

**City of Fort Lauderdale
UNSAFE STRUCTURES BOARD
Thursday, October 19, 2006 at 3:00 p.m.
City Commission Meeting Room - City Hall**

Board Member	Attendance	Cumulative 1/1/06 to 12/31/06	
		Present	Absent
Chris Bellissimo	P	7	2
John Carroll	A	6	4
Olivia Charlton	P	8	2
Hector Heguaburo	A	7	3
Patrick Kerney, Chair	P	8	2
Michael Madfis	P	9	1
Charles Minor	P	6	4
John Scherer	P	9	1
Charles Schneider	A	6	4

City Staff

Farida Mohammed, Community Inspections
 Yvette Ketor, Board Secretary
 Assistant City Attorney
 Wayne Strawn, City Building Inspector
 Detective Estelle Abrams
 Jamie Opperlee, Recording Clerk
 Lindwell Bradley, Community Inspections Supervisor

Guests

CE06082327; CE06082328; Oscar Grisales, attorney
 CE06070120: Harry Denis, owner
 CE05110170: Mary Grace, agent
 CE06082406: Hope Calhoun, attorney
 CECE05120354: Doris Goodwin, owner
 CE06062030: James Anderson, tenant
 CE06062030: James Levin, owner

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5. CE06082406 HOLMAN AUTOMOTIVE INC [15](#)
Disposition: Board granted a 60-day continuance. Unanimously approved.
6. CE06062030 JAMES LEVIN [16](#)
Disposition: Thirty days to demolish the property or the City will demolish.
Approved unanimously.
7. CE06071787 PAN AMERICAN CORP. (LANDOWNER) [24](#)
VINCENT SACCO (Mobile home owner)
Disposition: Thirty days to demolish the property or the City will demolish.
Approved unanimously.

The regular meeting of the Unsafe Structures Board convened at 3:05 p.m. on Thursday, October 19, 2006, at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

MR. MADFIS: I'll make a motion for a new chair.

MR. KERNEY: Temporary.

MR. MADFIS: Temporary Chair.

MR. MINOR: I'll second.

MR. KERNEY: All in favor?

BOARD MEMBERS: Aye.

MR. KERNEY: All opposed?

[Swearing in]

[1. Case CE06082327]

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MS. MOHAMMED: First case, page 11 of your agenda. It's a new business case, page 11, Inspector Wayne Strawn for case number CE06082327. Case address, 800 North Andrews Avenue, the owner Trails Pointe LLC. Last permit issued on 1/19/1999 to install a burglar alarm system. Certified mail sent to Marlene Prosje, green card returned and signed by Marlene Prosje 9/13/06. Certified mail sent to Elias Perchick, green card signed 9/13/06 signature illegible. Certified mail sent to John and Marlene Prosje, signed 9/13/06 by Marlene Prosje. Certified mail sent to Elias Perchick, and Sandra Bernstein, signed 9/13/06 by Cathy Medina. Certified mail sent to John Mar III LLC, green card signed by Marlene Prosje 9/13/06. Certified mail sent to Oscar Grisales Racini, green card signed by Dwain Warren 9/13/06. Certified mail sent to Trails Pointe LLC, Hollywood Florida, signed 9/13/06 by Cathy Medina. Certified mail sent to Trails Pointe LLC, Aventura Florida, signed by Dwain Warren, not dated.

MR. GRISALES: Good afternoon, gentleman, Oscar Grisales, attorney for Trails Pointe LLC –

MR. KERNEY: Let me interrupt you for one second sir. This is a new case, so it needs to be read into the record?

INSPECTOR STRAWN: Wayne Strawn, City building inspector. Usually, I could be wrong, but usually if they're asking for continuance. I didn't usually read it into the record, unless my memory is faulty, in which case I can read it into the record if the Board so desires.

MR. KERNEY: If you read it into the record at this time, when it comes back in front of us we can move forward with it without reading it back in, so if you would do that please.

INSPECTOR STRAWN: Alright, I'll read it into the record therefore. Eight hundred Andrews Avenue.

FBC 117.1.1.1

THE THREE BUILDINGS ON THE PROPERTY HAVE BECOME UNSAFE. BOTH THE C.B.S. TWO STORY RESIDENTIAL BUILDING AT THE REAR OF THE PROPERTY AND THE SINGLE FAMILY WOOD FRAME BUILDING AT THE FRONT OF THE PROPERTY ARE A FIRE HAZARD AND A WINDSTORM HAZARD. THE METAL STORAGE BUILDING IS ALSO A WINDSTORM AND FIRE HAZARD.

Since this document was produced, the metal storage building has been removed, so that's not an issue.

BOTH RESIDENTIAL BUILDINGS DO NOT COMPLY WITH THE REQUIREMENTS OF THE MINIMUM HOUSING CODE OF THE CITY OF FORT LAUDERDALE.

FBC 117.2.1.1.1

ALL THE BUILDINGS ON THE PROPERTY ARE VACANT, UNGUARDED AND OPEN TO CASUAL ENTRY.

An effort has been made since this document was produced to secure the building. However, it is not secured according to the HUD standard as is required.

FBC 117.2.1.1.2

THE METAL SHED AND THE REAR BUILDING HAVE AN UNWARRANTED ACCUMULATION OF DEBRIS AND COMBUSTIBLES INSIDE.

FBC 117.2.1.2.1

MANY BUILDING PARTS HAVE FAILED OR ARE LOOSE OR LOOSENING ON ALL THREE BUILDINGS, INCLUDING, BUT NOT LIMITED TO: THE HANDRAIL TO THE SECOND FLOOR OF THE REAR BUILDING, DOORS AND WINDOWS ALONG WITH THEIR FRAMES, ROOFING, CEILING AND SOFFIT MATERIAL, PLUMBING FIXTURES AND PIPING ELECTRICAL SERVICE CONNECTIONS, METER CANS, LIGHT FIXTURES AND WIRING.

FBC 117.2.1.2.2

THE FRONT BUILDING HAS ROOF DECKING FAILED IN AREAS, AND CARPORT SUPPORT POSTS ARE NO LONGER

SECURED AT THE BASE.

FBC 117.2.1.2.4

THE SOUTH WALL OF THE METAL STORAGE BUILDING IS
LEANING OUT AT THE BOTTOM.

The store storage building is gone, I might add, since this was produced.

A METAL ROOF STRUCTURE
ATTACHED TO THE FRONT BUILDING ON THE NORTH SAGS
SEVERELY.

I will report to the Board that has also been removed.

THE CARPORT POSTS ON THE NORTH OF THE
FRONT BUILDING ARE LEANING OR MISSING.

That is still true. That condition still exists.

FBC 117.2.1.2.5

THE ELECTRICAL SYSTEMS OF BOTH RESIDENTIAL
BUILDINGS HAVE NOT BEEN MAINTAINED AND WOULD
CREATE A HAZARDOUS CONDITION IF ENERGIZED. THE
REAR BUILDING'S SYSTEM HAS BEEN COMPROMISED BY
WATER INTRUSION OVER THE YEARS.

I report to the Board that the entire property is de-energized; FP&L has cut it at the pole so there is no particular hazard at this time.

FBC 117.2.1.3.2

THE RESIDENTIAL BUILDINGS EXIST IN VIOLATION OF
THE MINIMUM HOUSING STANDARDS OF THE CITY OF FORT
LAUDERDALE. ANY OCCUPATION OF THESE BUILDINGS
WOULD CONSTITUTE CRIMINAL VIOLATIONS OF THESE
MUNICIPAL ORDINANCES.

FBC 117.2.2.1

THE COST TO REPAIR OR REPLACE THE BUILDINGS EXCEED
50% OF THE VALUE OF THESE BUILDING.

FBC 117.2.2.2

THE COST TO REPAIR OR REPLACE THE STRUCTURAL
ELEMENTS OF THE BUILDINGS EXCEEDS 33% OF THE
STRUCTURAL VALUE OF THE BUILDINGS.

FBC 117.2.2.4

Provides the exceptions to the percentage requirements.

MR. KERNEY: Thank you Wayne. Do we have a respondent?

MR. GRISALES: Yes, good afternoon, gentleman. Oscar Grisales, the attorney for Trails Pointe LLC. We have engaged in a number of substantial steps in order to get a demolition permit in this property. The property is going to be, or is being primed for development. There is going to be a 31-loft condominium, mixed commercial use development there. And we have taken several steps in order to obtain a demolition permit. I'm going to pass this, the Board, I'm going to refer to the steps that have been taken in this regard: tank abandonment; permit from the state of Florida Department of Health; for both properties, tank pump out puncture or collapsed;

backfill with sand; there is an invoice here, in these copies which demonstrates that that's been paid. There has been an inspection, a pest control inspection report, which is necessary, as we understand it, to get a demolition permit, and there's an invoice attached to it, evidence of the payment. FPL, there's a letter from FPL here acknowledging that there's been a removal of the meters already from both properties. The Teco People Gas, the lines were removed. There's a demolition letter received on October the 12th, and the City of Fort Lauderdale water permit for demolition has been done. Currently, we're, we were waiting for a demolition permit letter from the lender. We've already secured that and have a copy of that included in here. Notice of commencement, obviously after we get the authorizations, we'll file that and there's a needs to be signed a contract with a demolition company. We got some quotes, and we got some numbers from that. In the meantime, my client has removed the four big dumpsters of debris. There's been the removal of the meters, the FPL meters have removed the hazard, the electrical issues. Remove any structure that wasn't attached to the main structure has been done and the lawn maintenance. So if I may approach the Board, I have copies here, of what's been done, together with some pictures showing the progress made.

MR. KERNEY: Is this a copy for everybody or this is –

MR. GRISALES: It's one copy.

MR. KERNEY: One copy, okay.

MR. SCHERER: Are you asking for a continuance?

MR. GRISALES: Yes, please.

MR. SCHERER: How long?

MR. GRISALES: Sixty days.

MR. KERNEY: Any questions from the Board?

MR. MADFIS: I heard you say you want 60 days, why do you think you need 60 days? What are you going to do in those 60 days?

MR. GRISALES: Because some of the contractors that we are dealing with, in our prior experience we have a number of other developments and they, usually it takes awhile to get things done through them. We'll be ready to do it tomorrow, but third-party contractors. And the City permits as well, my client is telling me.

MR. KERNEY: Well, I don't know that a demolition permit takes quite that long to get, obviously a building permit is taking quite some time. Does anybody have a motion?

MR. SCHERER: I'll make a motion.

MR. KERNEY: What would you like to make a motion for?

MR. SCHERER: Make a motion for a 30-day continuance.

MR. KERNEY: I've got a motion for 30-day continuance.

MR. MADFIS: I'll second that.

MR. KERNEY: And a second. Any discussion on the motion? All in favor, signify by saying aye.

BOARD MEMBERS: Aye.

MR. KERNEY: All opposed? You have 30 days sir.

[2. Case CE06082328]

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MS. MOHAMMED: Next case, page 13, 1-3 of your agenda. Inspector Wayne Strawn for case number CE06082328, case address, 804 North Andrews Avenue, the owner: Trails Pointe LLC. Last permit issued, 7/9/73 for window awnings. Certified mail sent to Trails Pointe LLC, Hollywood, Florida, signed 9/13/06 by Cathy Medina. Certified mail sent to Trails Pointe LLC, Aventura Florida, signed, not dated, by Dwain Warren. Certified mail sent to Oscar Grisales Racini, signed 9/13/06 by Dwain Warren. Certified mail sent to Elias Perchick, signed 9/13/06 signature illegible. Certified mail sent to Elias Percheck and Sandra Berstein, signed 9/13/06 by Cathy Medina. Certified mail sent to John and Marlene Prosje, signed 9/13/06 by Marlene Prosje. Certified mail sent to John Mar III LLC, green card signed 9/13/06 by Marlene Prosje. And certified mail sent to Marlene Prosje, signed 9/13/06, by Marlene Prosje.

INSPECTOR STRAWN: Wayne Strawn, City building inspector. With regard to 804 North Andrews Avenue. The violations exist as follow:

FBC 117.1.1.1

THE WOOD FRAME RESIDENTIAL STRUCTURE HAS BECOME UNSAFE. THE BUILDING IS A WINDSTORM AND A FIRE HAZARD. THE BUILDING DOES NOT COMPLY WITH THE REQUIREMENTS OF THE MINIMUM HOUSING CODE OF THE CITY OF FORT LAUDERDALE AND HAS BEEN SUBSTANTIALLY DAMAGED BY THE ELEMENTS.

FBC 117.2.1.1.1

THE BUILDING IS VACANT, UNGUARDED AND OPEN TO CASUAL ENTRY.

Let me report to the Board that an effort has been made to secure the building at this time, although it is not secured according to the HUD standard.

FBC 117.2.1.2.1

THERE IS FAILURE, HANGING LOOSE OR LOOSENING OF VARIOUS BUILDING PARTS, INCLUDING, BUT NOT

LIMITED TO ROOFING MATERIAL, WINDOWS AND DOORS
ALONG WITH THEIR FRAMES, SIDING, AWNINGS AND AIR
CONDITIONING EQUIPMENT.

FBC 117.2.1.2.5

THE ELECTRICAL SYSTEM HAS BEEN COMPROMISED BY
WATER INTRUSION AND LACK OF MAINTENANCE. THE
SYSTEM WOULD PRESENT A HAZARD IF ENERGIZED.

I report to the board that the property is not energized at this time.

FBC 117.2.1.3.2

THE BUILDING DOES NOT COMPLY WITH THE MINIMUM
STANDARD PROVIDED BY THE FORT LAUDERDALE MINIMUM
HOUSING CODE.

MR. KERNEY: Thank you Wayne.

MR. GRISALES: Good afternoon, gentleman. Oscar Grisales again for Trails Pointe LLC. We would request the same amount of time to comply, 30-days continuance.

MR. KERNEY: Okay. Questions from the Board?

MR. SCHERER: Is this the same – adjacent?

MR. GRISALES: The properties are contiguous; it's one structure right after the next, they're both together.

MR. SCHERER: So your demolition contract is for all, both properties, for everything.

MR. GRISALES: Yes, exactly, for both.

MR. SCHERER: And, the same with Teco and FPL?

MR. GRISALES: Same exact thing, yes sir.

MR. MADFIS: I'll make a motion for 30 days.

MR. KERNEY: I have a motion for 30 days, do I hear a second?

MR. MINOR: Second.

MR. KERNEY: Motion and a second. Any questions? All in favor, signify by saying aye.

BOARD MEMBERS: Aye.

MR. KERNEY: All opposed? Thirty days.

MR. GRISALES: Thank you.

[3. Case CE06070120]

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MS. MOHAMMED: Next case, page 7 of your agenda. Wayne Strawn for case number CE06070120. Case address 1512 Northwest 6th Avenue. The owner, Harry P. and Marie Julie Denis. Last permit issued 3/16/87. Certified mail to CT Corporation System, signed 9/1/06 signature illegible. Certified mail to Bank of America Corp. signed 9/3/06 signature illegible. Certified mail sent to the Prentice-Hall Corp. signed, not dated. Certified mail sent to Harry Pierre Denis and Marie Julie Denis, signs 9/1/06 signature illegible. And certified mail sent to Countrywide Home Loans Inc., signed 9/8/06, signature illegible.

INSPECTOR STRAWN: Wayne Strawn, City building inspector. With regard to 1512 Northwest 6th Avenue. I was out of the office for about 10 days on a vacation, and I discovered that the notice needed amending. I didn't have time to do that. So I will make some corrections on the violations as I explain it to the Board. This comes before the Board again. I'll see to it that an amended notice of violation is sent out and the corrections will be incorporated. The violations exist as follow:

FBC 117.1.1

THE ADDITION,

and I have changed that to a singular, instead of "additions,"

ON THE SOUTH SIDE OF THE PROPERTY
CONNECTED TO THE ORIGINAL BUILDING ON THE EAST
EXPOSURE AND THE ACCESSORY BUILDING ON THE EAST
SIDE OF THE PROPERTY PRESENT A FIRE HAZARD AND A
WINDSTORM HAZARD. THE ADDED PORTIONS OF THE
BUILDING ARE BEING USED ILLEGALLY AS SEPARATE
LIVING QUARTERS CONTRARY TO THE APPROVED USE OF
THE BUILDING.

And I found a CO after this document was produced, as a duplex.

THE DWELLING ADDITIONS DO NOT MEET THE STANDARD OF THE
FORT LAUDERDALE MINIMUM HOUSING CODE. THE
ACCESSORY BUILDING ON THE EAST SIDE OF THE
PROPERTY IS A WINDSTORM HAZARD DUE TO INADEQUATE
DESIGN, CONSTRUCTION AND IMPROPER MATERIAL
UTILIZATION.

For the Board, you probably see the, to the survey and the plot plan, and that will explain basically we're talking about. The addition on one of the surveys is crosshatched. That was built in 1985, and I originally cited this as an expired permit. The property owner was sure however, that he did get this work approved. And although I was really rather cynical about finding anything, I went back into the records and actually found, 12 years later, I found an archive record of the CO and all of the sign offs and I don't know why it was filed 12 years later, but I was able to find it and I was happy to find a for the owner. However, so we'll be talking about, not the original addition and not the permit issued in 1986, or 85, but rather the subsequent addition, which was added to it in the last couple of years.

FBC 117.1.2

A LARGE ADDITION WAS ATTACHED TO THE EAST EXPOSURE

OF THE BUILDING ON THE SOUTH END. THE ADDITION EXTENDS EAST APPROXIMATELY 30 FEET AND WAS CONSTRUCTED IN THE PERIOD OF 1985 THROUGH 1986.

This is the one that I had found the certificate of occupancy for, and that it is a valid permit.

APPROXIMATELY TWO YEARS AGO ANOTHER BUILDING EXTENSION WAS CONSTRUCTED ONTO THE ADDITION OF 1986. THE NEW ADDITION EXTENDS APPROXIMATELY ANOTHER 20 FEET TO THE EAST. NO PERMIT AND THEREFORE NO CERTIFICATE OF OCCUPANCY WAS ISSUED FOR THE LATEST EXTENSION. THE FLORIDA BUILDING CODE "PRESUMES" AND "DEEMS" ALL WORK DONE WITHOUT A PERMIT AND ALL WORK DONE WITHOUT A CERTIFICATE OF OCCUPANCY TO BE UNSAFE. THE BUILDING IS BEING OCCUPIED AT THIS TIME. A LARGE STORAGE SHED HAS ALSO BEEN CONSTRUCTED ON THE EAST SIDE OF THE PROPERTY. NO PERMIT HAS BEEN ISSUED FOR THIS STRUCTURE.

FBC 117.2.1.1.2

THERE IS AN UNWARRANTED ACCUMULATION OF COMBUSTIBLE MATERIAL INSIDE THE STORAGE SHED.

FBC 117.2.1.1.3

THE BUILDING IS USED FOR RENTAL OF SEPARATE LIVING QUARTERS. THE BUILDING HAS NOT BEEN APPROVED FOR USE IN THIS MANNER AND THEREFORE PRESENTS A FIRE HAZARD. THE REQUIRED FIRE SEPARATION HAS NOT BEEN DEMONSTRATED.

FBC 117.2.1.2.5

THE ELECTRICAL SYSTEM OF THE ADDITIONS ON THE SOUTH OF THE PROPERTY

or addition as the case may be,

HAVES BEEN INSTALLED WITHOUT A PERMIT OR WITH A PERMIT THAT HAS EXPIRED WITHOUT ANY INSPECTIONS.

That, I'm going to delete, with regard to the expired permit again.

THE ELECTRICAL SYSTEM IS "DEEMED" BY THE FLORIDA BUILDING CODE TO BE UNSAFE. THE LATEST ADDITION HAS BEEN BUILT UNDER THE SERVICE CONDUCTORS SO THAT THE REQUIRED CLEARANCE BETWEEN THE ROOF AND CONDUCTORS IS NOT PROVIDED.

FBC 117.2.1.2.8

THE BUILDING HAS NOT BEEN APPROVED FOR USE AS A MULTI-FAMILY DWELLING. THE SYSTEM OF PERMITTING AND INSPECTIONS TO DEMONSTRATE COMPLIANCE WITH THE SAFETY ISSUES RAISED BY CONVERSION TO THIS USE HAS BEEN CIRCUMVENTED. IT IS "PRESUMED" AND "DEEMED" THAT THE ELECTRICAL SYSTEM, AIR CONDITIONING SYSTEMS AND FIRE SEPARATION REQUIREMENTS ARE NON COMPLIANT AND THEREFORE UNSAFE.

FBC 117.2.1.3.1

THE ELECTRICAL, PLUMBING, AIR CONDITIONING SYSTEMS

AND THE CONSTRUCTION ITSELF ARE ALL "DEEMED" BY THE FLORIDA BUILDING CODE TO BE UNSAFE BY REASON OF THE COMPLETION OF THE WORK WITHOUT PERMITS OR THE COMPLETION OF THE WORK WITHOUT PASSING INSPECTIONS WHEREBY THE PERMIT EXPIRED, BECAME "NULL AND VOID" AND THE REQUIRED CERTIFICATE OF OCCUPANCY WAS NOT ISSUED.

That, again, is going to be eliminated, the issue with regard to expired permits.

FBC 117.2.1.3.2

THE ADDITION ARE BEING USED ILLEGALLY FOR SEPARATE LIVING QUARTERS AND ARE NOT BEING MAINTAINED ACCORDING TO THE STANDARD OF THE MINIMUM HOUSING CODE OF THE CITY OF FORT LAUDERDALE.

MR. KERNEY: Thank you Wayne. Do we have a respondent? Good afternoon, could you state your name for the record please?

MR. DENIS: Yes, my name is Harry P. Denis. I'm the owner of 1512 Northwest 6th Avenue. As Mr., as Wayne talking about, the building east of 15th Way. So I hire a contractor to build, and he promised me he got the permit and everything, show me [inaudible], I hire him to do the work and finally, before he is [inaudible], I see don't have no permit. In the meantime, I already pay him, spend a lot of money, so when Mr. Strawn catch that work, I try to comply with the rules of the City of Fort Lauderdale, I hired engineering, architect. I already submit the plan and everything, I have a permit number so [inaudible] to correct this. So, I need 90 days, if possible to continue to correct all those matters. Also, on the electrical, he's talking about the top, and the guy never been to do any work at the electrical post; that's been exists from 1986. I have a permit that was an error from City of Fort Lauderdale did not record. So I take my full responsibility for the back to comply with all the rules in City of Fort Lauderdale. All the plan, all payents submit this morning. I pay all my fees. Now just to continue –

MR. KERNEY: Just so I'm following you correctly, you hired a contractor to put this additional addition on?

MR. DENIS: Yes.

MR. KERNEY: He did the work, claimed he had a permit, you paid him in full and found out after the fact he didn't have a permit?

MR. DENIS: Correct.

MR. KERNEY: Okay. And you've been to the City today with those plans and paid - what do those plans represent and what fees did you pay?

MR. DENIS: Let's see, it's the one he's calling east wing, for review.

MR. KERNEY: For review, he's put in those plans for review.

INSPECTOR STRAWN: Application, and he has an application number.

MR. KERNEY: And your intentions are to try to get that permitted now that it's been finished?

MR. DENIS: Yes.

MR. KERNEY: Okay. I don't know how much success you're going to have doing that, if things have been covered up. You might get some leeway out of the City.

INSPECTOR STRAWN: May I address the Board?

MR. KERNEY: Yes, please.

INSPECTOR STRAWN: Mr. Denis is asking for 90 days, because I reviewed the plans briefly before the hearing began. And there is a setback issue. I think he's going to have to shorten the building, I think it's protruding into the required rear yard setback and the issue with regard to the height of the service riser is because the service riser was there and permitted in '85, but when you build underneath it, there wasn't anything underneath it before. So now you have a clearance problem created by the unlicensed contractor. Mr. Denis was interested in having this man prosecuted and he showed the contract he had to Detective Abrams, who is present today. And unfortunately, the statute of limitations is the two-year statute of limitations for a misdemeanor unlicensed contracting offense, and therefore it isn't prosecutable. So unfortunately, he's been victimized by an unlicensed contractor. But I have no objection to 90 days, because these plans are going to be rejected by the Zoning Department to begin with, and they are going to have to be revised. At some point in time, if it seems as though that there's no way to make this building project acceptable, then the Board may want to take a different tack. But for right now, let's give him a, I'm willing to let him try.

MR. KERNEY: Unless I'm missing something, from the pictures I saw, it looked like the construction itself was done of good quality.

INSPECTOR STRAWN: Well, like you brought out, we don't know the size of the footings. There's so much there that we really don't know, he's had an engineer however, look at it.

MR. KERNEY: Okay. Do any of the Board members have a question?

MR. SCHERER: How long ago did the contractor do this, the unlicensed, in '86?

INSPECTOR STRAWN: Let me clarify that; the original addition was in '85, but the most recent was in 2004.

MR. SCHERER: And that's the one that you paid for.

INSPECTOR STRAWN: Right, and I'm going to amend this, if this comes back before the board again, I'm going to amend these violations to eliminate the issue about the expired permit because I found documentation that that permit was valid. But the addition done in 2004 and the contract that was given to Mr. Denis is more than two years old so.

MR. SCHERER: Is it from the time that the contract was complete, or from the time it started, it was signed?

DETECTIVE ABRAMS: Contract time. I'm Detective Abrams, City of Fort Lauderdale Police Department. I investigate unlicensed contractor fraud.

MR. SCHERER: From the time it's signed?

[Detective Abrams was sworn in]

DETECTIVE ABRAMS: Per Florida Statute 489 contracting law, and the state attorney's office, it's the date of the contract, on a misdemeanor. A repeat offender, who's been convicted or a state of emergency constitutes a felony. And we don't have that in this case.

MR. KERNEY: Okay, thank you. Would anybody, if anybody has another question, or would somebody like to make a motion?

MR. MADFIS: I've got another question. If I'm looking at this aerial shot from the computer, from the Web. Is this the addition in the very rear that we're talking about, the one that you're trying to get permitted now?

MR. DENIS: Yes.

MR. MADFIS: The rear yard setback, I believe, in this zoning district, is probably at least 15 feet. Unless this could be considered an accessory structure. It looks to me like you're going to have to tear down about half of that building.

INSPECTOR STRAWN: Wayne Strawn, City building inspector. There is a photograph, I think in your package with me standing behind the building with my arms outstretched. So I think he may have 8 feet there, it looks like he may have to tear out, if it's a 15-foot setback, he may have to tear out 7 feet.

MR. BELLISIMO: Okay, the plans show the structure as it's built right now?

INSPECTOR STRAWN: That's correct. The plans now show it with a 7-foot setback.

MR. MADFIS: I'm just, I don't see any way that Zoning or Building Department would allow that. It's larger than the allowed accessory structure, which I believe is 12 by 8, which would be a shed. That could be five feet from the property line. But even going for variance I'm not sure you'd have a hardship in this case. So I guess my question is, we give you 90 days and it just

turns into a whole much more of a mess, maybe we can give you 30 days or 60 days to check this out and then get back to us before we just go ahead and give 90 days to just let it sit there, that's my thought.

MR. SCHERER: How long ago did you submit the permit, for the permit?

MR. DENIS: Today.

MR. SCHERER: Today? Well, Zoning's the first stop, isn't it?

INSPECTOR STRAWN: Correct.

MR. SCHERER: [inaudible] Next month, maybe.

MR. KERNEY: My personal opinion would be that he certainly should have a chance to resolve this, this is not of his doing. He's been victimized, I think we should give him a chance to resolve it and who knows, maybe the City will see it that way as well.

MR. MADFIS: I know, in some respects it's taking as long as three months just to get to the zoning review, I don't know what it is today, but we've had some take that long. I'd be willing to give 60 days and let him come back and hopefully by that time he's had some comments from the zoning department. I just feel like 90 days is just a long time to let this thing continue.

MR. KERNEY: You want to put that in the form of a motion?

MR. MADFIS: I'll do that. I'll make a motion to what's this, extend it, or continue it for 60 days and then have the respondent come back and let us know whether he's been actually able to proceed with his permit or not.

MR. KERNEY: Okay. We have a motion for 60-day continuance; do we have a second?

MR. SCHERER: Second.

MR. KERNEY: A second. Any more discussion on the motion? All in favor signify by saying aye.

BOARD MEMBERS: Aye.

MR. KERNEY: All opposed? Motion passes. Thank you. Sorry about your problems.

[4. Case CE05110170]

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MS. MOHAMMED: Next case, page 1 of your agenda, this is an old business case. Inspector Wayne Strawn for case number CE05110170. Case address 1170 Southwest 27th Avenue, the owner Catherine C. Harber Family LP. Last permit issued in 1991 for electrical, for electric.

Sorry, electric sign for business. Certified mail sent to Catherine C. Harber, general partner, Plantation, Florida, signed 8/4/06 by Catherine Harber. Certified mail sent to Catherine C. Harber, Fort Lauderdale, signed 8/3/06 by T. Gonzalez. Certified mail sent to Mary Catherine Grace, signed 8/3/06 by Teresa González. This case came, was first heard by the Unsafe Structure Board on 7/20/06. At that hearing the Board granted a 90-day continuance, and ordered that the respondent return with evidence that plans have been submitted for a permit.

MS. GRACE: I'm Mary Grace, I'm the agent for Catherine Harber. We did hire a licensed contractor and he has applied for a permit number, and I do have the process number: it's 06101833. So now we're just waiting for the permits to be approved.

MR. KERNEY: How long do you think you'll need? Tough question.

MS. GRACE: I don't know.

MR. KERNEY: Do we have questions from the Board?

MR. MINOR: This was a permit to demolish?

MS. GRACE: No, it's a permit to redo, rebuild.

MR. KERNEY: You turned a set of plans in to the City?

MS. GRACE: Two sets of plans that we, we had to get it re-surveyed as well. And there were some DOT issues, so that's why the survey took a little bit longer to get.

MR. KERNEY: This one may be one that warrants 90 days.

MR. BELLISIMO: When did you submit it?

MS. GRACE: I'm not sure when, I think he submitted it one day last week. The total cost to repair the building is 51,760.

MR. MADFIS: I'm sorry, you're the property owner?

MS. GRACE: I'm the agent.

MR. MADFIS: Agent for the owner. And so, everyone's comfortable with repairing this building and moving ahead with a commercial venture here?

MS. GRACE: Uh-hmm, correct.

MR. MADFIS: I'm willing to make a motion for 90 days, I know this thing's going to take a long time to get permitted, and it seems like it's a viable location and you know, spend that kind of money you'll hopefully get it back, so it's just going to take time. So I make a motion for a 90-day continuance.

MR. KERNEY: I have a motion for a 90-day continuance, do I have a second?

MR. MINOR: Second.

MR. KERNEY: Discussion on the motion? All in favor signify by saying aye.

BOARD MEMBERS: Aye.

MR. KERNEY: All opposed? Ninety days.

MS. GRACE: Thank you.

[5. Case CE06082406]

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MS. MOHAMMED: Next case, page 13, 1 – 3 of your agenda. Inspector Wayne Strawn for case number CE06082406. Case address 923 Northeast 3rd Avenue, the owner: Holman Automotive Inc. Last permit issued 6/17/85 for a wood fence. Certified mail sent to Holman Automotive Inc., signed 9/14/06 by Emily Valley. Certified mail sent to Glen Gardner, signed 9/13/06, signature illegible. Certified mail sent to Bank Atlantic, signed 9/13/06, signature illegible. Certified mail sent to Nunno Builders, signed 9/13/06 by M. Brown. Certified mail sent to Robert L. Nunno, signed 9/13/06 by M. Brown.

INSPECTOR STRAWN: Wayne Strawn, City building inspector, with regard to 923 Northeast 3rd Avenue, the violations exist as follows:

FBC 117.1.1.1

THE SINGLE FAMILY WOOD FRAME STRUCTURE HAS BECOME UNSAFE. THE BUILDING IS SUBSTANTIALLY DETERIORATED BY THE ELEMENTS, PRESENTS A WINDSTORM HAZARD AND DOES NOT MEET THE MINIMUM HOUSING CODE OF THE CITY OF FORT LAUDERDALE.

FBC 117.2.1.2.1

THERE IS FAILURE, HANGING LOOSE OR LOOSENING OF MANY BUILDING PARTS, INCLUDING, BUT NOT LIMITED TO SIDING, ROOFING MATERIAL, DOORS AND WINDOWS ALONG WITH THEIR FRAMES, PLUMBING PIPES AND ELECTRICAL CONDUIT AND FIXTURES.

FBC 117.2.1.2.2

RAFTERS, ROOF DECKING AND CARPORT SUPPORT POSTS AND BEAM ARE DETERIORATED.

FBC 117.2.1.2.4

THE CARPORT ROOF SUPPORT BEAM SAGS AND THE SUPPORT POSTS LEAN. THIS PART OF THE ROOF SAGS. THESE EFFECTS ARE CAUSED BY DETERIORATION.

FBC 117.2.1.2.5

THE ELECTRICAL SYSTEM HAS NOT BEEN MAINTAINED. THE SYSTEM HAS DETRIORATED TO THE EXTENT THAT IT

WOULD BE DANGEROUS IF ENERGIZED.

FBC 117.2.2.1

THE COST TO REPAIR OR REPLACE THE BUILDING EXCEEDS
50% OF THE VALUE OF THE BUILDING.

FBC 117.2.2.2

THE COST TO REPAIR OR REPLACE THE STRUCTURAL
ELEMENTS OF THE BUILDING EXCEEDS 33% OF THE
STRUCTURAL VALUE OF THE BUILDING.

FBC 117.2.2.4 Provides the exceptions to the percentage rules.

MS. CALHOUN: Good afternoon, Hope Calhoun here on behalf of the applicant. It's our intent to demolish the building, so we are going to ask for 60 days in order to obtain that permit and demolish the building.

MR. KERNEY: Okay. Questions by the Board.

MR. MINOR: I'd make a motion to give them 60 days.

MR. MADFIS: I'll second it.

MR. KERNEY: Any discussion? I have a motion for a 60-day continuance, any discussion on, and a second, any discussion? All in favor signify by saying aye.

BOARD MEMBERS: Aye.

MR. KERNEY: All opposed? Sixty days, nice to you again.

MS. CALHOUN: You too, take care.

[6. Case CE06062030]

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MS. MOHAMMED: Next case, page 5 of your agenda, page 5. Inspector Wayne Strawn for case number CE06062030. Case address 637 Northeast 4th Avenue, the owner: James G. Levin. Last permit issued 2/31/96. Certified mail sent to Chief Financial Officer Tallahassee, signed, stamped, sorry, by the Department of Financial Services, L. Sineath, supervisor, 9/5/06. Certified mail sent to Great Western Bank, signed 9/5/06, signature illegible. Certified mail sent to Stewart Title Guaranty, signed 9/5/06, signature illegible. Certified mail sent to James G. Levin, signed 9/2/06 by J. Levin. Certified mail sent to Washington Mutual Bank, signed 9/2/06, signature illegible.

INSPECTOR STRAWN: Wayne Strawn, City building inspector with regard to 637 Northeast 4th Avenue, the violations exist as follows:

FBC 117.1.1

THE SINGLE FAMILY DWELLING IS A WINDSTORM AND FIRE
HAZARD. THE BUILDING IS BEING USED ILLEGALLY AND

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DOES NOT MEET THE MAINTENANCE REQUIREMENTS OF THE CODE. THE BUILDING HAS BEEN SUBSTANTIALLY DAMAGED BY THE ELEMENTS AND BY FIRE. THE BUILDING DOES NOT COMPLY WITH THE PROVISIONS OF THE MINIMUM HOUSING CODE OF THE CITY OF FORT LAUDERDALE.

FBC 117.1.2

THE BUILDING HAS BEEN SUBDIVIDED FOR THE USE OF MULTIPLE TENANTS WITHOUT OBTAINING A PERMIT OR A CERTIFICATE OF OCCUPANCY. AREAS OF THE BUILDING WHICH HAVE BEEN APPROVED FOR USE AS A CARPORT AND REAR PORCH HAVE BEEN ENCLOSED AND CONVERTED INTO LIVING AREAS FOR MULTIPLE TENANTS.

FBC 117.2.1.1.2

AN UNWARRANTED ACCUMULATION OF DEBRIS EXISTS IN THE FIRE DAMAGED BEDROOM OF THE SOUTH APARTMENT AND ON THE FRONT PORCH WHICH HAS BEEN ENCLOSED.

FBC 117.2.1.1.3

THE WALLS WHICH PRESENTLY SEPARATE THE MULTIPLE TENANTS DO NOT PROVIDE THE ONE HOUR FIRE PROTECTION AS REQUIRED AND THE REQUIRED HARD WIRED SMOKE DETECTORS HAVE NOT BEEN PROVIDED.

FBC 117.2.1.2.1

THE FOLLOWING BUILDING PARTS HAVE FAILED OR ARE LOOSE, HANGING LOOSE OR LOOSENING: DOORS AND WINDOWS ALONG WITH THEIR FRAMES, WALLS, CEILINGS, SOFFITS, FASCIA, ROOF DECKING AND ROOFING MATERIAL, BLOCK, PLYWOOD, ELECTRICAL WIRING AND FIXTURES, PLUMBING PIPES, AND AIR CONDITIONING EQUIPMENT.

FBC 117.2.1.2.2

LOOSE BLOCK AND DETERIORATED PLYWOOD EXISTS ON THE WEST EXPOSURE (THE FORMER REAR PORCH) ROOF DECKING IS ROTTEN IN THE NORTH APARTMENT (FORMERLY THE CARPORT).

FBC 117.2.1.2.3

THE BUILDING WAS PARTIALLY DESTROYED BY FIRE IN THE SOUTH BEDROOM. THE SCORCHED RAFTER'S AND ROOF DECK ARE VISIBLE ON THE SOUTH EXPOSURE.

FBC 117.2.1.2.5

THE ELECTRICAL SYSTEM HAS EXPOSED WIRING. THE ELECTRICAL ALTERATIONS AND ADDITION OF MECHANICAL EQUIPMENT HAS NOT BEEN INSPECTED AND APPROVED. THE ALTERATIONS ARE PRESUMED AND "DEEMED" BY THE CODE TO BE UNSAFE.

FBC 117.2.1.2.8

THE USE OF THE BUILDING FOR MULTIPLE TENANTS PRESENTS HAZARDS REGARDING FIRE RESISTIVITY AND

ELECTRICAL EQUIPMENT.

FBC 117.2.1.3.1

THE FOLLOWING ALTERATIONS AND INSTALLATIONS HAVE BEEN DONE WITHOUT OBTAINING A PERMIT: THE CONVERSION OF THE BUILDING TO MULTIPLE OCCUPANCY. THE ENCLOSURE OF THE CARPORT AND REAR PORCH AND THE INSTALLATION OF WINDOWS AND DOORS. THE INSTALLATIONS OF ELECTRICAL EQUIPMENT AND THE ALTERATION OF THE ELECTRICAL SYSTEM. THE INSTALLATION OF THE BATHROOM (WATER CLOSET, LAVATORY AND SHOWER) IN THE FORMER CARPORT. THE INSTALLATION OF AIR CONDITIONING EQUIPMENT. THE CONSTRUCTION OF A SMALL ROOF STRUCTURE ON THE NORTH SIDE OF THE DWELLING. THE CONSTRUCTION/ALTERATIONS AND INSTALLATIONS ARE PRESUMED AND "DEEMED" BY THE CODE TO BE UNSAFE.

FBC 117.2.1.3.2

THE BUILDING DOES NOT COMPLY WITH THE MAINTENANCE REQUIREMENTS OF THE FLORIDA BUILDING CODE, OR THE CODE IN EFFECT AT THE TIME OF CONSTRUCTION, OR THE MINIMUM HOUSING CODE OF THE CITY OF FORT LAUDERDALE.

INSPECTOR STRAWN: The City is asking for motion to demolish. The City also has, to present evidence to the use of the building, one of the tenants, who is willing to testify here, has come to testify with regard to how long he lived in the building, and how many apartments were in the building when he lived there.

MR. KERNEY: Okay, do we have a respondent prior to the –

MR. LEVIN: My name is James Levin, I'm the owner of the building in question, 637 Northeast 4th Avenue. I have consulted with an architect Alfred Cilsius, I believe a copy of that reference, that architect is in your file, no?

MR. KERNEY: All we have is pictures and the violations.

INSPECTOR STRAWN: I should have yes, I should have put a copy in the file with regard to his agreement with an architect.

MR. LEVIN: Since then, I've also had a second opinion from another architect. The first architect is named Alfred Cilsius, the second architect I consulted with as a second opinion, is Don Senator, and having compared notes, I intend to go forward with Mr. Cilsius, and both architects have informed me that this is repairable and it's a CBS structure, and all the matters complained of our repairable. I'm seeking 90 days for the architect to submit his plans and going forward with repairs.

MR. KERNEY: And is there anybody living in the structure now?

MR. LEVIN: There's one person there at the moment.

MR. KERNEY: Is that this gentleman that's here?

MR. LEVIN: No.

MR. KERNEY: Wayne, that witness that you brought, he's going to testify to –

INSPECTOR STRAWN: Use of the building.

MR. KERNEY: Use of the building. Could you give that gentleman, a chance to testify please? Sir? Good afternoon, could you state your name please?

MR. ANDERSON: My name is James Anderson.

MR. KERNEY: And you are a tenant in the buildings sir?

MR. ANDERSON: I've lived in the building since 1990.

MR. KERNEY: Since 1990. How many people were living there while you were living there sir?

MR. ANDERSON: As many as four different households in different sections of the house.

MR. SCHERER: How many people, approximately?

MR. ANDERSON: I'd say –

MR. SCHERER: Never mind, don't worry about it.

MR. KERNEY: Rough estimate?

MR. ANDERSON: Five.

MR. KERNEY: Were you there during the fire or when the fire happened?

MR. ANDERSON: Yes I was.

MR. KERNEY: And they continued to occupy the building?

MR. ANDERSON: Yes.

MR. KERNEY: I see, okay. Thank you.

MR. ANDERSON: And so did the others.

MR. KERNEY: Anybody else have any questions for the witness?

MR. MADFIS: Those are all basically different families, or different surnames?

MR. ANDERSON: Yes, with their own entrances.

MR. KERNEY: Okay, thank you for taking the time in coming down sir.

INSPECTOR STRAWN: Wayne Strawn, City building inspector. If I understand testimony correctly, the building is occupied now?

MR. LEVIN: Yes.

INSPECTOR STRAWN: The City would ask that if any continuance is granted that it be based on the vacation, that the building should be vacated. It does not meet the minimum housing code, and it is not legal, according to Fort Lauderdale housing code, to rent somebody a house that doesn't meet the standards.

MR. KERNEY: Okay, sir, I'm sorry, was your last name again?

MR. LEVIN: Levin.

MR. KERNEY: Levin. Your intentions are to repair this building?

MR. LEVIN: Yes your honor. Yes sir, Mr. Chairman. I intend to bring it to, convert it back to its original status as a single-family home. I'd like to point out that the enclosures in question of the carport in the rear screened room were all done prior to 1990 when I bought the property, and I was not aware that these changes were made without a permit at the time of the purchase. It was a foreclosure purchased from a bank.

MR. MINOR: I'd like to make a motion.

MR. MADFIS: You've owned the property since 1990?

MR. LEVIN: Yes, correct.

MR. MADFIS: And you've been renting it out as a fourplex?

MR. LEVIN: No. At one time, typically I've been staying there myself and renting out one or two rooms. At one time I had –

ASSISTANT CITY ATTORNEY: I need to interrupt for a second; this witness hasn't been sworn in.

MR. KERNEY: This gentleman hasn't been sworn in?

[Mr. Levin was sworn in]

MR. LEVIN: I'd also like to point out that the zoning and that area is R-3.

MR. KERNEY: I'll be honest with you. I'm a little disturbed by the fact that you continue to rent space to people after the place had a fire.

MR. LEVIN: The fire was contained in one bedroom, one bedroom only, and it was sort of on the edge of the structure, and it was just a question of interior, things within the home that burned, and the dry wall was damaged, so the drywall was repaired and since then, no one's living there. I just use it as a storage room at the moment.

MR. MINOR: I see. So you state you've lived there from time to time.

LEVIN: Yes.

MR. MINOR: Is it homesteaded property for you?

MR. LEVIN: Yes, that's right.

MR. MINOR: It is. Do you own any other properties around here, in the area? No?

MR. LEVIN: I own some vacant land, yes.

MR. SCHERER: It's a homesteaded property, but you rent it?

MR. LEVIN: I was living in the majority of the property. renting out a couple of rooms.

MR. MADFIS: I'm concerned that the repair of this home will, the damage is exceeding 50 percent. I know there's a section of the code that was adopted the spring of this year for residential, but I think this is going to still exceed the allowances within that, those sections of the code. Wayne, do you think that's the case, having visited the home?

INSPECTOR STRAWN: Wayne Strawn, City building inspector. The only reason I didn't cite that is that it's very difficult to assess this type, and when I use the percentages, then I have to justify that and run a lot of figures and the condition was so bad that I didn't feel I needed a 50 percent to make a case before this Board.

MR. MINOR: Sir, what did you purchase the property for, roughly?

MR. LEVIN: You mean the purchase price?

MR. MINOR: Yes.

MR. LEVIN: It was approximately \$50,000.

MR. MINOR: And what you think it's worth today?

MR. LEVIN: I don't know.

MR. MINOR: No opinion?

MR. LEVIN: I don't know.

MR. MINOR: How much do you think the –

MR. LEVIN: I believe the assessed value of the structure itself is \$40,000.

MR. MINOR: How, have you been given an indication of the cost to bring it back up to code?

MR. LEVIN: Well, I haven't got a full estimate, but – no, I have not gotten an estimate on, first I had to have the plans drawn up and that will show what has to be done and then I'll put that out for bid and then I'll know what it's going to be.

MR. KERNEY: Let me interrupt for just a second. Detective do you have additional testimony?

DETECTIVE ABRAMS: Absolutely. I've been to this property repeatedly for over 10 years. I actually thought it was not occupied. I've been doing some research on the property. I found the fire report from 1996, and I contacted the Fire Department and the Police Department. The tenants that were brought out during the fire did not include Mr. Levin. I have Mr. Anderson's rent receipts paid by NationsBank since 1990. Mr. Anderson is prepared to testify that since 1990 Mr. Levin has not resided there.

MR. KERNEY: Okay, thank you Detective.

MR. LEVIN: May I respond to that?

MR. KERNEY: Sure.

MR. LEVIN: Mr. Anderson was renting a small portion, was renting a small portion of the house at the front of the property and the majority of the property was under, I was occupying it myself. And I come and go through the rear of the property, and as far as my goings on comings and how much I stay there, I park in the back, I come in from the back, and somebody in the front would not be aware of how much I come and go. That's all I can say about it.

MR. KERNEY: Personally, you're having a credibility issue with me. You're asking this Board to give you an extension and believe that you're going to move forward properly in bringing this property back up to code, and invest the monies necessary to do that, which in my assessment is substantial, and getting conflicting testimony and it bothers me that as a tenant or as a landlord you would continue to rent this property out in this condition.

MR. LEVIN: Well, it was, at the present time, just one person there and I intend, I anticipated that you would rule that that person had to leave, and I intend to have them leave straight away. And also, I want to bring to your attention that, I've also consulted with an engineer, and if I may, I'd like to give you a copy of his report as well. May I?

MR. KERNEY: Sure.

MR. LEVIN: You'll notice, it has his, bears his seal.

MR. MADFIS: I'd like to comment that I did take a look at your architect's proposal, and there are certain things that aren't included in his work that I believe would be needed in order to achieve a certificate of occupancy for that space.

MR. LEVIN: Well, it's our plan to submit a set of plans to the City and if anything else is required we'll modify the plans and take all steps necessary to do the proper repairs. We'll seal, close the building have the tenant leave forthwith, and get on with repairing the building.

MR. MADFIS: Actually, I don't believe the zoning in this district is R-3, I think it was R-3 at one time, which allowed multifamily. I believe today you're zoning is RAC-UV, which is a mixed-use zoning district, and you may not be aware, but I think your land has increased significantly in value and to repair this building may not be the most economical direction to take. But that's up to you. I just, my feeling again is that the direction that this thing is going is not good, and I'm ready to make a motion to –

MR. LEVIN: Well, I intend to reverse that direction.

MR. MADFIS: Well, I mean, you've owned the property for what, 15 years, 16 years now, and the direction seems to be going one way. There's been a lot of opportunity over the last 10 years to convert that property into something much more valuable than what you have there. Probably at very little expensed yourself even, but none of that's been done so, like I say, I don't see this going in a good direction. I'd like to make a motion to demolish.

MR. SCHERER: Second.

MR. KERNEY: I have a motion and a second, is there any discussion on the motion? Seeing none –

MR. MADFIS: I will read the motion properly into the record: I move that we find that the violations exist as alleged, and that we order the property owner to demolish the structure within 30 days and that we order the City to demolish the structure, should the property owner fail to timely demolish.

MR. SCHERER: Second.

MR. KERNEY: And still the second. Again, discussion on the motion? All those in favor signify by saying aye?

BOARD MEMBERS: Aye.

MR. KERNEY: All opposed? You do have appeal through the Commission, correct? This has to go through the Commission?

INSPECTOR STRAWN: Circuit Court, [inaudible]

MR. KERNEY: Thank you. There was a motion to demolish, it was approved, we're just informing him of his rights to appeal.

ASSISTANT CITY ATTORNEY: Someone just asked about, you're informing him of his rights to appeal?

MR. KERNEY: Well, I said that there, maybe improperly, I said that he has –

ASSISTANT CITY ATTORNEY: He does have the right to appeal, certainly. And you can look in the Florida Building Code and the City's code of ordinances to figure out how, in the rules of civil procedure, or contact an attorney.

MR. KERNEY: Thank you.

[7. Case CE06071787]

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MS. MOHAMMED: Next case, page 9 of your agenda, Wayne Strawn for case number CE06071787. Case address: 150 Northwest 68th Street, the site: 30 Northwest 69th Street, the land owner, or the owner of the Mobile Park, Pan American Corp., the mobile home owner Vincent Allen Sacco. Certified mail sent to Frank W. Cox Jr., signed 9/8/06 by Anne O. Cox. Certified mail sent to Southeastern Mobile Home Inc. signed 9/8/06, by Anne O. Cox. Certified mail sent to Vincent Allen Sacco, the mail returned unclaimed. Certified mail to Pan American Corp. signed by Anne O. Cox 9/8/06. And we do have service by posting the notice of violation at the property and at City Hall.

INSPECTOR STRAWN: Wayne Strawn, City building inspector, this has to do with a mobile home located at Pan American Corporation, their mobile home park there at 150 Northwest 68th Street. The location of mobile home itself is at 30 Northwest 69th Street. A little background before I read the charges into the record, this was first noted after hurricane Wilma, a large Australian pine tree had fallen on the roof of the mobile home and, we were so busy after the storm, we weren't able to stop the owner of the mobile home from repairing it, had to get photographs as he was in the process of repairing the mobile home.

FBC 117.1.1

THE MOBILE HOME HAS BEEN SUBSTANTIALLY DESTROYED BY THE ELEMENTS AND BY A TREE FALLING ON THE ROOF DURING HURRICANE WILMA. THE DWELLING IS A WINDSTORM HAZARD AND A FIRE HAZARD. THE DWELLING DOES NOT MEET THE MAINTENANCE REQUIREMENTS OF THE FLORIDA BUILDING CODE OR THE CODE WITH WHICH IT WAS BUILT. THE DWELLING DOES NOT MEET THE REQUIREMENTS OF THE MINIMUM HOUSING CODE OF THE CITY OF FORT LAUDERDALE.

FBC 117.1.2

THE MOBILE HOME HAS BEEN REPAIRED STRUCTURALLY WITH THE INSTALLATION OF REPLACEMENTS FOR TRUSSES AND OTHER STRUCTURAL MEMBERS. THE ELECTRICAL SYSTEM HAS BEEN EXTENSIVELY ALTERED AND LOADS INCREASED. NO PERMITS WERE ISSUED FOR THE REPAIRS AND ALTERATIONS DONE. THE WORK IS "PRESUMED AND DEEMED" BY THE FLORIDA BUILDING CODE TO BE UNSAFE.

FBC 117.2.1.2.1

THERE IS FAILURE, HANGING LOOSE, OR LOOSENING OF MANY COMPONENTS OF THE DWELLING. THE PARTS INCLUDE, BUT MAY NOT BE LIMITED TO, SIDING (SKIN) WINDOWS, INTERIOR PANELING, ROOF COVERING, STRUCTURAL MEMBERS AND TIE DOWN STRAPS.

FBC 117.2.1.2.2

AREAS OF THE WALLS AND FLOORS HAVE DETERIORATED.

FBC 117.2.1.2.4

THE WINDOWS ON THE WEST EXPOSURE ARE LEANING OUT OF PLUMB DUE TO OVERSTRESSING AT THE TIME OF IMPACT WITH THE TREE ON THE ROOF OF THE MOBILE HOME.

They don't lean out as much now, I will correct that, since the repairs have been made.

FBC 117.2.1.2.5

THE ELECTRICAL, MECHANICAL AND PLUMBING ALTERATIONS DONE TO THE DWELLING ARE "PRESUMED AND DEEMED" BY THE CODE TO BE UNSAFE. THE ELECTRICAL SYSTEM WITH ITS INCREASED LOADS HAS NOT BEEN INSPECTED AND APPROVED.

FBC 117.2.1.3.1

AN AIR CONDITIONING SYSTEM AND AN ELECTRIC WATER HEATER HAVE BEEN INSTALLED WITHOUT OBTAINING PERMITS. THE ELECTRICAL SYSTEM HAS BEEN EXTENSIVELY ALTERED FROM ORIGINAL WITHOUT OBTAINING PERMITS. EXTENSIVE USE OF ELECTRICAL PVC CONDUIT IS IN EVIDENCE UNDER THE MOBILE HOME. THE ELECTRICAL SYSTEM EXPANSION WAS REQUIRED FOR THE AC SYSTEM AND THE WATER HEATER. ALL THE INSTALLATIONS, EXPANSIONS AND ALTERATIONS OF THESE SYSTEMS ARE "PRESUMED AND DEEMED" TO BE UNSAFE.

FBC 117.2.1.3.2

THE MOBILE HOME DOES NOT COMPLY WITH THE CODE REQUIREMENTS APPLICABLE AT THE TIME OF CONSTRUCTION OR THE MINIMUM HOUSING CODE OF THE CITY OF FORT LAUDERDALE.

INSPECTOR STRAWN: I inspected the property today and the tie down straps are either missing or loose and the City is asking for a motion to demolish.

MR. KERNEY: Thank you Wayne. Do we have a respondent? No respondent. Any discussion from the Board? Someone like to make a motion?

MR. MINOR: I make a motion that we find the violations exist as alleged, and that we order the property owner to demolish the structure within 30 days, and that we order the City to demolish the structure, should the property owner fail to timely demolish.

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MR. KERNEY: I have a motion, do I have a second?

MR. SCHERER: I'll second it.

MR. KERNEY: Motion's been seconded. Is there any discussion on the motion? Seeing none, all in favor signify by saying aye.

BOARD MEMBERS: All opposed? Motion passes.

MS. MOHAMMED: Page 2 of your agenda: case number CE05120354 complied; page 3 of your agenda: case number CE06050460 withdrawn; page 10 of your agenda: case number CE06071955 complied. And just for the record, I'd like to go back to page 7: case number CE06070120, that's at 1512 Northwest 6th Avenue. I'm not sure what I read in for the service part for the certified mail that was sent to Prentice-Hall, but we did not get any good service for the mail that went to Prentice-Hall. The green card came back it was not even returned. So I just wanted that to reflect in the record. I wasn't sure what I read if it was signed or not signed. So, no service for Prentice-Hall on that case.

MR. KERNEY: Are there any board ups?

MS. MOHAMMED: No board ups.

[Meeting concluded at 4:10]

FARIDA MOHAMMED, BOARD CLERK

PATRICK KERNEY, ACTING CHAIRPERSON

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held October 19, 2006, 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 ____ day of October, 2006.

ProtoTYPE, INC.

JAMIE OPPERLEE

Recording Clerk

SWORN TO and SUBSCRIBED before me by JAMIE OPPERLEE who is personally known to me and who signed the foregoing for the purposes therein expressed.

DATED this _____ day of October 2006.

NOTARY PUBLIC

State of Florida at Large

Notarial Seal: