

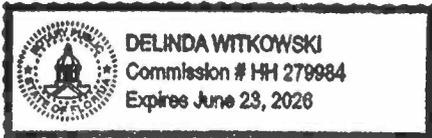
Code Board Hearing
June 08, 2023 Meeting Minutes

The undersigned is the Secretary of the Code Board and the information provided herein is the minutes of the meeting of said Code Board on June 08, 2023 which minutes were formally approved and adopted by the Board on July 27, 2023.

ATTEST:



CHAIR



ADVISORY BOARD LIAISON

NOTE TO READER: If the minutes you have received are not completed as indicated above, this means they are not the official minutes of the (Board Name). They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.

Code Board Hearing was held on **June 08, 2023**,
was called to order at 1:34pm , Adjourned 3:49 pm.

Code Enforcement Present:

Enrique Fernandez, Code Enforcement Administrator
Randell Straghn, Code Officer
Ryan Sahai, Code Officer
Lakesia Harris, Code Officer
Khatoya Wesley, Code Officer

Code Enforcement Board Members Present:

Nicholas Coppola
Michael Schiff
Wayne Pasik
Joseph Schulz
Jonathan Jonas

Code Enforcement Board Members Absent:

Courtney Tito
Stephen Butera

Owners and/ or Respondents Present:

Arissa Web
John Gannaway

Case 22-14530

Owners Name: Jason Muscari & Mari Muscari

Property Address: 320 NW 3rd Avenue

Presented by: Lakesia Harris

Code Officer Lakesia Harris presented a General Violation 7.1.3 (A) (104.1.1) concerning a Building Code (Permits required) at the property of 320 NW 3rd Avenue. Officer Lakesia Harris presented three (03) photographs into evidence. City Attorney Lawonda Warren questioned Lakesia Harris on the photographs pertaining to the case. Permits had been applied for at one time, and 180 days were given to complete the work; however, the time frame had expired. An overall site plan had been done for this property, and many disapprovals had taken place with

this property. Jonathan Jonas made the motion to accept the photos into evidence, and Wayne Pasik made the second motion; all were in favor.

Michael Schiff questioned Code Officer Lakesia Harris concerning the mail that had come back without signatures, and if she had had any communication with the Muscari's. Contact had been with Mr. Muscari and he mentioned that he had a general contractor.

The cities recommendation is \$100 a day if not in compliance within 30 days to apply for the appropriate building permit.

Joseph Schulz made the motion in respect to case 22-14530 that the violation does exist, and that the owner must come into the city to apply for a permit through the Building Department. The violation shall be corrected within 30 days or face a fine of \$100 per day. Wayne Pasik seconded the motion.

Board Polled Passes 5-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes
<i>Jonathan Jonas</i>	Yes
<i>Joseph Schulz</i>	Yes
<i>Wayne Pasik</i>	Yes

Case 22-14531

Owners Name: Jason Muscari & Mari Muscari

Property Address: 320 NW 3rd Avenue

Presented by: Lakesia Harris

Code Officer Lakesia Harris presented a General Violation 4.6.16 (I) (1) concerning a Zoning Code (Landscape Maintenance) at the property of 320 NW 3rd Avenue. Office Lakesia Harris presented four (04) photographs into evidence. City Attorney Lawonda Warren questioned Lakesia Harris on the photographs pertaining to the case.

Michael Schiff made the motion to accept the photographs into evidence, and Joseph Schulz made the second motion; all were in favor.

Lakesia Harris did have communication with the owner.

There was a misunderstanding as to the violation; it was a landscaping violation and permits were not needed, but only to come into compliance.

Michael Schiff questioned why there was a difference in price from one violation to the next. Lawonda mentioned that it depends on the violation, and they are considered independently and the gravity of the violation is also factored in.

The cities recommendation is 30 days to come into compliance, or a \$50.00 daily fine if they do not come into compliance.

Joseph Schulz made the motion in respect to case 22-14531 that the violation does exist, and that compliance needs to be met. The violation shall be corrected within 30 days or face a fine of \$50.00 per day. Wayne Pasik seconded the motion.

Board Polled Passes 5-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes
<i>Jonathan Jonas</i>	Yes
<i>Joseph Schulz</i>	Yes
<i>Wayne Pasik</i>	Yes

Case 23-1142

Owners Name: Bruce Willingham & Louella

Property Address: 333 SW 12th Avenue

Presented by: Khatoya Wesley

Code Officer Khatoya Wesley presented a General Violation 7.4.1 (307.4) concerning a Housing Code (Outside Storage) at the property of 333 SW 12th Avenue. Officer Khatoya Wesley presented four (04) photographs into evidence. City Attorney Lawonda Warren for identification purposes questioned Khatoya Wesley on the photographs pertaining to the case. Code Officer Khatoya Wesley mentioned that the owners put up a fence; however the case already had been started before the fence went up.

Michael Schiff made the motion to accept the photographs into evidence, and Jonathan Jonas made the second motion; all were in favor.

Attorney Lawonda asked the code officer if she had any communication with the owner, and she mentioned that she did speak with Mrs. Willingham. The owner mentioned that they had some family issues and that they just needed some time to be able to come into compliance. Previous extensions have been giving for this property.

Arissa Webb was present to represent her case. Mrs. Webb wanted some clarity as to what is allowed to be in your backyard. Khatoya Wesley mentioned that one boat, one trailer and one recreational vehicle is allowed to the rear of your property.

The cities suggests 30 days to remove all outside storage, or \$50.00 per day for noncompliance.

Arissa Webb asked for an extension of 60 days verses 30 days in order to not have to come back to Code Board Hearing; the board counteracted 45 days.

Michael Schiff made the motion in respect to case 23-1142 that the violation does exist, and that the violation be corrected within 45 days by removing the vehicles from the premises, or pay of fine of \$50.00 per day thereafter for noncompliance; Joseph Schulz seconded the motion.

Board Polled Passes 5-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes
<i>Jonathan Jonas</i>	Yes
<i>Joseph Schulz</i>	Yes
<i>Wayne Pasik</i>	Yes

Case 23-1781

Owners Name: 28 Oraton LLC

Register Agent: Jeanine D'Anna

Property Address: 644 Eagle Drive

Presented by: Ryan Sahai

Code Officer Ryan Sahai presented a General Violation 7.1.7 (A) concerning a Building Code (Seawall permit required) at the property of 644 Eagle Drive.

Officer Ryan Sahai presented six (06) photographs into evidence. City Attorney Lawonda Warren for identification purposes questioned Ryan Sahai on the photographs pertaining to the case. City Attorney Lawonda Warren for identification purposes questioned Ryan Sahai on the photographs pertaining to the case.

Attorney started by mentioning the seawall and the importance of why it needs to be installed properly for safety issues.

Seawall and dock was built without permits; now permits have been submitted, but time expired and also some disapprovals had been given by the building department.

Joseph Schulz made the first motion to accept the photographs into evidence. Wayne Pasik made the second motion to accept the photos into evidence; all were in favor.

Nicholas Coppola asked the attorney if he was wrong to mention the concern for urgency on this case, and Lawonda supported his statement saying that there is absolutely a concern for health and safety when it comes to a seawall.

The cities recommendation is thirty days (30) to apply and obtain a permit through the city of Delray Beach or \$100.00 daily fines thereafter.

Nicholas Coppola asked if he was wrong about the urgency of this case. Lawonda Warren responded that absolutely not. Lawonda Warren mentioned that in the beginning she laid down the foundation to the case, and its importance; that there is a significant amount of health and safety issues to this case.

Michael Schiff commented on his concerns. However, since the owner was not there to represent himself, Attorney Lawonda intervened.

Jonathan Jonas made the motion in respect to case 23-1781 that the violation does exist, and that the violation be corrected within 30 days by coming into the city to pull permits for the seawall or pay of fine of \$100.00 per day thereafter for noncompliance; Joseph Schulz seconded the motion.

Board Polled Passes 5-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes
<i>Jonathan Jonas</i>	Yes
<i>Joseph Schulz</i>	Yes
<i>Wayne Pasik</i>	Yes

Case 23-2828

Owners Name: Kenley Sylien & Sherley Sylien

Property Address: 2107 SW 13th Street

Presented by: Randell Straghn

This case was on the agenda but had been postponed because of service not received. Michael Schiff made the motion to postpone the case 23-2828 for thirty days (30) and Joseph Schulz seconded the motion.

Board Polled Passes 5-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes
<i>Joseph Schulz</i>	Yes
<i>Jonathan Jonas</i>	Yes
<i>Wayne Pasik</i>	Yes

NONCOMPLIANCE OF BOARD ORDER AND ASSESSMENT OF FINE:

Case 21-12049

Owners Name: John Gannaway

Property Address: 101 NW 10th Avenue

Original Code Officer: Rubenson Dejadin

Presented by: Enrique Fernandez

Code Enforcement Administrator Enrique Fernandez presented a General Violation 2.4.6 (B) (1 to 5) concerning a Building Code dealing with permits required at the property of 101 NW 10th Avenue. Enrique Fernandez presented seven (7) photographs just to refresh the boards memory and presented four (04) new exhibits into evidence. City Attorney Lawonda Warren

went through the previous photos and then questioned Enrique Fernandez for identification purposes on the photographs pertaining to the case.

Michael Schiff made the first motion to accept the photographs into evidence. Joseph Schulz made the second motion to accept the photos into evidence; all were in favor.

Administrator Enrique Fernandez testified on behalf of case 21-12049 requesting that the city place a lien of \$18,100.00 against the property and continue the daily fines of \$100.00 per day thereafter until the property comes into compliance.

John Gannaway was at the hearing to testify on behalf of his case. He mentioned that he has been back and forth with building and nothing is getting resolved. He kept asking if just strapping his shipping container was enough.

Mr. Coppola commented that this case has been going on far to long, and it is time that the city makes a decision on this case.

The cities recommendation is that they lien the property and continue the fines of \$100.00 per day thereafter until it comes into compliance.

Wayne Pasik made the motion in respect to case 21-12049 that the violation still exists, and that a lien against the property in the amount of \$18,100.00 and continue the daily fine of \$100.00 thereafter.

Board Polled Passes 4-1

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	No
<i>Joseph Schulz</i>	Yes
<i>Wayne Pasik</i>	Yes

Case 21-12066

Owners Name: John Gannaway & Laura Gannaway

Property Address: 101 NW 10th Avenue

Original Code Officer: Rubenson Dejadin

Presented by: Enrique Fernandez

Code Enforcement Administrator Enrique Fernandez presented a General Violation 7.4.1 (307.4) concerning a Housing Code dealing with outside storage at the property of 101 NW 10th Avenue. Enrique Fernandez presented eight (8) photographs just to refresh the boards memory and presented three (03) new exhibits into evidence. City Attorney Lawonda Warren went through the previous photos and then questioned Enrique Fernandez for identification purposes on the photographs pertaining to the case.

Michael Schiff made the first motion to accept the photographs into evidence. Joseph Schulz made the second motion to accept the photos into evidence; all were in favor.

Administrator Enrique Fernandez testified on behalf of case 21-12066 requesting that the city puts a lien of \$18,100.00 and continue the accrued fines of \$100.00 per day thereafter.

John Gannaway was at the hearing to testify on behalf of his case. He mentioned that he has been back and forth with Code Enforcement wanting direction as to what he was supposed to do. Nicolas Coppola mentioned that original compliance was to remove all the construction material.

Attorney Lawonda ended up commenting that regardless of the purpose of the materials on the property; whether it was for business or for building. There is no construction going on and no permits pulled, and for that reason there should not be any kind of construction material or debris on the property.

Nicolas Coppola asked Mr. John Gannaway how much time that he needed to come into compliance; Mr. Gannaway said that there is no answer to that question because he is waiting for the city to approve this permit to be able to build his house.

The cities recommendation is that they lien the property and continue the fines of \$100.00 per day thereafter until it comes into compliance.

Typically Mr. Wagner said that asking how much time he needs is usually done during the formal hearing; and now that the case is still noncompliant that is totally up to the board to decide if more time will be granted or not. The fact is the case still exists and what does the city want to do about it.

Joseph Schulz made the motion in respect to case 21-12066 that the violation still exists, and that a lien against the property in the amount of \$18,100.00 and continue the daily fine of \$100.00 thereafter.

Board Polled Passes 4-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes
<i>Joseph Schulz</i>	Yes
<i>Wayne Pasik</i>	Yes

Case 22-6752

Owners Name: Anderson Archange

Property Address: 5235 NW 6th Court
Original Code Officer: Jude LeConte
Presented by: Enrique Fernandez

Code Enforcement Administrator Enrique Fernandez presented a General Violation 2.4.6 (1 to 5) concerning a Building Code at the property of 5235 NW 6th Court. Mr. Fernandez presented eight (8) photographs just to refresh the boards memory and presented three (03) new exhibits into evidence. City Attorney Lawonda Warren went through the previous photos and then questioned Enrique Fernandez for identification purposes on the photographs pertaining to the case.

Michael Schiff made the motion to accept the five (5) exhibits into evidence, and Joseph Schulz seconded the motion; all in favor.

The city suggest that they lien the property in the amount of \$14,900 and to continue the daily fine of \$100.00 until compliance has been met.

Compliance is to come into the city and apply for a permit and have it closed out.

Joseph Schulz made the motion in respect to case 22-6752 that the violation still exists, and that a lien be placed against the property in the amount of \$14,900.00 and continue the daily fine of \$100.00 thereafter until the property comes into compliance. Wayne Pasik seconded the motion; all in favor.

Board Polled Passes 4-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes
<i>Joseph Schulz</i>	Yes
<i>Wayne Pasik</i>	Yes