

CITY OF DAYTONA BEACH MINUTES

SPECIAL MAGISTRATE HEARING

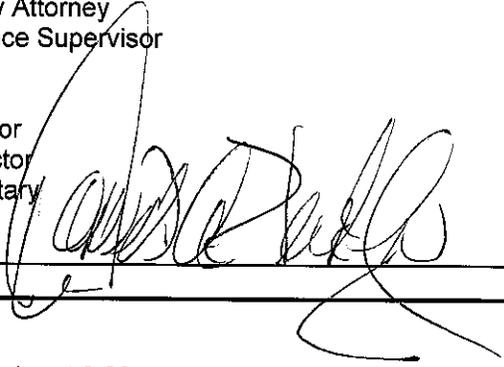
JUNE 14, 2016 at 9:00 AM
City Commission Chambers
301 South Ridgewood Avenue,
Daytona Beach, Florida

ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Mr. Hector Garcia, Code Compliance Supervisor
Mr. Tom Clig, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Cliff Recanzone, Code Inspector
Ms. Glejuanda Davis, Code Inspector
Ms. Aimee Hampton, Board Secretary

Approval of Minutes by:  _____ Special Magistrate

Mr. Vukelja called the Hearing to order at 9:06 a.m.

Mr. Vukelja approved the April 12, 2016 Meeting Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton announced the following case was withdrawn by staff:

CASE NO 15 SMG 05-16-26 – Giniya International Corporation d/b/a Valero Gas Station is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.8), at **580 Mason Avenue** - Violation(s) – Junk Vehicles - First Notified – Order of Non-compliance entered on 9/14/2015.

WITHDRAWN

Ms. Hampton swore in the members of staff who would be testifying.

Hearing of Cases

CASE NO 10 SMG 08-15-34 – Tudja & Kaival, LLC is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.4, 302.7, 304.2, 304.7, 304.10, 304.12, 304.14, 307.1, 308.1, 603.1, 604.3, 605.1, 704.2), at **1100 S. Ridgewood Avenue** - Violation(s) – Smoke alarms; electrical equipment; electrical system hazards; mechanical equipment; extermination; rubbish & garbage; insect screens; handrails & guards; stairways, decks, porches and balconies; roofs and drainage; protective treatment; accessory structures; weeds - First Notified – 6/12/2015.

Attorney Kenneth Bohannon appeared on behalf of the Respondent.

Attorney Anthony Jackson appeared on behalf of the city and stated the case remains in non-compliance and the inspector advises the respondent has fired the contractor and made a decision to just paint the roof with some type of sealant and only done patchwork and therefore recommends imposing a fine of \$500 per day to a maximum of \$25,000.

Inspector Recanzone stated that the permit was obtained however was never closed.

Robert Snowden stated that there is an open permit that has never been inspected and the contractor has never called them for an inspection to close out the permit. Mr. Snowden stated the permit says it includes electrical, guardrails, etc. Mr. Snowden stated the permit was scheduled to expire in a couple of weeks. Mr. Snowden advised they only have a permit for 20 squares of the roof and the work has not match what the permit that was applied for states if they used a sealant over the entire roof.

Mr. Bohannon stated he has not heard of the necessity about inspections with the building department so when they went to go and ask if whether they needed a new permit in order seal the roof they were advised they did not need a new one. He is now learning that is not the case. Mr. Bohannon stated his client was denied funding for a re-roof and so they found a method to be able to seal the roof within their budget. Mr. Bohannon stated they have a dried roof that is visually aesthetically pleasing. Mr. Bohannon stated they tried to schedule an inspection but they were told they could not.

Mr. Snowden advised the only people that can schedule an inspection is the contractor of record. Mr. Snowden stated if he is not the contractor anymore then they need to come in with their new contractor and get a new permit issued.

Mr. Jackson stated this is the history of Mr. Patel and stated Mr. McDuffie the contractor of record is present and could testify and Mr. Jackson states Mr. Bohannon expresses a change of a game plan but they never informed the inspector of the change.

Mr. Duane McDuffie came forward and was sworn. Mr. McDuffie stated the coating on the roof was not done by him or his company. Mr. McDuffie stated it was done at the time they were trying to acquire funding for the roof. Mr. McDuffie stated he did not know who did the roof and he still has an open permit because he was under the assumption he would be working to complete the roof. Mr. McDuffie stated his roofing contractor was thrown off of the property by the owner and prevented from even doing an estimate for the roof work. Mr. McDuffie stated he is under contract with the owner and has not been fired or the contract has not been terminated and he believes the permit is open until July 5th.

Mr. Vukelja asked what the status was for the other violations.

Mr. Recanzone stated the building department needs to perform final inspections for the hand rails and the electrical work.

Mr. Bohannon stated they resealed the roof after fixing the 20 squares because visually the shingles did not match.

Mr. Vukelja stated he is not sure of the status of compliance or non-compliance based upon what he heard today and was requesting a re-inspection to be able to tell him next month what the status is.

Ruling

Mr. Vukelja continued the case to the July 12, 2016 agenda and requested inspections from the city to be able to advise whether or not the roof material is in compliance.

CASE NO 14 SMG 05-16-25 – The Fai Hung Lo & Hang Lou Lo Revocable Living Trust dtd 2/25/09 and Daytona Auto Sales, Inc is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.4.c; Art. 8 Sec. 8.2.A, at **582 Mason Avenue** - Violation(s) – Parking on unimproves surfaces and right of way; non-conforming use as an auto repair shop - First Notified – Order of Non-compliance entered on 9/14/2015.

Ms. Colleen Miles from Land Development Resource Group appeared on behalf of the Respondent, came forward and was sworn. Ms. Miles stated she spoke with the property owner and they understand what the violations are and she's working with them to make sure that they do not violate the code anymore.

Mr. Jackson stated that case was before him for a repeat violation and staff was recommending the imposition of a \$75 fine for the repeat violation of parking vehicles on unimproved surface.

Ruling

Mr. Vukelja imposed a fine in the amount of \$75 against the respondent for the repeat violation.

CASE NO 1 SMG 02-15-07 – Grayceland REI Consulting, LLC is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.10, 304.11, 304.13, 304.13.1, 304.13.2, 304.14, 304.15, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9), at **158 Madison Avenue** - Violation(s) – Deteriorated structural members; loose, missing or deteriorated foundation walls; exterior walls loose, missing or deteriorated; damaged gutters; roof flashing; eaves, fascia; general cornices and eaves loose, missing or deteriorated; overhang extensions loose, missing or deteriorated; rotting stairways, decks, porches, and balconies; broken windows; ripped, torn or missing window screens; exterior doors and hardware damaged, broken, deteriorated or decayed; no water connections; plumbing fixture damage; no electrical service - First Notified – 11/7/2014.

Mary Gordon appeared on behalf of the respondent came forward and was sworn.

Stan Hoelle, contractor, came forward and was sworn.

Mr. Jackson stated the owners are still proceeding in good faith and staff was recommending amending the compliance date to the August cutoff.

Ms. Gordon stated she believed they should be done by August. Ms. Gordon stated they have put a lot of time and a lot of money into the project. Ms. Gordon stated she would like to compliment the inspectors.

Ruling

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until August 3, 2016 to come into compliance or be returned to subsequent meeting for consideration of a fine of up to \$1,000 per day.

CASE NO 2 SMG 09-15-38 – Precious Property Management, LLC is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.1.A (Ref. FBC 105.1), at **2735 N. Atlantic Avenue** - Violation(s) – Expired Demolition Permit - First Notified – 8/4/2015.

Mr. Elmo Bartolome came forward and was sworn.

Mr. Vukelja asked if the property was in compliance.

Mr. Jackson advised the property was not in compliance, however the position of staff is an objection for reconsideration however the respondent stated his request is to extended time for compliance now that they have acquired the funding.

Mr. Vukelja advised that typically fines are not reconsidered must compliance is achieved. Mr. Vukelja recommended Mr. Bartolome coming back after the case is in compliance but advised it was his decision.

Mr. Bartolomeo elected to withdraw his request for reconsideration of the fine and will come back one the cases in compliance.

CASE NO 3 SMG 04-16-20 – Leslie Janet Strong Morris, Mary Alexia Rish, Dianne Denise Strong McDonald, Sharon Darlene Hyder is cited for failure to correct violations of the Land Development Code, Art.9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7), at **201 Woodland Avenue** - Violation(s) – Failure to maintain roof - First Notified – 12/3/2015.

Respondent was not present.

Mr. Jackson stated the property remained in noncompliance and staff was asking for the imposition of a fine of \$200 per day to a maximum of \$15,000.

Ruling

Mr. Vukelja imposed a fine against the respondent in the amount of \$200 per day effective May 5, 2016 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000.

CASE NO 4 SMG 04-16-21 – J & J Bryan Florida, Inc. is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S, at **1901 N. Atlantic Avenue** - Violation(s) – No permit for roof extension - First Notified – 12/18/2015.

Mr. Adam Bryan came forward and was sworn. Mr. Bryan stated he was the owner of J & J Bryan Florida Inc.

Mr. Jackson stated the property remains in noncompliance however the respondent has made some effort in bringing the property into compliance and called Inspector Clig to testify.

Inspector Clig stated that the Respondent applied for a permit on May 8, 2016. The permit was denied and needs revisions because he is applying for the variance regarding the overhang.

Mr. Forrest Willis from the Stormwater Department forward and was sworn. Mr. Willis stated that staff was contacted by a neighbor about the overhang and the water coming onto her property. Mr. Willis stated he observed there was water damage coming onto her property and it does not meet the setback requirements.

Mr. Jacksons stated there should be a 5 foot setback and this overhang was on the property line.

Mr. Bryan states he is prepared to do whatever is necessary to correct it but wanted to see about getting the variance. Mr. Bryan stated the Board of Adjustment meeting was scheduled for this Thursday.

Ruling

Mr. Vukelja continued to case to the July 12, 2016 meeting.

CASE NO 5 SMG 11-15-56 – Larry Brown & Abner Brown is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a.; Art. 6 Sec. 6.2.H.7.a.i; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 605.1, 504.1, 704.2, 304.6, 305.6, 304.13, 304.7); City Code Ch. 90 Sec. 90-297, at **520 Pleasant Street** - Violation(s) – **Outside storage; parking in the yard; electrical fixtures; plumbing fixtures; smoke detectors; exterior surfaces; interior doors; windows; roof; no business tax receipt (BTR) for rental property** -First Notified – 7/28/2015.

Respondent was not present.

Mr. Stenson stated a lot of work has been done and there just remained a small amount of work. Mr. Stenson recommended amending the compliance date to the next cut-off.

Ruling

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until July 6, 2016 to come into compliance or be returned to subsequent meeting for consideration of a fine of up to \$1,000 per day.

CASE NO 6 SMG 01-16-01 – 700 Madison Avenue Land Trust dated 11/20/2014 is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.13, 304.14, 305.3, 304.7, 704.2, 305.6, 505.4, 605.1 and 604.3), at **700 Madison Avenue Unit 1** - Violation(s) – Broken windows; missing/torn screens; damaged interior surfaces; dilapidated roof; missing smoke detectors; missing interior doors; no hot water; electrical wiring; electrical system hazard - First Notified – 9/14/2015.

Marcus McDonald came forward and was sworn. Mr. McDonald stated he is the owner of the property.

Mr. Jackson stated that the work that was performed on the property was unpermitted and staff is advising they are not happy with the lack of diligence on behalf of the respondent and therefore staff is recommending a fine be imposed of \$400 per day to a maximum of \$20,000.

Mr. Vukelja asked what work was left to be completed.

Mr. Stenson stated Unit 1 the violations of interior surfaces and the roof issues, smoke detectors and electrical issues still remain. Mr. Stenson stated the last time a permit was applied for was June 8, 2016 for building renovations. Mr. Stenson stated he has informed the owner multiple times he needed to acquire a permit and one has not been issued yet however it has been applied for and is under review.

Mr. McDonald stated he hired Randall Construction and they have applied for a permit and he has also hired pest control. Mr. McDonald stated the main thing that was left was the smoke detector an inoperable windows which have been corrected by his in house maintenance team and he did not believe he needed a permit for that. Mr. McDonald stated the A/C unit leaked in the roof a bit and the contractor needs to cut that part out and replace it. Mr. McDonald stated they would request 60 more days to complete everything.

Mr. Stenson stated with diligence all the work could be completed by the next cut-off date.

Ruling

Mr. Vukelja continued the case to the July 12, 2016 agenda.

CASE NO 7 SMG 01-16-02 – 700 Madison Avenue Land Trust dated 11/20/2014 is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 305.3, 504.1, 504.3, 704.2, 308.1, 304.7, 505.4); Art. 9 Sec. 9.1.A (Ref. FBC 105.1); City Code Ch. 90-297, at **700 Madison Avenue Unit 2** - Violation(s) – Interior surfaces; plumbing fixtures; plumbing system hazard; missing smoke detectors; infestation; dilapidated roof; no hot water; work without permits; renting without a valid business tax receipt (BTR) - First Notified – 11/30/2015.

Marcus McDonald came forward and was sworn.

Mr. Stenson stated the case was the same as the previous case.

Mr. McDonald stated that Unit was going to be vacated on June 30th. Mr. McDonald provided a copy of his agreement with Crandall Construction.

Mr. Vukelja stated what he is looking at only says he is submitting for application for the permit but it does not say anything about doing the work.

Mr. McDonald stated Mr. Crandall is doing the work and has been in touch with Mr. Stenson.

Ruling

Mr. Vukelja continued the case to the July 12, 2016 agenda.

CASE NO 8 SMG 03-16-16 – Dana S. & Renard K. Thayer; Veronica Hobbs; and Juanita Redd is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.2, 303.1, 303.2, 303.4, 303.5, 303.6, 303.7, 303.13, 303.13.2, 303.14, 303.15, 304.1, 304.3, 304.6, 501.2, 504.1, 504.3, 505.1, 505.3, 505.4, 601.2, 602.1, 602.2, 602.3, 603.1, 604.1, 604.3, 605.1, 704.2), at **433 Walker Avenue** - Violation(s) – General owner responsibility for maintenance; protective treatment; structural members; foundation walls; exterior walls; roofs and drainage; windows; inoperable windows; insect screens; doors; interior surfaces; interior doors; plumbing fixtures; plumbing system hazard; general water system; water supply; water heating facilities; mechanical and electrical requirements; heating facilities required; heat supply; mechanical appliances; electrical facilities required; electrical system hazard; electrical equipment installation; smoke alarm installation - First Notified – 1/22/2016.

Respondent was not present.

Mr. Jackson stated the property has been demolished however the permit has not been finalized yet. Mr. Jackson stated staff was recommending amending the compliance date to the next cut-off.

Ruling

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until July 6, 2016 to come into compliance or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 9 SMG 04-16-18 – Eddie & Joyce Ann Anderson is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.a.i; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7), at **568 Heneman Street** - Violation(s) – Outside storage; parking in the yard; dilapidated fence - First Notified – 9/9/2015.

Mr. Eddie Anderson came forward and was sworn.

Mr. Jackson stated the Inspector reports the respondent was working towards compliance and staff was recommending amending the compliance date to the next cutoff.

Mr. Stenson stated all the violations have been corrected with the exception of adding to the driveway to take care of the parking.

Mr. Anderson stated he applied for a permit but he has to get a variance to move it over and he needs to get the concrete.

Mr. Jackson clarified it would be an administrative approval and would not require going before a variance board.

Ruling

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until July 6, 2016 to come into compliance or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 11 SMG 05-16-22 – Joseph & Barbara Daley is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a.i; City Code Ch. 90 Sec. 90-297; City Code CH. 26 Sec. 26-294, at **835 Essex Road** - Violation(s) – Parking in the yard; Failure to obtain a business tax receipt (BTR); Failure to obtain a residential rental license (RTL) - First Notified – 3/17/2016.

Respondent was not present.

Mr. Jackson stated the property was in noncompliance and staff was recommending a compliance date to the next cutoff.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by July 6, 2016 or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 12 SMG 05-16-23 – Star Chariot Enterprise, LLC is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 605.1, 704.2, 305.3, 305.6, 605.2, 304.13, 304.15, 302.7, 304.6, City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **208 N. Frederick Avenue** - Violation(s) – Outside storage; electrical fixtures; smoke detectors; interior surfaces; interior doors; receptacles; broken/inoperable windows; exterior doors; dilapidated roof; exterior surfaces; no business tax receipt (BTR); no residential rental license (RTL) - First Notified – 2/26/2016.

Mr. Michael Martin and Ms. Phyllis Martin came forward and were sworn. Mrs. Martin stipulated to the violations.

Mr. Jackson stated the respondents were working on compliance and staff was recommending the August cutoff date for compliance.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by August 3, 2016 or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 13 SMG 05-16-24 – Johnie L. Bennett is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 8.2.A; Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 604.3, 504.3, 304.6), at **1600 Stocking Street** - Violation(s) – Non-conforming use as a rooming house; outside storage; electrical system hazard (lack of service); plumbing system hazard (lack of service); exterior surfaces - First Notified – 3/5/2016.

Respondent was not present.

Mr. Jackson stated the violations were complaint driven and the inspector has received no contact with the owners. Mr. Jackson stated the property remained in noncompliance and staff was recommending a compliance date to the next cutoff.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by July 6, 2016 or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 16 SMG 06-16-30 – Cassandra Lee is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 8.2.A; Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A (ref. FBC Supp IPMC 302.8, 303.2, 303.7, 303.13, 303.15, 304.1, 304.3, 306.1, 504.1, 605.1, 605.2, 305.3, 704.2); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **913 Lewis** - Violation(s) – Non-conforming use as a rooming house; excessive outside storage; junk vehicles; protective treatment; roofs and drainage; window, skylight, and door frames, exterior doors, interior surfaces, infestation, general plumbing fixtures, electrical equipment installation, receptacles, lighting fixtures, smoke alarm installation (referenced in attached Housing Inspection Report); Failure to obtain Business Tax Receipt (BTR); Failure to obtain Residential Rental License (RTL) - First Notified – 4/6/2016.

Ms. Cassandra Lee came forward and was sworn. Ms. Lee stipulated to non-compliance.

Ms. Angela Johnson came forward and was sworn.

Mr. Jackson stated the inspector stated the Respondents should be in compliance by the next cut-off date.

Mr. Stenson stated there has been some clean up on the exterior of the property and the front structure has been vacated. Mr. Stenson stated that is the extent of the progress.

Ms. Johnson stated she was Ms. Lee's mother and she was sick for a while and was helping her fix up the property. Ms. Johnson stated she lives there and is going to help make the corrections.

Ms. Lee stated 60 days would be enough time to come into compliance.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by August 3, 2016 or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 17 SMG 06-16-31 – Cary Lance Krupa is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (ref. FBC Supp IPMC 304.13, 304.15, and 504.1), at **548 North Street** - Violation(s) – Broken/inoperable windows; exterior doors; plumbing fixtures (bathroom) First Notified – 3/26/2016.

Mr. Krupa came forward and was sworn. Mr. Krupa stipulated to the violations.

Mr. Jackson stated the property was in noncompliance and staff was recommending the next cutoff date for compliance.

Mr. Krupa requested additional time because he hired a contractor who obtained the permit last week and was informed he could start the job right away but then he called and said it would be 2 weeks before he could get started.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by August 3, 2016 or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 18 SMG 06-16-32 – Clare A. Vara & Andrea N. Vara is cited for failure to correct violations of City Code Ch. 26 Sec. 294, at **145 N. Seneca Street** - Violation(s) – Failure to obtain required residential rental license (RTL) and inspection - First Notified – 2/23/2016.

The Respondents were in compliance May 25, 2016.

CASE NO 19 SMG 06-16-36 – Patrick D. Knox is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 602.3, 302.7, 304.7, 304.4, 605.1, 704.2, 304.8, 504.3, 304.6); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **642 North Street** - Violation(s) – Outside storage; no heat supply; accessory structure (fencing); dilapidated roof; structure members (exterior support wall); exposed wiring; missing smoke detectors; decorative features (lattice); plumbing system hazard (leaks); exterior surfaces; no valid business tax receipt (BTR); failure to obtain residential rental license (RTL) - First Notified – 3/7/2016.

Respondent was not present.

Mr. Jackson stated the property was in noncompliance and staff was recommending the next cutoff date for compliance.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by July 6, 2016 or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 20 SMG 05-16-27 – Paul Camp is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297, at **400 Fremont Avenue** - Violation(s) – **No business tax receipt (BTR)** - First Notified – 2/18/2016.

Respondent was not present.

Ms. Hampton stated the Respondent's did submit a letter stating they would not be able to attend due to being out of town.

Mr. Jackson stated the property was in noncompliance and staff was asking for the next cutoff for compliance date.

Ruling

Mr. Vukelja found the respondent in non-compliance and ordered the respondent come into compliance by July 6, 2016 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.

CASE NO 21 SMG 05-16-29 – Bobby L. Caldwell is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.7, 304.2, 304.7, 304.13.2, 304.14, 305.1, 305.3, 305.6, 504.1, 603.1, 604.3, 704.2); Art. 8 Sec. 2.B., at **1311 Hillcrest Drive (Main House, Unit 4, Unit 5, and Carport)** - Violation(s) – **Main house (occupied)**: Hallway bathroom – diverter not working properly; Wall area under lavatory sink open and exposed. Need to patch, seal and repaint all including all pipe intrusions; Hallway closet missing door knob; Missing smoke detectors in bedrooms and hallway; All windows must be easily openable; Missing windows screens throughout the property; Repair and re-paint all damaged or deteriorated fascia and soffits throughout the property; Rear yard wood fence is leaning; Cracked interior wall (living room); All ceiling light fixtures must have lamp covers (shades); Ceiling fans must be correctly installed; Kitchen countertops have damaged, exposed porous surfaces which must be repaired or top replaced; Visual evidence of roach infestation; Junk & trash at West side yard (wood boards, fish tank, containers with stagnant water, etc.); Zoning violation - illegal subdivision of main structure (West side bedroom as a separate apt.) and rear unit divided into two separate units (there is a kitchen in the main structure and a kitchen in apartment identified as #4). Must Obtain all required permits for added apartments or return to original state; The carpet inside the closets have exposed tack strips and are in deplorable state (replace/repair); There are missing HVAC wall vent grills missing; The A.H.U has no filter installed; Kitchen ceiling area shows a crack and needs to be finished/re-painted; The front entry door of the main house is missing the required dead bolt; Addition to zoning violation – the West side bedroom in the main structure which is rented has no windows; **Unit #4 (S.W. rear - vacant)**: Missing smoke detectors; Visual evidence of roach infestation (under kitchen sink); Ceiling light fixtures damaged (kitchen & living room); Need to seal wall intrusions under bathroom sink; Hall closet missing door knob; Exposed light bulb at bathroom, install shade; Crawl space not secured (area under access stairs); The stove/range needs to be cleaned and serviced; Has a hip roof (unknown pitch) without shingles; Missing tile in bedroom area (repair); Bedroom door frame in need of paint. **Unit #5 (S.E. rear - occupied)**: Smoke detector not functioning in bedroom; Bathroom GFCI protected receptacle has no power; Windows must be easily openable; Missing deadbolt at entry door (South exposure); Possible living area/square footage violation (ck. with Building Dept.). **Carport**: Dryer in carport closet has no venting; Unused refrigerator stored in open carport with door attached. Must be removed.; **Exterior walls/surfaces**: There are multiple cracks and exterior wall damage that will need to be corrected and repainted. Especially areas adjacent to the hose bib at back of carport closet. - First Notified – 2/9/2016.

Mr. Bobby, came forward and was sworn. Mr. Caldwell stipulated to the violations.

Mr. Kenneth Cottrill came forward and was sworn. Mr. Cottrell stated he was the contractor.

Mr. Jackson stated the property was in noncompliance and staff stated they were working towards compliance.

Mr. Cottrill stated some of the violations are in compliance now however some things that need to be corrected are going to take longer because they had to order special windows.

Mr. Jackson stated the City has no objection to additional time.

Inspector Recanzone stated there were no life safety issues.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by August 3, 2016 or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 22 SMG 06-16-33 – Courtney A. Thomas is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 8.2.A; City Code Ch. 90 Sec. 90-297, at **203 Fairfax Drive** - Violation(s) – Non-conforming use of short term rentals; no business tax receipt (BTR) - First Notified – 3/10/2016.

Respondent was not present.

Mr. Jackson stated the property was previously in non-compliance but currently in compliance and staff was just asking for a finding of non-compliance.

Ruling

Mr. Vukelja found the Respondent previously in non-compliance but currently in compliance and for any future repeat violation be returned to a subsequent meeting for consideration of a fine of up to \$5,000 per occurrence.

CASE NO 23 SMG 06-16-34 – Denise T. D'Abato is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.10.J.12, at **611 Braddock Avenue** - Violation(s) – Sign Violation - The sign exceeds three square feet maximal area - First Notified – 3/31/2016.

Respondent was not present.

Mr. Jackson stated the Inspector informs him the case is now in compliance.

CASE NO 24 SMG 06-16-35 – Janice Buchheit is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (ref. FBC Supp IPMC 304.13.2, 304.14, and 704.2) City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **722 N. Halifax Avenue** - Violation(s) – Unopenable windows; insect screens; smoke alarms; failure to obtain business tax receipt (BTR); failure to obtain residential rental license (RTL) - First Notified – 3/28/2016.

Respondent was not present.

Mr. Jackson stated the property was in noncompliance and staff was recommending the next cutoff date for compliance.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by July 6, 2016 or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

MISCELLANEOUS BUSINESS

There was no miscellaneous business.

Adjournment:

The meeting was adjourned at 10:30 a.m.