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**CITY OF FORT LAUDERDALE  
UNSAFE STRUCTURES BOARD  
THURSDAY, APRIL 18, 2013 AT 3:00 P.M.  
CITY COMMISSION MEETING ROOM  
CITY HALL**

Cumulative  
Attendance  
10/12 through  
9/13

<u>Board Members</u>	Attendance	Present	Absent
Michael Weymouth, Chair	P	5	1
Joe Holland, Vice Chair	P	5	1
John Barranco	P	6	0
Joe Crognale	P	5	1
Pat Hale	P	5	1
Thornie Jarrett	P	6	0
Don Larson	A	5	1
John Phillips	A	5	1
B. George Walker	P	5	1

City Staff

Lori Grossfeld, Board Secretary  
Chris Augustin, Chief Building Official  
Jeri Pryor, Code Enforcement Supervisor/Clerk  
Ginger Wald, Assistant Attorney  
Gerry Smilen, Building Inspector  
Jamie Opperlee, ProtoType Inc. Recording Clerk

Communication to the City Commission

None

Witnesses and Respondents

CE13020647: Cristobal Padron, owner's attorney

1	<u>Index</u>		
2	<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
3	1. CE13020647	CASTANO, CESAR ERNESTO BALBIN	<u>2</u>
4	Address:	1724 NE 18 ST	
5	Disposition:	28 days to the Board's 5/16/13 hearing to bring the property into compliance. Board approved 7-0.	
6			
7		Communication to the City Commission	<u>30</u>
		For the Good of the City	<u>27</u>

8

9 The regular meeting of the Unsafe Structures Board

10 convened at 3:00 p.m. at the City Commission Meeting Room,

11 City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

12 All individuals giving testimony before the Board

13 were sworn in.

14

15 Approval of meeting minutes

16 Motion made by Mr. Holland, seconded by Ms. Hale,

17 to approve the minutes of the Board's March 2013 meeting. In

18 a voice vote, motion passed 7-0.

19

20 Cases

21

22 1. Case: CE13020647

INDEX

23 CASTANO, CESAR ERNESTO BALBIN

24 1724 NE 18 ST

25 MS. PRYOR: Board, today we have one case on the agenda at it's case number CE13020647. Inspector Gerry

1 Smilen. Case address: 1724 Northeast 18 Street. The owner  
2 is Cesar Ernesto Balbin Castano.

3 The notice of violation was posted on the property  
4 on 4/2/13, advertised in Daily Business Review on 3/29/13 and  
5 4/5/13. Certified mail owner was no response. Certified  
6 mail Relief Housing Incorporated, signed by Robi Scrbak on  
7 3/30/13. Certified mail Ignacio Plata, registered agent for  
8 Relief Housing Incorporated, signed by Robi Scrbak on 3/30/13  
9 and certified mail tenant in possession, no response.

10 And before we have the speakers come in everybody  
11 needs to please rise so we can swear you in.

12 Alright, and Mr. Smilen.

13 CHAIR WEYMOUTH: Alright. Inspector Smilen.

14 INSPECTOR SMILEN: Good afternoon Board.

15 CHAIR WEYMOUTH: Good afternoon.

16 INSPECTOR SMILEN: Gerry Smilen, Building Inspector  
17 for the City of Fort Lauderdale, presenting case CE13020647  
18 on page one of today's agenda. I had first inspected the  
19 site on this particular case on February 12, 2013 and I  
20 opened the case from a complaint. I'd like to submit the  
21 following dated pictures as evidence into the record.

22 [Inspector Smilen displayed photos of the property]

23 This right here is a trellis structure that's  
24 attached to a shed. Now the shed did have a permit but there  
25 was no design approvals or permits for this trellis that's

1 attached to the shed and the shed is a prefabricated shed.

2 As you can see, there aren't any type of  
3 connections for uplift or gravity loading on this whatsoever  
4 and the condition is questionable.

5 This is the second structure right here which is a  
6 two-story wood structure without a permit. As you can see  
7 it's pretty extensive and there are personal belongings in  
8 there, which possibly, somebody could be using it for shelter  
9 or living space. I'm not too sure, I don't have evidence  
10 other than the fact that there are personal belongings in  
11 there. As you can see, it is built; it's not a prefabricated  
12 design structure. Can we go back to that? Thank you Jeri.

13 Okay. As you can see, there's Texture 111, which  
14 isn't even an approved exterior siding, that's on there.  
15 Everything was handmade; we're not too sure what the design  
16 factors are. Can we -- go -- yes that would, okay, sorry.  
17 And could we go back maybe one more too? No, back, yes. As  
18 you can see, it is high up there. There isn't any type of  
19 railing or fall protection on here. It could be dangerous.

20 And we certainly don't know how it would fare in  
21 any type of a hurricane or a storm situation. All the  
22 structures that we're talking about in this particular case  
23 are a potential windstorm hazard due to the fact that it  
24 hasn't been proven that they could withstand the requirements  
25 of the Florida Building Code in a high velocity hurricane

1 zone.

2           This is the other structure. It is some sort of a  
3 gazebo type of structure; it's got a wood deck, it's got  
4 heavy timbers going across there and some sort of a bamboo  
5 mesh type of roof, I wouldn't call it a roof but a top more  
6 or less. Again, without the required fasteners for uplift  
7 and gravity loading, all of these structures are a potential  
8 danger to the community and windstorm hazards and the City is  
9 asking that the Board rule in favor of demolition within  
10 thirty days.

11           CHAIR WEYMOUTH: Very good.

12           INSPECTOR SMILEN: Thank you.

13           CHAIR WEYMOUTH: Good afternoon sir, if you'd state  
14 your name please.

15           MR. PADRON: My name is Cristobal Padron, I'm here  
16 on behalf of Cesar Ernesto Balbin, the new owner of the  
17 property. I have a quit claim deed so that the Board can see  
18 that he's the new owner which was executed on March 29. He  
19 has just received notice of the violations.

20           It is the client's position that there is no permit  
21 required for the children's playhouse is what we're going to  
22 call it. It's basically a tree house. These structures have  
23 been in existence since 1993 according to my client. As far  
24 as unsafe structure, a gazebo, it's his position that no  
25 permits are required for the gazebo. He has requested, he

1 previously requested permits for the gazebo and was told that  
2 they were not required by John Madden, which is I believe the  
3 Supervisor of Code Enforcement.

4           Again, these are not unsafe structures; they've  
5 been in existence for many, many years. They're in a little  
6 disrepair, which, they're going to be strengthened and  
7 painted. Let's see if there's anything else. Also, we take  
8 exception with the photographs. There is, the property's  
9 completely fenced in so we are unaware of how Mr. Smilen was  
10 in a lawful place when he took the photographs and we'd  
11 object to their consideration in the proceeding.

12           Alternatively, if the Board is inclined to rule in  
13 favor of the inspector, we'd ask for a period of ninety days  
14 to either demolish or bring those structures into compliance  
15 by a permit. Nothing further.

16           CHAIR WEYMOUTH: Does anybody have any questions  
17 for the respondent?

18           MR. HOLLAND: No, but for staff, I have a question  
19 for Gerry.

20           CHAIR WEYMOUTH: Before we go back to staff, I've  
21 got one question for you.

22           MR. HOLLAND: I'm sorry.

23           MR. PADRON: Yes sir.

24           CHAIR WEYMOUTH: You're alleging that it doesn't  
25 require a permit. Have you guys consulted with any engineers

1 or architects as it relates to that?

2 MR. PADRON: We have one opinion from one engineer  
3 but the engineer, we can't get a hold of him to come to the  
4 hearing.

5 CHAIR WEYMOUTH: Okay.

6 MR. PADRON: So we had one opinion for the engineer  
7 regarding the playhouse or the tree house as we deemed it.  
8 And he says that there's no permit required for such a  
9 structure.

10 CHAIR WEYMOUTH: If your, I'll say client -- I  
11 believe it's a client --

12 MR. PADRON: Right.

13 CHAIR WEYMOUTH: Just purchased the property, how  
14 does he know it was built in 1993?

15 MR. PADRON: He pulled the survey and he spoke to  
16 the previous owner, which I've done some investigations.  
17 Unfortunately, the drawing that he provided me doesn't really  
18 show that these items were there. However, it does show that  
19 around the shed there was a wood deck which I can only esteem  
20 is the gazebo because there's no other wooden deck. And this  
21 is dated 1995.

22 CHAIR WEYMOUTH: I guess I probably should have  
23 asked my question differently or maybe not have made it a  
24 leading question. I wanted to make sure that it was not from  
25 a set of plans that was produced and submitted to the City

1 for permitting to build this.

2 MR. PADRON: No. Not to my knowledge.

3 CHAIR WEYMOUTH: Okay. Any other questions for the  
4 respondent before we go back to the City?

5 MR. PADRON: If I may just point out --

6 CHAIR WEYMOUTH: Yes sir?

7 MR. PADRON: See, on the shed there appears to be a  
8 drawing of a structure, it doesn't really designate what it  
9 is but it is I guess a deck, wood deck. I don't believe  
10 there's a wooden deck I'd believe it's the gazebo so it's  
11 been in existence for quite some time.

12 CHAIR WEYMOUTH: Okay. Thank you. You had a  
13 question for Inspector Smilen?

14 MR. HOLLAND: Yea, Gerry, was in this case  
15 complaint driven and what's the history?

16 INSPECTOR SMILEN: Yes, it was complaint driven.  
17 It, I believe it was through the, the homeowners association,  
18 the community association that's involved in that area. I'd  
19 like to comment on a couple things that Mr. Padron had said.

20 First of all, the gazebo structure were talking  
21 about is completely detached. There, if you look at my  
22 pictures you'll see the trellis does join onto the wood deck  
23 that's shown there. I also want to bring a note to and  
24 notify the Board that basically a survey is an as-built.  
25 What is shown on a survey does not mean it's a legal



1 structure, it just means that it exists there. We don't have  
2 any permits for any of this stuff.

3 Now, if the wood deck was put in with the shed and  
4 it was approved that way that's really not part of the  
5 violations that we're talking about here. That deck around  
6 the woodshed has absolutely nothing to do with this case;  
7 it's not addressed here. The trellis beams are addressed  
8 though and that does not show on there.

9 As far as it being from 1993, I think I've seen  
10 wood structures in Florida and it looks like it's quite newer  
11 than 1993 to me in my expert opinion. And even so, even if  
12 it was put up in 1983 it doesn't really make any difference.  
13 An unpermitted structure is an unpermitted structure and it  
14 would require a permit then and it would require a permit  
15 now.

16 As far as anything being told to the property owner  
17 from the Building Department, I'm not too sure that the exact  
18 situation was explained to him about applying for a permit.  
19 I think if it was explained to John Madden and pictures were  
20 shown of what he was trying to get, I truly believe that that  
21 opinion would have been different. And it is our opinion and  
22 I'll defer to our Chief Building Official that these  
23 structures do require a permit. And I would, if Chris would  
24 want to come up here, Mr. Augustin?

25 MR. AUGUSTIN: Good afternoon Board. Chris

1 Augustin, Building Official for the City of Fort Lauderdale.  
2 I can confirm that a permit is definitely required for both  
3 the trellis structure and that two-story structure whatever  
4 it may be called.

5 MR. WEYMOUTH: Very good.

6 MR. BARRANCO: Chris, one question for Building  
7 Official.

8 MR. AUGUSTIN: Yes.

9 MR. BARRANCO: What structures are exempt from  
10 building permits? Are there any in the code that are exempt?

11 MR. AUGUSTIN: There are some structures that are  
12 exempt. Tiki huts that are constructed by the Indians that  
13 do not have any electric, plumbing, AC, any sides on them.  
14 There is an exception for playground equipment. In my mind,  
15 this is not playground equipment. There are other things,  
16 such as, having to do with the railroad, federal buildings  
17 such as that.

18 MR. BARRANCO: Thanks.

19 MR. JARRETT: I have a question for Gerry.

20 CHAIR WEYMOUTH: Just a second. Mr. Smilen.

21 INSPECTOR SMILEN: Board, I'd also like to add that  
22 as far as the valuation criteria, this would be a hundred  
23 percent, because it is a structure that was illegal and done  
24 without permits, so the valuation criteria brings it to a  
25 hundred percent.

1 CHAIR WEYMOUTH: Mr. Jarrett, did you have a  
2 question for the inspector?

3 MR. JARRETT: Yes, Gerry, let me just clarify one  
4 thing I think that you said. The shed is a manufactured  
5 structure that is like packaged, delivered to the job, right,  
6 with its own little engineering drawings, correct?

7 INSPECTOR SMILEN: That is correct.

8 MR. JARRETT: And this -- I know we keep calling it  
9 a trellis -- it's, isn't it actually a pergola by definition?  
10 But anyway, whatever, it's not, there's no way you could have  
11 an engineering drawing that would have that attached to this  
12 pre-engineered structure is there? I mean that would have to  
13 be freestanding wouldn't it? Doesn't that --

14 INSPECTOR SMILEN: Well, it could, or you could  
15 have an engineer design a way that it could be attached.

16 MR. JARRETT: Okay.

17 INSPECTOR SMILEN: But, there are some options. But  
18 at this point we have nothing.

19 MR. JARRETT: So there is a possibility that they  
20 could find an engineer that would say that's okay?

21 INSPECTOR SMILEN: There's a possibility to find an  
22 engineer that would say anything is okay.

23 MR. JARRETT: If you pay enough money, right?

24 INSPECTOR SMILEN: No comment.

25 MR. HOLLAND: No disparaging the --

1 CHAIR WEYMOUTH: Any other questions of the  
2 inspector before we hear from the respondent again? Yes sir?

3 MR. PADRON: One more thing, just briefly. It's  
4 not demonstrated in the photographs but the children's tree  
5 house, there was a ladder there. We removed that, well the  
6 client removed that to avoid any body getting into that  
7 structure without, his knowledge or permission.

8 Additionally, I would submit that these structures  
9 are not unsafe: they've been around for a long time. They  
10 may not require permits. It depends. And I would argue also  
11 that the Chiki Hut, the Miccosukee, although it's only exempt  
12 to the Miccosukee, because it's their structures they built,  
13 I would argue that the gazebo is very similar to that. No  
14 sides, it's just basically four posts and two pieces of wood  
15 connecting it. And it appears from the photographs that  
16 they're through-bolted. So I don't see how that is very much  
17 a wood, a wind hazard.

18 CHAIR WEYMOUTH: If I could ask real quick, is your  
19 background in architectural engineering, design?

20 MR. PADRON: Absolutely not.

21 CHAIR WEYMOUTH: Okay. Just for your record,  
22 you've got architects, engineers, contractors up here so just  
23 to be clear on that. Any other questions of the respondent?

24 MR. CROGNALE: Yes I have one --

25 CHAIR WEYMOUTH: Mr. Crognale?

1 MR. CROGNALE: -- for the respondent. You  
2 mentioned the name of John Madden earlier in your comments,

3 MR. PADRON: Yes.

4 MR. CROGNALE: Could you expand on that?

5 MR. PADRON: Yes. Mr. Balbin contacted Mr. Madden  
6 to find out if he needed a permit for the structures. I have  
7 an e-mail -- I may have it in this file, if not, I have it in  
8 the office. And basically he was told that no permit was  
9 required.

10 MR. CROGNALE: Thank you.

11 MR. WEYMOUTH: Any other questions?

12 MR. JARRETT: I have one for Ginger.

13 CHAIR WEYMOUTH: The camera's on.

14 MS. WALD: It's off.

15 MR. JARRETT: Oh, the camera's off?

16 MS. WALD: You can't see me anyway.

17 MR. JARRETT: Now I can ask her. She wouldn't let  
18 me ask it next month. I have two questions. One is, I  
19 remember in the news, this whole case about playhouses and  
20 stuff came up in the news in Miami and if my recollection is  
21 correct, they ruled through courts and everything that yes,  
22 they were a structure and they were subject to the Building  
23 Department rules and, am I correct in that recall?

24 MS. WALD: I cannot recall any specific case you're  
25 talking about. I'm reading something in the news also. But

1 I can tell you this, as from the testimony of the Building  
2 Official of the City of Fort Lauderdale who is the official  
3 person that interprets the Florida Building Code for the City  
4 of Fort Lauderdale, that in his determination, from his  
5 testimony that this is a structure.

6 As you are all aware, a structure requires a permit  
7 under the Florida Building Code because you are all  
8 professionals and you know all that, and you've also had  
9 plenty of cases to hear. That being said, as was testified by  
10 the Building Official, there are specific exemptions. And  
11 they are exemptions because they are provided under the  
12 Florida Statutes which also is under the Florida Building  
13 Code. And Tiki huts are specifically excluded. They're  
14 excluded by the Florida legislature and they do have to be  
15 built by approved Indians.

16 That's it. I know of no others as to a structure  
17 of that type of magnitude. Again, I would differ  
18 specifically to the Building Official as to that type of  
19 interpretation and to hear it as such. Playground equipment  
20 is also specifically excluded but it has to be playground  
21 equipment.

22 You have to make the determination along with the  
23 testimony that you heard and looking at the photographs  
24 whether you believe that whatever this thing is, whether it  
25 is a structure or it does meet the requirements of playground

1 equipment. That would be a factual interpenation [sic] by  
2 you.

3 MR. JARRETT: Thank you. And my second question is  
4 even if it wasn't covered, such as the Tiki hut or as the  
5 respondent has implied that their version of the Tiki hut is  
6 the same thing, if it's unsafe we would still have the right  
7 to rule on it.

8 MS. WALD: That is --

9 MR. JARRETT: Whether it was, required a building  
10 permit or not, is that not true?

11 MS. WALD: That is correct. And specifically, under  
12 the Florida Building Code, Broward County amendments, one,  
13 they've already been cited that as to this case, and you've  
14 been provided as the notice of violation, it specifically  
15 provides for the criteria that you have to make a  
16 determination as to whether it's unsafe.

17 Now there is a presumption that's in the Florida  
18 Building Code that if a structure is not built with permits  
19 it is deemed to be unsafe. But even beyond that, even if it  
20 was built with permits, again, you've seen many of these  
21 cases, you can make the determination under the criteria  
22 that's provided in the Florida Building Code, Broward County  
23 amendments, which I know you all have memorized, that it can  
24 be deemed to be unsafe if it meets that.

25 And you have done that again, as I said, many times

1 in different cases, made a determination. So you are correct  
2 sir.

3 MR. JARRETT: Thank you.

4 CHAIR WEYMOUTH: Thank you.

5 MS. WALD: You're welcome.

6 MR. PADRON: [inaudible] briefly?

7 CHAIR WEYMOUTH: Yes sir?

8 MR. PADRON: I just wanted to make it clear I do  
9 not mean to disparage anybody's experience here. I'm  
10 basically just make the arguments that I was --

11 CHAIR WEYMOUTH: Understood.

12 MR. PADRON: And I don't mean any disrespect.

13 CHAIR WEYMOUTH: No.

14 MR. PADRON: And one other thing: there are no  
15 homeless people living in this structure. There's none.

16 CHAIR WEYMOUTH: Okay.

17 MR. BARRANCO: Mr. Chair, one question for the  
18 respondent.

19 CHAIR WEYMOUTH: Sir? We have one question for you  
20 if you step back up to the microphone.

21 MR. BARRANCO: How exactly are you connected to the  
22 property or to the owner?

23 MR. PADRON: I'm his attorney, I'm covering the  
24 hearing.

25 MR. BARRANCO: Oh, you represent him in this case?



1 MR. PADRON: Yes.

2 MR. BARRANCO: Okay. I guess one more thing to add  
3 then, because I was going to, I just want to be clear on  
4 that. What this Board usually does, just so you understand,  
5 obviously, they're unsafe structures. That fact has been  
6 proven here, we've heard it, at least I've heard it, I'm not  
7 going to speak for everybody else. You do need a permit for  
8 that. You will have to make modifications just based on what  
9 I've seen, you're going to have to make modifications.

10 MR. PADRON: Okay.

11 MR. BARRANCO: You could have it engineered, they  
12 could tie it all together, you could dig foundations and  
13 maybe it'll pass muster after you've spent all that money and  
14 you could keep those structures. So, what we would find here  
15 is that the structures are unsafe and we could probably  
16 extend you some sort of time to get your ducks in a row, to  
17 hire an engineer and do all those things.

18 MR. PADRON: Yes.

19 MR. BARRANCO: That's option one. Option two is we  
20 find it's unsafe and we say you have to demo it. If you  
21 don't demo it we'll demo it for you. So that's basically the  
22 options the Board has. I don't think anybody up here's going  
23 to say it's safe. Maybe, maybe one or two will, I don't  
24 know. But those are your two options. Is it the intent of  
25 the owner to improve these structures and spend all that

1 money or do they just want to scrape it?

2 MR. PADRON: Right now, it's his intent to get the  
3 structures approved, pull permits, and correct them.

4 MR. BARRANCO: And do you think, because you had  
5 said ninety days earlier, do you think ninety days is enough  
6 to hire an engineer, and get a permit, and get that going, is  
7 that really what he wants to do?

8 MR. PADRON: I believe, I believe he's in the  
9 process. I believe he was today pulling permits.

10 MR. BARRANCO: He's already hired an engineer and  
11 done drawings and he's going to pull permits?

12 MR. PADRON: I believe so.

13 MR. BARRANCO: Believe so.

14 MR. PADRON: That's what he --

15 MR. BARRANCO: Is there a permit pulled on this,  
16 can anybody check, there is no permit.

17 MR. PADRON: Let me check my phone.

18 CHAIR WEYMOUTH: They're not submitted for either.  
19 You said pulled, but there's not an application in for this.  
20 Okay.

21 MR. PADRON: I believe I have a text from him.  
22 Just give me a second, let me just check because I was  
23 waiting to hear back from him to have it specifically for the  
24 Board. Give me one second.

25 CHAIR WEYMOUTH: Did you want to speak to --

1 MR. HOLLAND: Yes, I have a question for Gerry. If  
2 he --

3 CHAIR WEYMOUTH: Okay.

4 MR. HOLLAND: Gerry, you can - Sorry. When this is  
5 posted on April 2, we're at, there's the history as far as  
6 code violation. There's some time before that, as far as the  
7 case being filed, the --

8 INSPECTOR SMILEN: I -- Gerry Smilen, Building  
9 Inspector, City of Fort Lauderdale, I have two other cases on  
10 this property.

11 MR. HOLLAND: Unrelated or --

12 INSPECTOR SMILEN: Well, related to the main house.

13 MR. HOLLAND: Okay.

14 INSPECTOR SMILEN: And there's also some other code  
15 cases that Code Officer, I believe it's Maria Roque, she has  
16 on that as well.

17 MR. HOLLAND: Okay, but we've changed ownership.  
18 Okay, thank you.

19 MS. WALD: Literally just a --

20 CHAIR WEYMOUTH: So do you have an application  
21 number from your client sir?

22 MS. WALD: Yes. He's got --

23 INSPECTOR SMILEN: Okay, from what I'm seeing here  
24 it's permit number 13041550 for an open structure. Let me  
25 just see if I can -- it says --

1 MS. WALD: No, no, no. It's the same thing. We  
2 have it.

3 INSPECTOR SMILEN: It says after the fact deck,  
4 gazebo and kids' playhouse. According to that description we  
5 still haven't addressed the trellis or pergola structure  
6 that's attached to the shed. That hasn't been addressed.

7 No, only the Building Official gets those.

8 CHAIR WEYMOUTH: Are there any other questions?  
9 Obviously, there's a set of plans that's submitted with that,  
10 correct Inspector?

11 MS. WALD: Is there a set of plans? Can you look?  
12 Yes, you can come, you can look at this here. No, it's just  
13 going to show that the application is --

14 INSPECTOR SMILEN: Yes.

15 CHAIR WEYMOUTH: Gerry, is there a set of plans  
16 that was submitted with that and when was it submitted?

17 INSPECTOR SMILEN: I don't --

18 MR. AUGUSTIN: Eleven fifty-one.

19 INSPECTOR SMILEN: It's today, just before  
20 noontime.

21 MS. WALD: You can't tell online.

22 INSPECTOR SMILEN: Can't tell. I know there's an  
23 application. Glen Osborne, I believe, has it.

24 MS. WALD: But it just got submitted, so.

25 INSPECTOR SMILEN: Yes.

1 MR. BARRANCO: Mr. Chair?

2 CHAIR WEYMOUTH: Yes sir?

3 MR. BARRANCO: Would you entertain a motion?

4 CHAIR WEYMOUTH: If there's no more questions of  
5 either side I would.

6 MR. BARRANCO: I'd like to make a motion. And  
7 since they've already got a permit in, I'm thinking sixty-  
8 three days. I find that we find the violations exist as  
9 alleged for the violations that Gerry's presented. They  
10 exist as alleged and that we grant the respondent sixty-three  
11 days to the 6/20/2013 hearing to bring the property into  
12 compliance.

13 MR. HOLLAND: I second.

14 CHAIR WEYMOUTH: Okay, we have a motion, we have a  
15 second, is there any further conversation?

16 MR. JARRETT: I just have a question I mean, for  
17 the Board. He just said that the trellis was not included.  
18 How does that affect what we're about to do?

19 MR. HOLLAND: That's a good question. Gerry, is  
20 the -- I know pergola's not in there, but was there a trellis  
21 mentioned in that application?

22 INSPECTOR SMILEN: Gerry Smilen, Building Inspector  
23 City of Fort Lauderdale, no, it was not. The only, it was  
24 the wood deck and the kids' playhouse was addressed.

25 CHAIR WEYMOUTH: Okay.

1 MR. BARRANCO: And could I comment on your  
2 question?

3 CHAIR WEYMOUTH: Absolutely.

4 MR. BARRANCO: I'm allowing sixty-three days, so  
5 that if that application is not complete I'm hoping Gerry  
6 will come back to us and we'll hear what's happening with the  
7 other structure and maybe that structure's the only one we're  
8 going to address. So, but I'm pretty hopeful that if it's  
9 not included they'll probably include it, they'll amend it  
10 and hopefully move on, so.

11 CHAIR WEYMOUTH: Well, I will share with the Board  
12 because it's not included and because it's going out sixty-  
13 three days which is going to put us into the part of  
14 hurricane season, I'm not going to vote along with you.

15 I understand where you're coming from but sixty-  
16 three days from now it sounds like the new owner of this  
17 property may not feel that this is something that needs to be  
18 done in a timely basis just because he doesn't think it needs  
19 a permit and I'm concerned that this stuff has high risk of  
20 flying. So anyway that's my thoughts but, if there's no  
21 other discussion we can certainly put -- Thornie? Sorry.

22 MR. JARRETT: Well, would the motion maker consider  
23 changing that to thirty days based on the --

24 MS. HALE: Twenty-eight.

25 MR. JARRETT: Twenty-eight.

1 CHAIR WEYMOUTH: I think we have to vote on the  
2 motion that's here and if it doesn't pass --

3 MR. JARRETT: Well, couldn't we ask for an  
4 amendment before we vote?

5 MR. HOLLAND: Yes, were still in discussion.

6 MR. BARRANCO: Yes, we can amend it.

7 CHAIR WEYMOUTH: Put on my legal hat.

8 MR. BARRANCO: Yes, we can amend that.

9 CHAIR WEYMOUTH: Okay.

10 MS. PRYOR: You do a friendly amendment and whoever  
11 seconded has to agree.

12 MR. BARRANCO: We can amend that to twenty-eight  
13 days and whoever seconded that has to.

14 MR. HOLLAND: I will second the amendment.

15 CHAIR WEYMOUTH: That would make me more  
16 comfortable that the set of plans -- what I will struggle  
17 with --

18 MR. HOLLAND: Yes.

19 CHAIR WEYMOUTH: What I will struggle with is if  
20 the respondent shows up, whatever the date is, twenty-eight  
21 days from now, and says I just submitted a revised set of  
22 plans. I would love to see a revised set of plans submitted  
23 tomorrow reflecting the trellis, reflecting everything that's  
24 noted in this violation.

25 Again, my understanding is there's no electrical,

1 there's no plumbing, so it's purely structural and I've got  
2 to believe that the City can turn this around pretty quick if  
3 it's a decent set of drawings.

4 I could, and again guys, it's not following my  
5 lead, I appreciate that they're making an effort and I would  
6 want to go along with it but timing here is critical going  
7 into hurricane season. So, we have an amendment to twenty-  
8 eight days. Do we have a second? Did somebody second that?

9 MR. HOLLAND: Yes.

10 CHAIR WEYMOUTH: Okay, so we have a second. Is  
11 there any more discussion on it?

12 MR. HOLLAND: Only to reassure that this gives the  
13 City the ability to take it down in the event of the  
14 approaching storm, so, in theory.

15 CHAIR WEYMOUTH: Well, in theory, yes and in there  
16 lays the problem. But --

17 MS. HALE: Could I ask one question of Gerry?

18 MR. HOLLAND: After the [inaudible]

19 MS. HALE: Gerry, is there electric in that  
20 playhouse-y thing? Is there a bulb or light?

21 INSPECTOR SMILEN: Gerry Smilen, Building Inspector  
22 City of Fort Lauderdale, no, there is not.

23 MS. HALE: Nothing.

24 INSPECTOR SMILEN: Nothing.

25 CHAIR WEYMOUTH: Okay.



1 MR. HOLLAND: I was referring to the time period  
2 being reduced gives us that ability.

3 INSPECTOR SMILEN: Gerry Smilen, Building  
4 Inspector, City of Fort Lauderdale, after conferring with the  
5 Chief Building Official, Chris Augustin, it's a single  
6 discipline type of a permit and we can get to it through  
7 pretty quickly. As a matter of fact, it's probably waiting  
8 for me now to look at it in the ATF box. So I'll make sure  
9 that we get on it tomorrow.

10 CHAIR WEYMOUTH: Well, and, just a side concern,  
11 and just to give you an idea of where my head's going with  
12 this. I can, I personally can go along with twenty-eight  
13 days. I would strongly suggest that if there's a way that  
14 the City can expedite getting a permit that there's actually  
15 repairs done.

16 Because that doesn't mean that you come in in  
17 twenty-eight days and the responsibility is gone because it's  
18 still a structure that needs to be demolished. So, you  
19 probably only have another twenty-eight days to fix it beyond  
20 that, so it's a sensitive thing. Did you have another  
21 comment? I know he wants to make another statement.

22 INSPECTOR SMILEN: We just want to make sure that  
23 it's clear that it's going to be two departments. We'll have  
24 the Structural and Zoning --

25 CHAIR WEYMOUTH: Right, understood.

1           INSPECTOR SMILEN: -- has two approve it. It'll  
2 also give us a chance to verify if there are indeed  
3 legitimate drawings for these structures. And if there  
4 aren't, I think it will give us a good criteria to work from  
5 to see if the property owner is serious about getting this  
6 done.

7           CHAIR WEYMOUTH: We'll find out in twenty-eight  
8 days.

9           INSPECTOR SMILEN: Yes sir.

10          MR. WEYMOUTH: Yes sir?

11          MR. PADRON: I can address the issue why the, I  
12 don't know what you call it, the trellis, there was some G-  
13 word. The reason it wasn't included in the permit  
14 application was because he believed that the City was seeking  
15 the deck, the demolition of the deck not the trellis. He's  
16 more than willing to amend.

17          CHAIR WEYMOUTH: Well, you've got a copy of the  
18 Notice of Violations.

19          MR. PADRON: Right.

20          CHAIR WEYMOUTH: So you'll be able to take that to  
21 the architect, hopefully on your way back to your office and  
22 explain to him the gravity of what's looming.

23          MR. PADRON: Yes sir. Yes.

24          CHAIR WEYMOUTH: Okay, very good. With that being  
25 said let's take just a vote, twenty-eight day extension. All

1 in favor say aye.

2 BOARD MEMBERS: Aye.

3 CHAIR WEYMOUTH: Any opposed? Hearing none, motion  
4 carries.

5 INDEX

6 **FOR THE GOOD OF THE CITY**

7 MS. PRYOR: Alright, I just have one last thing for  
8 order of business. Sunshine Law, public records and  
9 conducting public meetings is coming up Thursday, April 25.  
10 Is that right Lori? It says staff only.

11 CHAIR WEYMOUTH: That would be -- yes.

12 MS. PRYOR: Yours is --

13 MR. BARRANCO: It's 5:30 on the twenty-fourth,  
14 right?

15 MS. PRYOR: No, you have to be there at 5:30 but  
16 everybody else has to be there at 5:45. So the training is  
17 on the third floor in City Hall at 5:45 'til approximately  
18 8:00 on April 24 for Board members.

19 CHAIR WEYMOUTH: Very good.

20 MS. PRYOR: Alright? So make sure you're there.

21 CHAIR WEYMOUTH: Chris, Gerry, I've got one  
22 question for you guys and I want to ask the question but I  
23 think I'm going to argue against myself. Is there a way in  
24 the Building Department to try to help expedite some of these  
25 cases where the people want to correct them. And then as I

1 sit there and say that, where we're going to make special  
2 exceptions for people who have violated the law, me as a  
3 general contractor who comes in, who wants to get my permit  
4 the normal way, the right way, now is being, taking a second  
5 seat if you will to a violator.

6 But is there a way to expedite this? Because, and  
7 I don't want the City to be the nuisance, if you will, of  
8 trying to get it issued. And a lot of times it's the  
9 architect's quality of work that dictates the speed of the  
10 permit that comes out.

11 INSPECTOR SMILEN: Gerry Smilen, Building Inspector  
12 City of Fort Lauderdale, I can tell you from my own  
13 experience whether it's people that I deal with in my cases,  
14 I always tell them to give me a call if there's a problem.  
15 Sometimes things get delayed or they fall through the cracks.

16 Basically, there are a lot of people in the  
17 Building Department in Fort Lauderdale that you can call and  
18 you can get help if something needs attention or if it's a  
19 special situation. I know this for a fact and also we do, I  
20 do building inspections as well. I deal with the contractors  
21 on new construction and renovations and a lot, we always try  
22 to help them and try to expedite the situation. We realize  
23 that time is money and we, that's what we're here for, to  
24 help.

25 MR. CROGNALE: Gerry, is it not true that they do

1 have an expedited window there at the Building Department?

2 INSPECTOR SMILEN: Yes, they have that as well,  
3 yes.

4 MR. CROGNALE: They do have that. So there is a  
5 provision for expedited permit processing.

6 INSPECTOR SMILEN: That's correct.

7 CHAIR WEYMOUTH: And for what it's worth, the  
8 Building Department is a pleasure today compared to years  
9 ago. So to you guys, thank you very much on that. No, it  
10 really is noticeable so.

11 MR. AUGUSTIN: Thank you.

12 MR. WEYMOUTH: Anyway, any other questions,  
13 comments before we adjourn?

14 MR. BARRANCO: I'd only add one more comment.

15 CHAIR WEYMOUTH: Yes sir?

16 MR. BARRANCO: To what you were saying. In some of  
17 the tough luck cases, I would want as a Board for us to ask  
18 if they could help expedite things but in some of these other  
19 cases where it's just a blatant violation they don't care.

20 CHAIR WEYMOUTH: Right.

21 MR. BARRANCO: I don't think we even bring it up  
22 but as a matter of course we could just request that of the  
23 Building Official when he's here think, so.

24 CHAIR WEYMOUTH: Good. Anything for the good of  
25 the City?

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**COMMUNICATION TO THE CITY COMMISSION**

MS. PRYOR: Any communication to the Commission?

**Other Items and Announcements**

MS. PRYOR: Your next meeting, probably more than likely --

CHAIR WEYMOUTH: You guys want to be televised?

MS. PRYOR: -- will be televised.

CHAIR WEYMOUTH: At our next meeting, we're going to be televised.

MS. PRYOR: It's not a want to, I think it will be.

CHAIR WEYMOUTH: Can we all show up with hats and fake noses?

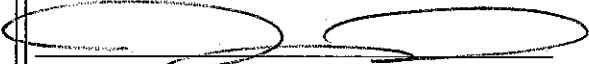
MS. PRYOR: Hey, you could, any way you'd like to be seen on TV is your prerogative.

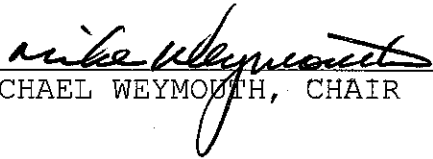
MR. BARRANCO: I will wear a toupee for that.

CHAIR WEYMOUTH: I guess I'm going to have to start telling people where I'm at now. All right hearing nothing else I guess we're adjourned. Thank you. Thank you.

[Meeting concluded at 3:36 pm.]

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BOARD CLERK

  
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 April 18, 2013, 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 16<sup>th</sup> day of May, 2013.

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 16<sup>th</sup> day of May, 2013.



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

*DJ Grossfeld*  
NOTARY PUBLIC  
State of Florida

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