

CITIZENS CODE ENFORCEMENT BOARD

NOTICE OF HEARING

APRIL 15, 2008

Members:

Carol Kerrigan (Chairperson)
John Shelby (Vice Chairperson)
Michael Slayton
Jay Crocker
P.J. (Pat) Arvidson
Keith Gerhartz
Ken Taylor

THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION of a hearing of the Citizens Code Enforcement Board, to be held on TUESDAY, April 15TH, 2008 at 4:30 P.M. in the **DEBERRY ROOM, 3RD FLOOR, UTILITIES COMMISSION, 200 CANAL STREET,** New Smyrna Beach, Florida, for consideration of the following:

Carol Kerrigan, Chairperson
John Shelby, Vice Chairperson
Citizens Code Enforcement Board

ROLL CALL

DISCLOSURE OF EX PARTE COMMUNICATIONS:

Members of the Citizens Code Enforcement Board are asked to please disclose, for the record, the substance of any ex parte communications that have occurred prior to this public hearing.

APPROVAL OF MINUTES

March 18th, 2008

SWEARING OF CITY STAFF:

OLD BUSINESS:

C2006-0139: Ocean Palms Beach Club, Inc.

[SERVED]

Violation of §303.1 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior of the buildings have not been maintained in good repair, is no longer structurally sound and sanitary and poses a threat to the public health, safety and welfare located at 2601 S Atlantic Avenue.

Violation of §303.2 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior wood surfaces of the buildings have not been protected from the elements and decay by painting or other protective covering or treatment located at 2601 S Atlantic Avenue.

Violation of §303.4 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted structural members have deteriorated and are no longer capable of supporting the imposed dead and live loads located at 2601 S Atlantic Avenue.

Violation of §303.5 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the foundation walls are no longer plumb and have open cracks located at 2601 S Atlantic Avenue.

Violation of §303.6 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior walls have not been kept free from holes, breaks, loose or rotting materials and maintained weatherproof and properly coated to prevent deterioration located at 2601 S Atlantic Avenue.

Violation of §303.7 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the roofs have not been maintained which causes the interior to be exposed to the elements including rain that is causing deterioration to the interior of the building located at 2601 S Atlantic Avenue.

Violation of §303.11 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior stairs and landing are no longer structurally sound located at 2601 S Atlantic Avenue.

Violation of §304.1 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the interior of the building is no longer structurally sound and unsanitary located at 2601 S Atlantic Avenue.

Violation of §304.3 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the interior surfaces, including windows and doors, are no longer in good, clean and sanitary condition located at 2601 S Atlantic Avenue.

July 18, 2006: The Board found Ocean Palms Beach Club, Inc. in violation and gave them 30-days to secure the buildings and grounds including but not limited to: roofs, decks, windows, fencing and balconies and continued this case to the August 15, 2006 hearing.

August 15, 2006: The Board continued this case to the October 17, 2006, hearing for review.

October 17, 2006: The Board continued this case to the January, 16, 2007, hearing for review.

January 16, 2007: The Board made a motion to give Ocean Palms Beach Club, Inc. until the February 20, 2007 hearing to secure the buildings and grounds including but limited to roofs, decks, windows, fencing, balconies, soffits and to contract with a professional pest control company to remove and treat vermin issues, as well as submit a report on their plan of action to either renovate or demolish the structure with representation from the City Building Department to provide and concur with the feasibility of the plan of action and a timeline to be completed or face a fine of \$250.00 per day for each and every day this property remains in violation.

February 20, 2007: The Board found the subject property had been brought into substantial compliance such that the \$250.00 per day fine would not be imposed. The Board referred the case to the Building Department for enforcement through the Unsafe or Dilapidated Structures Ordinance and the Building and Trades Board.

November 13, 2007: The Board gave Ocean Palms Beach Club, Inc. 3 weeks to obtain the permits or face a \$250.00 fine per day for each day they do not have the permit. The Board gave Ocean Palms Beach Club, Inc. 150 days from 11/13/07 today to secure the violations or face a fine of \$250.00 per day for each and every day the violations exist.

Fine Totals:

One thousand dollars (\$1,000.00) for a total of 4 days, April 11 – April 15, 2008

C2007-0003: **Clariece Everett** **507 N. Duss Street** **[POSTED]**

Permitting or causing to be permitted a vacant structure to exist, which has not been maintained in a clean, safe, secure, and sanitary condition thereby adversely affecting the public health and safety, in violation of §301.3 of the International Property Maintenance Code, 1998 Edition.

January 15, 2008: The Board found the subject property in non-compliance and gave the respondent until the 7th day of March, 2008 to bring the property into compliance or face a fine of \$250.00/day for each and every day the violation exist.

Fine Totals:

Nine thousand seven hundred and fifty dollars (\$9,750.00) for a total of 39 days, March 8 – April 15, 2008.

C2007-0626: Cham Bezwiechin 828 S. Duss Street [POSTED]

Permitting or causing to be permitted weeds and undergrowth upon the subject properties in violation of §38-111. of the City Code of Ordinances.

At the hearing on the 18th day of September 2007, the Board found each property in violation and gave the owner ten (10) days to bring each property into compliance or face of fine of \$25.00 per property per day for each day the properties remain in non-compliance. Cham Bezwiechin failed to comply with each of the Board's Orders and the fines started on the 29th day of September 2007.

Fine Totals:

828 S. Duss Street – Five thousand dollars (\$5,000.00) for a total of 200 days, September 29, 2007 – April 15, 2008.

**C2007-0627: Cham Bezwiechin 830 S. Duss Street [POSTED]
In Compliance 3.1.08**

Permitting or causing to be permitted weeds and undergrowth upon the subject properties in violation of §38-111. of the City Code of Ordinances.

At the hearing on the 18th day of September 2007, the Board found each property in violation and gave the owner ten (10) days to bring each property into compliance or face of fine of \$25.00 per property per day for each day the properties remain in non-compliance. Cham Bezwiechin failed to comply with each of the Board's Orders and the fines started on the 29th day of September 2007.

Fine Totals:

830 S. Duss Street – Three thousand eight hundred and fifty dollars (\$3,850.00) for a total of 154 days, September 29, 2007 – March 1, 2008.

**C2007-0628: Cham Bezwiechin 820 S. Duss Street [POSTED]
In Compliance 2.04.08**

Permitting or causing to be permitted weeds and undergrowth upon the subject properties in violation of §38-111. of the City Code of Ordinances.

At the hearing on the 18th day of September 2007, the Board found each property in violation and gave the owner ten (10) days to bring each property into compliance or face of fine of \$25.00 per property per day for each day the properties remain in non-compliance. Cham Bezwiechin failed to comply with each of the Board's Orders and the fines started on the 29th day of September 2007.

Fine Totals:

820 S. Duss Street – Three thousand two hundred dollars (\$3,200.00) for a total of 128 days, September 29, 2007 – February 4, 2008.

NEW BUSINESS:

C2007-0834: The NSB Atlantic Land Trust 2702 S. Atlantic Ave. [SERVED]

Permitting or causing to be permitted a structure to exist that has been altered and has not been maintained in good working order in violation of §101.6 of the Standard Housing Code, 1997 Edition.

C2008-0110: **Michael A. Monette, Sr. &** **Cheston Street** **[POSTED]**
 Marie J. Monette

PARCEL ID: 7440-12-00-0022, LEGAL DESCRIPTION: N 133.50 FT LOT 9 EXC W 10 FT CAMARY MAUD GROVES SEC 3 S & W OF NEW ELEANORE AVE & PART OF FORMER ELEANOR AVE BETWEEN SEC 2 & 3 PER OR 4094 PGS 2639-2642 PER OR 5693 PGS 3670-3671

- (A) Permitting or causing to be permitted weeds and undergrowth upon the subject property in violation of §38-111. of the City Code of Ordinances.
- (B) Permitting or causing to be permitted the operation of a business without having paid the required business license tax in violation of §74-146. of the City Code of Ordinances.
- (C) Permitting or causing to be permitted the operation of a business (storage and rental) without an approved site plan in violation of §303.01 of the Land Development Regulations.
- (D) Permitting or causing to be permitted filling of low lot areas within the required yard areas without the required Stormwater Management permit in violation of §604.02 B. (3) i. of the Land Development Regulations.
- (E) Permitting or causing to be permitted recreational equipment to be used as living, sleeping or housekeeping purposes in violation of §802.06 of the Land Development Regulations.

C2008-0124: **Charles Sutherland** **400 Lincoln Ave.** **[SERVED]**

- (A) Permitting or causing to be permitted construction without the required building permit in violation of §26-171. of the City Code Of Ordinances.

REPEAT BUSINESS: None

ADJOURNMENT:

Pursuant to Florida statute 286.0105, if an individual decides to appeal any decision made by the Citizens Code Enforcement Board with respect to any matter considered at this hearing, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans with Disabilities Act (ADA), persons needing assistance to participate in any of these proceedings should contact the Administrative Specialist of the Citizens Code Enforcement Board listed below prior to the hearing:

Claudia Soulie
Administrative Specialist
% City Hall
210 Sams Avenue
New Smyrna Beach, FL 32168-9985
Telephone: 386.424.2265
Fax: 386.424.2148