: You can't tell, really.

23 MR. LARSON: Hard to tell.

24 MR. WEYMOUTH: There you go.

25 MR. LARSON: That's an interior wall I think, isn't

1 it?

2 CHAIR WEYMOUTH: Okay.

3 MR. MCCRAY: That's in my bedroom, that's a
4 closet.

5 CHAIR WEYMOUTH: Keep going. Inspector, I'm
6 assuming that you're getting your information from the
7 Building Department as to the --

8 INSPECTOR OLIVA: From the Building Department
9 records and the permit that was issued in 1948.

10 MR. WEYMOUTH: Alright.

11 MR. HOLLAND: Okay, let me, regarding that matter,
12 my concern is that regardless of the composition of the house
13 a large percentage of it is wood in very serious decay. And
14 understand there are health issues and --

15 MR. MCCRAY: I'm not living there, all I'm asking --

16 MR. HOLLAND: Okay, you're not living there, it's,
17 okay.

18 MR. MCCRAY: The point is, what I'm saying is, if --

19 MR. HOLLAND: But, I think --

20 MR. MCCRAY: All I'm saying is, I've been asking
21 from day one when the hurricane, the house was not that bad
22 from when the hurricane first tore up. It just disintegrated
23 like that over the last few years.

24 CHAIR WEYMOUTH: But it's, Mr. McCray, we have to
25 look at it at the condition that it's in today. I understand

1 what you're saying. We're trying to figure out the best
2 solution for you. It sounds like the Board is willing to give
3 you some time. We're just trying to understand --

4 MR. MCCRAY: Yes sir, what I'm saying, what I'm
5 saying is it's not a wooden house it's --

6 MR. HOLLAND: Okay, alright, we'll proceed under
7 that assumption.

8 MR. MCCRAY: It's not a wooden house.

9 CHAIR WEYMOUTH: The Chair recognizes Joe.

10 MR. HOLLAND: Yes, I'm sorry Joe.

11 MR. CROGNALE: Yes, the experience that I have is I
12 do a lot of work with agencies that do assist homeowners. One
13 of the requirements is that they have to, the homeowner has
14 to have the property in their name.

15 MR. MCCRAY: Yes sir, if that is, if that's a, if
16 you need me to do that, I will try to, I will get, yes sir.

17 MR. CROGNALE: What they'll do, excuse me one
18 second, what they will do, if the property is in your name
19 you become qualified, and you qualify by their standards,
20 they have an objective set of standards. If you qualify and
21 they do give you assistance there is no monies required of
22 you. They do is, they go ahead and give a grant, they hire a
23 contractor,

24 MR. MCCRAY: Yes sir.

25 MR. CROGNALE: The contractor then is engaged to

1 fix that house up.

2 MR. MCCRAY: Yes.

3 MR. CROGNALE: If it's your primary residence, you
4 live there, generally it's for five years and then the debt
5 is forgiven. There's no payback on it, it's your primary
6 residence.

7 MR. MCCRAY: Okay.

8 MR. CROGNALE: And I work with several agencies
9 that do that so I'm familiar with your, with your situation.

10 MR. MCCRAY: Yes sir, I --

11 MR. CROGNALE: But you have to make direct
12 application. And there's several of them in this area, in
13 Broward County, Fort Lauderdale, there are several, several
14 of these agencies that are on --

15 MR. MCCRAY: Yes sir. Can you give me the
16 addresses and the phone numbers?

17 CHAIR WEYMOUTH: That's, that's what I'm trying to
18 get -- it's not the Board's responsibility to be giving --

19 MR. MCCRAY: I'm just saying, can you guide me in
20 the way or direction?

21 CHAIR WEYMOUTH: I think there are people at the
22 Building Department, I believe, or at City Hall or at some
23 sort of a support center that will be able to give you all
24 that information. And be getting the information from the
25 Board is not appropriate. Mr. Jarrett, I believe you had

1 another comment.

2 INSPECTOR OLIVA: George Oliva, Building Inspector,
3 after we did the search warrant his property, we met the day
4 after over the Building Department with the owner of the
5 property and we sent him to legal aid.

6 CHAIR WEYMOUTH: Legal representative, not the
7 owner.

8 INSPECTOR OLIVA: Right, with a representative, I'm
9 sorry, so he can go and get the name change and the title the
10 property. And also, I sent an e-mail to Rebuild Broward
11 seeking help for him. And the answer that I got from the e-
12 mail is that once he get that property into his name they're
13 going to set an appointment for him to meet with them so they
14 can go to the property and assess the damage. Also I sent him
15 to the loan that he can apply to get assistance from the City
16 on a low-interest mortgage.

17 So at this moment, I think that he needs some time
18 to work through the systems. So the City's in favor to grant
19 him an extension of time and so that way he can get an answer
20 from the City or from Broward or from Rebuild Broward.

21 MS. HALE: Sir, in your past experience with these
22 cases how long do you think that will take?

23 INSPECTOR OLIVA: Well, we have a couple cases that
24 we went through different programs and we never got a -

25 MS. HALE: 60? 90?

1 INSPECTOR OLIVA: I would say, if we're going to
2 give the owner an extension, or the representative, at least
3 a 90-day extension he is going to need. So he can go with a
4 program.

5 CHAIR WEYMOUTH: Well, as we're all concerned about
6 hurricane season, 90 days gets us into April which puts us
7 again at the doorstep to hurricane season.

8 INSPECTOR OLIVA: Right, that's my concern.

9 CHAIR WEYMOUTH: So I think that, if nothing else
10 that's a reasonable amount of time to at least to have him
11 report back.

12 INSPECTOR OLIVA: Right, before we reach the
13 hurricane season.

14 CHAIR WEYMOUTH: Before you leave the podium, from
15 the City's position or after what you've seen at the property
16 is there anything that needs to be done immediately to
17 safeguard the structure?

18 INSPECTOR OLIVA: We need to stop the leak of the
19 water through the roof so that way the property won't get in
20 a worse condition than it is, which is really bad right now,
21 bad.

22 CHAIR WEYMOUTH: From the looks of those timbers, I
23 don't know how you would do that, to be quite honest with
24 you, because it's going to create a pool with any kind of a
25 tarp that you put up there.

1 INSPECTOR OLIVA: Right.

2 CHAIR WEYMOUTH: If he's not occupying the
3 property, which he says he's not occupying the property.

4 INSPECTOR OLIVA: Right.

5 CHAIR WEYMOUTH: We're in the dry season so yes, he
6 may get a little more rain but I don't think there's anything
7 significant in the next 90 days. I'm concerned more for
8 injury or loss of life or that kind of thing.

9 INSPECTOR OLIVA: I think -- Well, he knows that
10 he's not supposed to be inside the property and he has made a
11 statement that he's not living in the property so that's a
12 peace of mind right there, for his own welfare. But once
13 again, I think a 90-day extension should be proper.

14 CHAIR WEYMOUTH: Is the electric meter still
15 active?

16 INSPECTOR OLIVA: No, we removed the power from the
17 property.

18 MS. HALE: Water off?

19 INSPECTOR OLIVA: Water's on.

20 CHAIR WEYMOUTH: Okay, very good.

21 MR. LARSON: Mr. Chairman?

22 CHAIR WEYMOUTH: Yes sir.

23 MR. LARSON: Is it appropriate to make a motion?

24 CHAIR WEYMOUTH: Absolutely.

25 MR. JARRETT: Can I -

1 MR. LARSON: Oh, go ahead.

2 CHAIR WEYMOUTH: Oh, I'm sorry Thornie.

3 MR. JARRETT: And I still wanted to make a comment.

4 MR. LARSON: Yes, go ahead, go ahead.

5 MR. JARRETT: I just wanted to make the question
6 and make a comment. Mr. McCray, it appears that there's lots
7 of unanswered questions about your, we know it was your
8 mother that owned the home, we know you're the executor but
9 you haven't followed through on all the proper procedure.

10 MS. HALE: We don't know that.

11 MR. JARRETT: But you've gone to legal aid that's
12 correct?

13 MR. MCCRAY: Yes.

14 MR. JARRETT: Could, would it be possible that
15 someone from legal aid can come with you next time? Before
16 the Board?

17 MR. MCCRAY: Yes, I will see, I will try, okay?

18 MR. JARRETT: And to help you through this.

19 MR. MCCRAY: Yes.

20 MR. JARRETT: Because my only reservation about an
21 extension is the fact that lots of times these things just
22 drag on and on and on and we'll be into hurricane season.

23 MR. MCCRAY: I know what you're saying, I know what
24 you're saying, but --

25 MR. JARRETT: If you would give us --

1 MR. MCCRAY: What I'm going to do, when I go back,
2 because just like I said I got on the first I'm going,
3 they're going to get in touch with me before the first. I
4 will make mention of what you just told me and I will tell
5 them that I need someone to come with me.

6 MR. JARRETT: Yes, because we need to hear someone
7 say that they're going through the process of legally putting
8 you in title of the home so that you'll be able to do these
9 things we've talked about today.

10 MR. MCCRAY: Yes. Yes I will do that too. I've,
11 been, I'm under a lot of stress and a lot of tension.
12 Sometimes, just like I told you, I have the seizures, I have
13 this thing and I go through, my headache bothers me and I
14 got, sometimes I pass out if I'm not, if I don't take my
15 medication right or do the right thing. It just happens.
16 And it's not like I'm functioning at my top-level what I'm
17 saying.

18 MR. JARRETT: Right, but okay.

19 MR. MCCRAY: All I need --

20 MR. JARRETT: And we'd just like you to come with
21 some help next time.

22 MR. MCCRAY: I understand what you said. I don't
23 want, I'm not, I'm not trying to attack anyone or sell drugs
24 out of the house or smoke drugs, I'm just trying to live. I
25 don't know how much time I have left on this earth and all I

1 want to do is just live without being bothered. I don't
2 bother anyone and I wish they would not do that to me.

3 But I understand the house was not like that. It
4 was, just like I said, my father's sister, her name is
5 Bernice Delamere, she was a principal at one of these schools
6 before she retired down here and she came to me and she said
7 my father did so much for her when she was young that she
8 wanted to help repay me.

9 And the house wasn't in bad shape when she was, she
10 remodeled it. So she paid a gentleman to come remodel the
11 whole thing. I think she spent like maybe \$3,600 to remodel
12 the outside of the house and the house is in good shape, it's
13 just the hurricane come along and just tore everything up.

14 MR. JARRETT: Let's go back to legal aid and --

15 CHAIR WEYMOUTH: Yes.

16 MR. MCCRAY: Yes sir, I'll do that. I have no
17 problem doing that.

18 CHAIR WEYMOUTH: What's important Mr. McCray is to
19 understand that we'll listen to you because you've got a
20 voice in the matter too.

21 MR. MCCRAY: Yes sir. Yes sir.

22 CHAIR WEYMOUTH: We can't recognize you as the
23 owner. So you, we're doing this, I'm assuming there's going
24 to be an extension that he's going to offer up but I would
25 suggest that when you come back that you, if you have not

1 gained the legal ownership of the property that you've got an
2 attorney that's helping you through it.

3 MR. MCCRAY: Yes. I will do it, I'll do that, I'll
4 do that.

5 MR. WEYMOUTH: Because otherwise, you're here as a
6 witness and not as the owner. And obviously it's an
7 emotional thing for you and we don't want to minimize it but
8 we've got a serious property here, so.

9 MR. MCCRAY: I know, I understand.

10 MR. WEYMOUTH: Okay, okay.

11 MR. BARRANCO: Mr. Chairman?

12 CHAIR WEYMOUTH: Yes sir.

13 MR. BARRANCO: One more comment before a motion's
14 made.

15 CHAIR WEYMOUTH: Yes, yes.

16 MR. BARRANCO: And Mr. McCray, I just want to let
17 you know, because this is your first time here at this Board.
18 And this Board has the power to demolish your home or we have
19 the ability to extend, to give you time --

20 MR. MCCRAY: I wish you wouldn't do that sir.

21 MR. BARRANCO: -- to make corrections.

22 MR. MCCRAY: I wish you wouldn't.

23 MR. BARRANCO: So here's why, this is why I'm
24 telling you this. There's only two decisions that can be
25 made at this Board. Today it sounds like you're going to get

1 an extension.

2 MR. MCCRAY: Yes sir.

3 MR. BARRANCO: The way it usually works, since
4 you've never been here, is next time you're going to come
5 here and what this Board needs to see is that you are in
6 earnest trying to get things resolved.

7 MR. MCCRAY: I am. I am.

8 MR. BARRANCO: If you come here again and nothing's
9 been done, you know our only other decision.

10 MR. MCCRAY: Right. Trust me something's going to
11 be done.

12 MR. BARRANCO: So, we can grant you extensions, as
13 long as one, you're working on the ownership issue, okay?

14 MR. MCCRAY: Yes, I'm going to take care of that.

15 MR. BARRANCO: Two is you're working on funding the
16 project and trying to make the corrections.

17 MR. MCCRAY: Both of those things will be taken
18 care of.

19 MR. BARRANCO: Okay, because at the end of the day
20 we want you to be safe and we want all your neighbors to be
21 safe and that's the whole purpose of this Board. So
22 understand, we're not trying to be bad people, we're trying
23 to help you out and we're moving things along for you. But
24 please do that legwork.

25 MR. MCCRAY: I am, I am, I will,

1 MR. BARRANCO: So that next time you come in here
2 there's a good faith effort, okay?

3 MR. MCCRAY: Trust me, that home is everything to
4 me. If you look on my birth certificate, that home, at that
5 address is on there. I've been living there all my life,
6 over 47 years.

7 CHAIR WEYMOUTH: Okay.

8 MR. MCCRAY: And my mother, my father died in 1975,
9 he had a heart attack. And he built that house. He died, that
10 was the year after he finished adding the addition onto the
11 back part of the house. He had a heart attack, he was just
12 before his 50th birthday.

13 CHAIR WEYMOUTH: Okay, thank you.

14 MR. MCCRAY: Yes sir.

15 CHAIR WEYMOUTH: Alright, if there are no other
16 comments then we'll entertain the motion.

17 MR. LARSON: Sir, you've heard what the gentleman
18 said at the end.

19 MR. MCCRAY: Yes sir.

20 MR. LARSON: If you come back with no documentation
21 and you don't own the thing, we have no choice on this Board
22 to do what we said.

23 MR. MCCRAY: I understand that.

24 MR. LARSON: Okay, okay.

25 MR. MCCRAY: I understand that.

1 MR. LARSON: I move that we find the violations
2 exist as alleged. For only the following, for the following
3 violations exist as alleged and that we grant the respondent
4 91 days to bring the property into compliance and that brings
5 us up to --

6 MS. HALE: April 19.

7 MR. LARSON: April 19, 2012. But we expect
8 documentation from you, one, that you own it especially. If
9 not, it's going to come down. We have no choice.

10 MR. MCCRAY: I know. I know.

11 MR. LARSON: Okay?

12 MR. MCCRAY: I know.

13 MS. HALE: I'll second that.

14 CHAIR WEYMOUTH: We have a motion, do we have a
15 second?

16 MS. HALE: I do, I'll second.

17 CHAIR WEYMOUTH: Alright, Ms. Hale second. Any
18 other further discussion? Alright, we'll put it to a vote.
19 All in favor say aye.

20 BOARD MEMBERS: Aye.

21 CHAIR WEYMOUTH: All opposed. Motion carries.
22 Thank you, good luck to you.

23 MR. MCCRAY: Thank you, thank you so much. I
24 appreciate what you're trying to do and I'm not standing
25 around doing anything, I'm not trying to do anything against

1 the law.

2 CHAIR WEYMOUTH: Pursue this with the same zeal
3 that you came here with, alright?

4 MR. MCCRAY: Alright.

5 CHAIR WEYMOUTH: It's nice to see the pride of
6 ownership.

7 MR. MCCRAY: Thank you.

8 CHAIR WEYMOUTH: So, go get the legal ownership and
9 let's try to get you fixed up.

10 MR. MCCRAY: I will, I will.

11 CHAIR WEYMOUTH: Okay.

12

13

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14

2. Case: CE11090815

15

BOTELL, MARIO

16

700 SE 14 CT

17

18 MS. PARIS: Our next case is at the top of page
19 one. It's Case CE11090815, this is also a return hearing.
20 The inspector is Gerry Smilen, the address 700 Southeast 14
21 Court. We have service by posting on the property 11/30/11,
22 we've advertised in the Daily Business Review 1/6/12 and
23 1/13/12. Violations as noted in the agenda. Certified mail
24 as noted in the agenda.

24

25 This case was first heard at the 11/17/11 USB
hearing. The Board granted a 63-day extension to the 1/19/12

1 USB hearing.

2 CHAIR WEYMOUTH: Good afternoon Inspector Smilen.

3 INSPECTOR SMILEN: Good afternoon Board, it's
4 always nice to see your smiling faces.

5 MR. JARRETT: Smiling Smilen faces.

6 INSPECTOR SMILEN: Jerry Smilen, Building inspector
7 with the City of Fort Lauderdale, I guess we're all looking
8 at this case for the loose carport that got erected without a
9 permit.

10 We've got some pictures that are going to be coming
11 up to show some information here.

12 [Inspector Smilen displayed photos of the property]

13 There are no records as far as, we have permits for
14 the building, the original building that was built. It's a
15 triplex. We do not have any documentation or permits for
16 this particular carport at all.

17 Here's the front of the building here and this is
18 the back of the building where it's showing the carport
19 extending out. As you can see, this doesn't look like
20 something that would have the requirements to be built in a
21 high velocity hurricane zone.

22 Okay, this right here is the alley in the back. And
23 you can see how far that carport comes up to the alley, which
24 obviously would never be approved without a zoning variance
25 and we do not have any record from the Board of Adjustment of

1 any zoning variance being granted for this property, for the
2 carport.

3 This is more pictures of the alleyway, that's of
4 the roof from the alley. This is the inside of the carport.
5 Right here as you can see, the wood framed ceiling in there,
6 you can see electrical lighting run inside there.

7 This right here is a very good picture. That's the
8 property line. And where you can see the roof overhang coming
9 right up to the property line, again, that would never be
10 granted and approved for a permit.

11 The other thing that I'd like to show -- are we
12 almost done here? Okay, yes, okay. Can we take that out and
13 switch over?

14 MS. HALE: Gerry, what are the setbacks in this
15 particular area?

16 INSPECTOR SMILEN: I'm not, I couldn't tell you
17 exactly what it is, but it exceeds, I mean, you can't --

18 MS. HALE: I mean, I can see.

19 INSPECTOR SMILEN: Yes, you can't run it to the, I
20 don't know what the alleyway exactly would be.

21 MS. HALE: Is that eight feet on that side?

22 INSPECTOR SMILEN: That, I'm not, I would be
23 saying, I'd be remiss if I told you. We have the Elmo
24 working here? Okay.

25 CHAIR WEYMOUTH: Can you flip it around, you're

1 upside down first. Thank you. I know, but I was -- okay.

2 [Inspector Smilen displayed a site plan of the
3 property]

4 INSPECTOR SMILEN: Okay, what we're showing right
5 here is, this is the alleyway here. This was, oh, okay,
6 thank you. This is the alleyway right back here. This is
7 the front of the building here off of the main street. And
8 it does show the wood fence, but as you can see, there's
9 nothing in there. This actually is marked sod back here and
10 sod over here.

11 CHAIR WEYMOUTH: What's the date of that drawing?
12 I'm sorry.

13 INSPECTOR SMILEN: That's November 16, 1981.

14 CHAIR WEYMOUTH: Thank you.

15 MS. HALE: Was that when the structure was built,
16 all of it?

17 INSPECTOR SMILEN: Well, the building was there.

18 MS. HALE: Oh, okay.

19 INSPECTOR SMILEN: But the, what I'm trying to show
20 you is --

21 MS. HALE: I'm just asking.

22 INSPECTOR SMILEN: -- we can go back through our
23 records with permits and we will not, we cannot find or see
24 anything that justifies that structure there. The one thing
25 I can say is there have been buildings that have been built

1 many years ago that, if something was built in a setback and
2 it wasn't caught at that time it would have been
3 grandfathered in.

4 But at this point, there was nothing there to start
5 with, with the original building, so there is no
6 grandfathering here whatsoever. And plus the fact you can't
7 grandfather something in without a permit anyway; there's no
8 permit.

9 MR. JARRETT: Gerry, is this plan from a fence
10 permit? Is that what this is? Because I see there's a
11 detail of a fence over there. Is that what --

12 INSPECTOR SMILEN: Yes, it's an addition and fence.
13 This is the addition right here and this was the fence.

14 MR. JARRETT: Oh, okay, okay.

15 INSPECTOR SMILEN: This right here is showing the
16 permit history and as you can see as a quick look here, there
17 is nothing about any type of carport overhang structure.

18 CHAIR WEYMOUTH: What are the dates of those
19 highlighted permits?

20 INSPECTOR SMILEN: Let's see. This one here, this
21 is from '04. All of these are '04. And these were permits
22 that I believe Mr. Botell had obtained and there were a
23 couple that he still needs to close out but that doesn't
24 concern this case.

25 CHAIR WEYMOUTH: Would it be safe to assume that in

1 '04 that carport was not there, otherwise it would have been
2 possibly flagged through the permitting process that when
3 these permits were issued?

4 INSPECTOR SMILEN: I can't really say that. I can't
5 tell you how long the carport was there and if the inspector
6 didn't go around to the back of the property for whatever he
7 was inspecting at the time, if there were inspections done,
8 then it's very possible that he wouldn't have seen it.

9 MR. JARRETT: Gerry, was the remodel part of the
10 original -- there wasn't any, you said addition but then it
11 says remodel. Is it, was there actually physically more
12 building built on this permit?

13 INSPECTOR SMILEN: Yes, there were things that were
14 done to the basic building and then there were, for instance,
15 you can see there were kitchen cabinets, windows.

16 MR. JARRETT: So it was a remodel, they didn't add
17 onto the end of the building.

18 INSPECTOR SMILEN: They added on one little area to
19 the building.

20 MS. HALE: Is that the addition to the living room?

21 INSPECTOR SMILEN: It was this area right here and
22 if I match up everything --

23 MR. JARRETT: -- we see that abuts the carport in
24 question, correct?

25 INSPECTOR SMILEN: Yes, well, the carport comes out

1 to about here.

2 MS. HALE: Yes.

3 MR. JARRETT: But it attaches to that addition,
4 right?

5 INSPECTOR SMILEN: It's under, it's yes, it's with,
6 the carport comes from here out.

7 MS. HALE: Is that the addition to living room
8 that's another owner? It's way down at the bottom.

9 INSPECTOR SMILEN: Well, it might be under, well,
10 it would have to be in '81 so you come down --

11 MS. HALE: I, you can't read the dates, it's a Mr.
12 Mott.

13 INSPECTOR SMILEN: Yes, it says at addition to
14 living room.

15 MS. HALE: Yes.

16 INSPECTOR SMILEN: That would be 0A816652. That
17 would be that permit.

18 MS. HALE: That, that little --

19 CHAIR WEYMOUTH: At the November meeting there was
20 a survey that was produced. Is that survey available? I
21 can't remember if the respondent provided us that survey or
22 whether it was the City, but there was a city that was passed
23 around, there was a survey that was passed around.

24 INSPECTOR SMILEN: Was that in '81 as well?

25 CHAIR WEYMOUTH: No. It was early 2000. I

1 couldn't remember if it was '03, '04, '05, but it was in
2 there somewhere.

3 INSPECTOR SMILEN: I might not have that survey,
4 let me see.

5 CHAIR WEYMOUTH: I thought it was the respondent
6 that produced the survey, Inspector.

7 INSPECTOR SMILEN: That might have been, was it
8 provided by the owner, Mr. Botell?

9 CHAIR WEYMOUTH: I believe it was.

10 INSPECTOR SMILEN: Okay. I just would like to
11 clarify something with the Board that the survey is
12 basically, it's an as-built of the property. It does not
13 mean that the structure that is being recorded on that piece
14 of paper is legitimate and has been permitted. So I just
15 want to clarify that.

16 MR. HOLLAND: Good point. Respondent?

17 CHAIR WEYMOUTH: Is there anything more from the
18 City?

19 INSPECTOR SMILEN: At this point, the City would
20 like the Board to find for the City the violations do exist
21 and we would like a motion for demolition of the carport.

22 CHAIR WEYMOUTH: Good afternoon gentlemen, if
23 you'll state your name for the record.

24 MR. BOTELL: My name is Mario Botell, I'm the
25 property owner.

1 MR. VICK: I'm Robert Vick, I'm an architect in
2 Fort Lauderdale.

3 CHAIR WEYMOUTH: Okay. Last November when you were
4 here you were going to go back and return with an architect
5 which we had asked you to.

6 MR. BOTELL: Yes sir. Which you had asked me to.
7 You had asked me to research it to see what I could do to
8 make this happen, to save it, so --

9 CHAIR WEYMOUTH: Why don't you go ahead and give us
10 an update or if Mr. Vick wants to give us an update that
11 would be great. Okay?

12 MR. VICK: I'd be more than happy to.

13 MR. WEYMOUTH: Okay.

14 MR. BOTELL. Yes sir.

15 MR. VICK: I did visit the site just before the
16 holidays, and we walked through the site, looked at the areas
17 in violation, looked at the addition that was put on the
18 building and we really came to the conclusion that it would
19 be very difficult to try to utilize any part of the addition
20 that was put on the building. One, it would have a difficult
21 time with wind loading and two, it's in violation of the
22 setbacks.

23 We therefore could take a great deal of the
24 structure off. But I think what's necessary here in terms of
25 bringing this up to code is to remove the entire carport

1 that's out there. And we have jointly discussed that. And
2 it would be actually quite a bit, lot simpler if it wasn't
3 connected into an addition that was also added on to the
4 building.

5 Really, what we need to do is a set of documents to
6 essentially show how to enclose the roof for the addition
7 that was put on the building at the same time when we take
8 down the roof from the carport. Myself, as an architect, I
9 need to do a set of documents for that. They have to go to
10 the Building Department the City and be approved for permit.

11 I would estimate that it's going to take at least
12 about three months in order for that to be accomplished. It
13 would take about four to six weeks for myself to get a set
14 of documents together and if I could get a permit in a month
15 from the City I'd be delighted but I can't really tell you
16 that I can.

17 CHAIR WEYMOUTH: That's a part of the, that's a
18 part of the, in fact, Mr. Botell, you had mentioned at the
19 last meeting also that you were experiencing a little bit of
20 financial difficulty with this. If Mr. Vick were to produce a
21 set of plans that would bring this property into compliance
22 would you have the wherewithal to --

23 MR. BOTELL: Yes I will, yes I will.

24 MR. WEYMOUTH: Okay.

25 MR. BOTELL: There is things in the making in my -

1 listen, I turned 62 today, I was going to be --

2 CHAIR WEYMOUTH: Happy birthday.

3 MR. BOTELL: Thank you. This was going to be the
4 home that I was going to have for the rest of my life and now
5 I've got to go back and tear it all up and start all over
6 again. I thought I was just going to kick back, ride it on
7 my bike.

8 CHAIR WEYMOUTH: Well, now you have something to
9 do.

10 MR. BOTELL: I've been doing nothing but work on
11 this building and I've been chasing these ghosts. This was
12 built by someone in 1986. It was in the courts --

13 CHAIR WEYMOUTH: Yes.

14 MR. BOTELL: -- there was variance, you name it.
15 It's been, I mean, Dick Eaton has been there. He checked it,
16 he asked me to bring some corrections, I did it. Dick said
17 it was okay.

18 It had been in the eyesights of the actual system
19 forever and nobody ever, you know, 20 some odd years, when I
20 bought it, had I known that there was a code violation --
21 I'll share with you guys -- I would have walked away. There
22 was a bunch of other properties around 14th Court --

23 CHAIR WEYMOUTH: Well, you don't have that option,
24 so, but it sounds like you've got a plan of action. Is there
25 anything else that you'd like to present to the Board?

1 MR. BOTELL: No, other than I appreciate your time
2 and just help Mr. Vick and I work on making this thing happen
3 and in the meantime just to make it safe and continue having
4 a roof over my head.

5 CHAIR WEYMOUTH: Very good. Mr. Smilen, would you
6 like to bring something more? Thank you gentlemen. Oh I'm
7 sorry, I'm sorry, I'm sorry.

8 MR. HOLLAND: Mr. Vick, is there a contract, do you
9 have a contract with the owner currently?

10 MR. VICK: I do not. We have discussed this matter
11 and I'm, I visited the property and I was compensated for my
12 time, and we came to an agreement for me to represent him
13 today at this meeting. And based upon what transpires at the
14 meeting I think he's ready to go ahead and move forward with
15 bringing the building up to code which --

16 CHAIR WEYMOUTH: Personally, I know where you're
17 going with that. I don't view that as an obstacle.

18 MR. HOLLAND: Okay, alright.

19 CHAIR WEYMOUTH: I know Mr. Vick and he's very
20 qualified to do a --

21 MR. HOLLAND: Oh no --

22 CHAIR WEYMOUTH: I also think he understands that
23 it --

24 MR. HOLLAND: No, It wasn't a matter of his
25 qualifications.

1 CHAIR WEYMOUTH: No, no.

2 MR. HOLLAND: But we've seen design professionals
3 come in who never go under contract because there are no
4 funds to do so.

5 CHAIR WEYMOUTH: Well, when we ask Mr. Botell to
6 come back, and I'm assuming that's the direction that we're
7 going, when we ask Mr. Botell to come back, if he, even if
8 it's not Mr. Vick, if he doesn't have somebody that's moved
9 the can down the road as far as we think it should be, then
10 he's got serious consequences. So, anything else from, of
11 the respondents, anybody else have any questions of the
12 owner? Okay, Mr. Smilen.

13 INSPECTOR SMILEN: I just wanted to clarify
14 something here that because the structure was erected without
15 a permit it doesn't require a permit to demolish it, so I --

16 CHAIR WEYMOUTH: It does not?

17 INSPECTOR SMILEN: No, it does not. So therefore in
18 our eyes it doesn't exist as a structure, so he can
19 definitely remove it without a permit, which might help the
20 situation a bit.

21 CHAIR WEYMOUTH: Well, let me ask a question then
22 of Mr. Vick because it sounds like, that you were wanting to
23 address an additional piece of the puzzle that is not in
24 violation, that is somehow attached, that this is attached.

25 MR. VICK: Exactly.

1 CHAIR WEYMOUTH: And if there's no code violation
2 there then --

3 MR. VICK: I think there is an overlap between the
4 carport and the addition that's on the building and I'm
5 concerned that if we start taking the carport down we're
6 going to cause physical problems to the addition that's on
7 the building. And so, my personal opinion is that we need to
8 evaluate what's there and then decide how we're going to go
9 about doing it.

10 And I don't think it's a very complex problem but
11 it just requires a little bit of time to make sure that we
12 have it covered and that we can adequately restructure the
13 building so that it meets the code.

14 CHAIR WEYMOUTH: Well, and maybe in there lays the
15 answers, that you start to do some selective demolition that
16 before you do a set of plans to go in and shore up or correct
17 whatever that will need to be done with a permit, but at
18 least you can get started on it and --

19 MR. VICK: That, I do believe we could do, yes.

20 CHAIR WEYMOUTH: Okay. Yes sir.

21 MR. HOLLAND: I'm sorry if I missed it earlier, you
22 said something about this addition portion, not the carport
23 but the addition needing to be covered. Did I miss something
24 there?

25 MR. VICK: Yes, well, it has a roof on it and the

1 roof that is on the addition is interconnected into the roof
2 that's on the carport.

3 MR. HOLLAND: Okay so they're running integral
4 members from one to the other, okay.

5 MR. VICK: Yes, yes. And so, that's the problem
6 with it. Otherwise we would just take the carport roof down
7 and we'd be all set.

8 MR. LARSON: Where he's going to run into problems
9 is in, on the gable end that goes back into the old addition.
10 And he's probably going to have to have that approved by the
11 code board because it'd be part of a new structure. And I
12 don't know whether, it may involve, it may also involve, it
13 may also, it's going to also involve the electrical side
14 taken off of the main, the main thing.

15 CHAIR WEYMOUTH: We'll rely on the City to be able
16 to tell them what they need to and what not to do and, but it
17 sounds like that may be a solution [People speaking at the
18 same time] one more time.

19 MR. VICK: I'm sure they'll do that.

20 MR. LARSON: I'm sure they'll do it the correct way
21 because he's there, and I think he'd be smart, and you got
22 your architect to come out and do what you needed to do. I
23 would follow through with his plans and get them drawn so he
24 can get, he can move down the highway.

25 MR. VICK: Thank you.

1 MR. LARSON: Don't go 95 though.

2 CHAIR WEYMOUTH: Mr. Smilen.

3 MR. BOTELL: Thank you gentlemen.

4 INSPECTOR SMILEN: At this point, the City would
5 recommend a 90-day demolition order and we feel that in 90
6 days, it should be plenty of time to see some action on this
7 and the roof could come down and a permit could be applied
8 for in the meantime for whatever needs to be addressed on
9 that one little area.

10 CHAIR WEYMOUTH: So that I'm clear, instead of our
11 standard 30-day language that we put in here, you're
12 recommending a 90-day demolition.

13 INSPECTOR SMILEN: Yes sir.

14 CHAIR WEYMOUTH: Alright, would anybody like to
15 make a motion or is there anymore conversation or --

16 MR. JARRETT: I only have one confused question.

17 CHAIR WEYMOUTH: Okay.

18 MR. JARRETT: I thought we tried that before and we
19 couldn't do that.

20 MS. WALD: No, you can do it. Ginger Wald
21 Assistant City Attorney. It can be done, I mean, we normally
22 have the 30-day. And as I explained a long time ago, the
23 reason for the 30-day was to give an opportunity for an
24 appeal, because it's a 30-day appeal process. So someone, if
25 they're going to appeal the case to the circuit court, it's a

1 30-day time period that they have.

2 So that gives that option to go ahead and do that
3 and put the stay, because we're not going to do anything at
4 least for 30 days. That's where the 30 days came about.
5 It's not a hard, fast rule. I know it's something that has
6 been done on a regular basis and I know there was another
7 case that you did it that kind of blew - well, but that's not
8 necessarily every case.

9 But you can do that, you can go ahead and you can
10 make a motion that the property owner has 90 days to
11 demolish, I think in this case the structure is just the
12 carport, correct? Carport. Failing to do so, the City to
13 demolish in 30 days. So that is an option you have. Of course
14 you also have the other option for an extension but remember,
15 if you take the first one, they don't have to come back.

16 CHAIR WEYMOUTH: Very good.

17 MS. WALD: But it's both options.

18 CHAIR WEYMOUTH: Any other questions or comments
19 from the Board? Anybody like to make a motion?

20 MR. HOLLAND: I'm prepared to move it.

21 CHAIR WEYMOUTH: Please do.

22 MR. HOLLAND: I move that we find violations exist
23 as alleged and that we order the property owner to demolish
24 the carport structure portion within 91 days and that we
25 order the City to demolish the structure should the property

1 owner failed to timely demolish. Such demolition is to be
2 accomplished by a licensed demolition contractor pursuant to
3 a City issued demolition permit.

4 CHAIR WEYMOUTH: Well, that kind of --

5 MR. LARSON: Second.

6 CHAIR WEYMOUTH: Okay, we've got a second.
7 Discussion? The way you read that in kind of flies in the
8 face of what Mr. Smilen had just said that because the City
9 doesn't recognize that, there really doesn't need to be a
10 permit pulled so -- alternately do we rephrase the --

11 MR. HOLLAND: My concern is we got selective
12 demolition that's going to affect a permitted property.

13 MS. WALD: What you can -- Ginger Wald again --
14 what you can state is if required that a, I forget the
15 terminology that a --

16 CHAIR WEYMOUTH: Demolition for a partial.

17 MS. WALD: Yes.

18 MR. BARRANCO: There you go --

19 MR. HOLLAND: Partial.

20 MR. BARRANCO: -- that's an easy fix.

21 MS. WALD: Just make that amendment.

22 CHAIR WEYMOUTH: Very good, so would you like to
23 amend your motion?

24 MR. HOLLAND: Yes, so amended.

25 CHAIR WEYMOUTH: Okay, would you like to second the

1 amended --

2 MS. HALE: Yes, I'll second the amended part
3 because I think I understand it.

4 CHAIR WEYMOUTH: And just so that everybody does
5 understand, the amended motion now reflects that there, if
6 required, there will be a demolition permit pulled. Okay?

7 MR. LARSON: Right. Call the question.

8 CHAIR WEYMOUTH: Alright, any further discussion?
9 If not, let's move this to a vote. All in favor say aye.

10 BOARD MEMBERS: Aye.

11 CHAIR WEYMOUTH: All opposed? Motion carries.

12 MR. VICK: Very good. Thank you.

13 CHAIR WEYMOUTH: Thank you, good luck.

14

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16

COMMUNICATION TO THE CITY COMMISSION

17 MS. PARIS: Okay, do we have anything for the City
18 Commission?

19 CHAIR WEYMOUTH: Do we have anything for the City
20 Commission?

21 MR. LARSON: I don't have anything.

22 MR. HOLLAND: A few atta-boys, atta-girls.

23 CHAIR WEYMOUTH: I think that's it.

24 MS. PARIS: I think that's it.

25 CHAIR WEYMOUTH: Okay, motion to adjourn.

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FOR THE GOOD OF THE CITY

No discussion.

[Meeting concluded at 4:06 pm.]

De Pa?

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 January 19, 2012, 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 April, 2012.

PROTOTYPE, INC.

Jamie Opperlee
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 19th day of April, 2012.



D.J. GROSSFELD
MY COMMISSION # EE 065058
EXPIRES: April 26, 2015
Bonded Thru Budget Notary Services

D.J. Grossfeld
NOTARY PUBLIC
State of Florida

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