



The CITY OF DAYTONA BEACH SPECIAL MAGISTRATE MEETING MINUTES

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Tuesday, July 10, 2018
9:00 AM

Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

	For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
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Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Mr. Anthony E. Jackson, Assistant City Attorney
Captain Scott Lee, Daytona Beach Police Department
Officer Steve Jessmer, Daytona Beach Police Department
Mr. Steve Alderman, Code Inspector
Mr. Michael Fitzgerald, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Mark A. Jones, Code Inspector
Mr. Jerome McCoy, Code Inspector
Mr. Clifford Recanzone III, Code Inspector
Mr. John Stenson, Lead Code Inspector
Ms. Aimee Hampton, Senior Paralegal
Mr. Charles Smarr, Audio/Video
Ms. Vivian June Barnes, Board Secretary

Approval of Minutes by:
Special Magistrate

Mr. Vukelja called the meeting to order at 9:10 a.m.

Mr. Vukelja approved and signed the minutes of November 13, 2018 meeting.

Ms. Barnes swore in members of staff who would be testifying.

Mr. Vukelja asked if there were any announcements.

Mr. Barnes stated the following case is in compliance.

CASE# 1 - SMG 09-18-108 - Shandra Carreira

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.13, 304.3); Art. 6 Sec. 6.19.A.3.a, at 802 N Halifax Ave. Violation(s) - Exterior structure - window frames, visible address, landscaping maintenance and outside storage. First Notified - 4/3/2018.

Compliance 12/10/2018

Ms. Barnes asked if Case #27 could be heard first as the respondent has her young daughter present.

Mr. Vukelja called Case #27.

CASE# 27 - SMG 12-18-155 - Kimberly A Latford

is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at 358 Hartford Ave. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 9/20/2018.

Ms. Kimberly Latford came forward and was sworn in.

Mr. Vukelja asked the respondent if she agrees these violations existed or occurred as stated in the Notice of Violation.

Ms. Latford stated yes. She stated she has decided not to rent the property and would like to retract her Rental Application.

Mr. Anthony Jackson, Assistant City Attorney, stated the inspector in this case is Mark Jones and he reports she is currently in non-compliance because she has previously failed her inspections for rental license. He stated she intends to do an affidavit stating she will not rent the property and the inspector is asking to amend until the next cutoff to bring the property into compliance.

Mr. Vukelja clarified that respondent needs to provide the affidavit that she will not rent or pass the rental inspection to come into compliance and Mr. Jackson stated that is correct.

Ms. Latford stated she will provide an affidavit that she will not rent the property.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and allowed the respondent until January 2, 2019 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter.

CASE# 2 - SMG 11-18-144 - David Bright

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 304.7); Art. 6 Sec. 6.19.A.3, at 748 Mercedes Ave. Violation(s) - Outside storage and failure to maintain roof. First Notified - 8/20/2018.

Mr. David Bright came forward and was sworn in.

Mr. Jackson stated there were two issues - one is the outside storage and the other is to maintain and take care of the roof. He stated the inspector reports they are in compliance for storage, but he is having issues in obtaining a permit for the roof. He stated it is a multi-owned property, where he has other tenants in common, and they need to sign off to allow him to obtain the permit. Mr. Jackson corrected his statement to say that his siblings need to sign off in order to allow him to get the permit. He stated the City is asking to amend to the next cutoff.

Mr. Bright stated that is correct.

DISPOSITION: Based on the presentation of the City and the respondent, Mr. Vukelja ordered that the outside storage issue is now in compliance and further ordered that the remaining issues to be resolved must come into compliance by January 2, 2019 or be returned for the consideration of a fine of up to \$1,000 per day thereafter.

CASE# 3 - SMG 11-18-146 - Todd T Huguenin

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 304.2); City Code Ch. 90 Sec. 90- 297 and Ch. 26 Sec. 26-294, at 1009 Berkshire Rd. Violation(s) - Failure to maintain fence, failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL). First Notified - 9/12/2018.
Compliance 12/3/2018

CASE# 4 - SMG 11-18-148 - Earl Mccrary III

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 308.1), at Vacant Lot Pinewood St. (Parcel# 5212-01-00-0670). Violation(s)- Trash pickup. First Notified - 6/29/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Tom Clig. He stated it has been reviewed and will be addressed by Steve Alderman who is requesting to amend to the next cutoff in order to get everything resolved. He stated there is a limited report from the original inspector and in order to follow up to determine the status, he is asking to amend to the next cutoff.

Mr. Vukelja asked what the problem was with picking up trash and why it hasn't been done in six months.

Mr. Jackson stated that this inspector did not know the answer and that Inspector Clig is not available today to give us any background.

DISPOSITION: Mr. Vukelja amended the previous Order of Non-Compliance to allow the respondent until January 2, 2019 to come into compliance or be returned for the consideration of a fine of up to \$1,000 per day thereafter. Mr. Vukelja requested the minutes reflect that respondent has had six months to remove trash.

CASE# 5 - SMG 09-18-112 - Bulldog LLC

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.1, 304.2, 304.6, 304.7, 304.13, 304.8); City Code Ch. 26 Sec. 26-294 and City Code Ch. 90 Sec. 90-297, at 208 Fairview Ave. Violation(s) - No address numbers, failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL). First Notified - 3/1/2018.

Respondent was not present.

Mr. Jackson stated the case was continued and a progress report ordered for the determination of a compliance date. He stated the inspector is Danny Garcia and he reports that the respondent is at this time attending a technical review team (TRT) meeting. He stated staff is asking to amend to the next cutoff for the compliance date. He stated that while he was taking care of these issues, and he has done quite a bit of it, he wanted to make some alterations and modify the structure.

Inspector Garcia stated the respondent was trying to get a variance, but it does not look like it will happen. He stated he has the address numbers; he has evicted the tenants and it is empty and totally cleaned out. He stated everything on the exterior has been cleaned, fences have been repaired, he obtained the roof permit and the roof is done, and he repaired the stairs. He stated he intends to obtain a rental license but before he can do that, he needs to convert it back to a two unit even though he purchased it as a three unit. He stated he will need to remove the kitchen in order to turn it back to a two unit.

DISPOSITION: Based on the presentation of the inspector, Mr. Vukelja amended the current Order of Non-Compliance to allow the respondent until January 2, 2019 to come into compliance or be returned for the consideration of a fine of up to \$1,000 per day thereafter.

CASE# 6 - SMG 11-18-136 - Robert J Matuszczak

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.A, at 262 Lexington Dr. Violation(s) - Outside storage and parking on the grass. First Notified - 9/12/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Danny Garcia and he reports that this property is now in compliance.

Inspector Daniel Garcia stated the case was in compliance.

DISPOSITION: Based on the City's stipulation, Mr. Vukelja found the respondent in Compliance.

CASE# 7 - SMG 11-18-137 - Robert Matuszczak

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2. H. 7.A, at 266 Lexington Dr. Violation(s) - Outside storage and parking on the grass. First Notified - 9/8/2018.

Mr. Jackson stated this case is also in compliance.

DISPOSITION: Based on the stipulation by the City Attorney, Mr. Vukelja found the respondent is now in compliance.

CASE# 8 - SMG 06-18-61 - Sheila A Minnick & Dillon Property Management

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.4, 304.2, 304.7, 304.13, 304.13.2, 304.14, 304.15, 305.3, 309.1, 604.3, 605.2); Art. 6 Sec. 6.19.A.4 at 532 Orange Ave. Violation(s) - Maintenance Code - Smoke Alarms, protective treatment, weeds, structural appearance standards, exterior structure - roofs and drainage, insect screens, pest elimination - infestation, interior surfaces, electrical system hazards, receptacles, inoperable windows, window, skylight and door frames. First Notified - 3/1/2018.

Mr. Jackson stated that Ms. Minnick was here earlier, and the inspector is Jerome McCoy. He stated Inspector McCoy advises him that they are requesting to amend to the next cutoff. He stated that Dillon was doing everything he needed to do to bring the property into compliance, but he is still in redevelopment for review before he can get a final on his inspections.

Inspector McCoy stated there were several permits that they needed to apply for. He stated the roofing permit has been taken care of and finalized and the electrical has been finalized however there is an additional permit that is under review by redevelopment for the windows and doors. He stated the work should be completed by January 2.

Mr. German Palacios, Dillon Property Management Partner, came forward and was sworn in. Mr. Palacios stated he believed they would be done by January 2 and possibly sooner than that.

DISPOSITION: Mr. Vukelja amended the current Amended Order of Non-Compliance to allow the respondent until January 2, 2019 to come into compliance or be returned for the consideration of a fine of up to \$1,000 per day thereafter.

CASE# 9 - SMG 08-18-90 - Fred J Hoffmann, Trustee under Business Trust dated 9/9/94 known as Braddock Trust

is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, Art. 6 Sec. 6.19.A.4 (Ref. FBC IPMC 304.2, 304.7, 304.14, 305.3, 309.1, 605.2), at 105 Braddock Ave. Violation(s) - Maintenance Code - Structural appearance standards, protective treatment, roofs and drainage, insect screens, interior surfaces, pest elimination - infestation, receptacles. First Notified - 4/18/2018.

Mr. Fred Hoffmann came forward and was sworn in.

Mr. Jackson stated the inspector in this case is Jerome McCoy and he reports Mr. Hoffmann still has some work to do and some permits to pull. He stated that the case has been going on since April and he is asking for a \$250 per day fine to a maximum of \$15,000.

Inspector McCoy stated some work has been done however he needs a permit for shutters, and he believes the respondent has been given ample time.

Mr. Vukelja asked what work still needs to be completed.

Inspector McCoy stated he had put windows in without permits and had to get the permits for that and the shutters have to go up. He stated the painting and interior issues have been done.

Mr. Vukelja stated that that work was supposed to have been completed by December 5.

Mr. Hoffman stated everything that was on the inspection report was done and he had to pull a perm it and get a contractor.

Mr. Vukelja asked the respondent to be specific as to what has been done.

Mr. Hoffman stated he has done window screens, sliding glass doors, outside window wood, painted the house, replace siding shingles on the rear, termite treatment, the outside trim on the rear bathroom on the outside and wired the ceiling in the living room. He stated when he applied for the permit, he was told that the windows were not hurricane impact windows and that he needed to get shutters, and the contractor pulled the permit. He stated all of the windows were done except a bay window and his contractor has been out of town. He stated he cannot control the workers schedules. He further stated he had done weather stripping, cabinet work, painting on the inside, GFCI's, rear bath vanities, caulking, upstairs floor was sanded and polyurethaned, he repaired the hole in the fireplace and fixed the rear outside door. He stated the bay window is three windows, and he has an estimate for storm panels. He stated the contractor expected it to take about three weeks because he was so busy. He stated the only thing remaining to be done is the bay window and the shutters for the whole house. He stated it was two different contractors for the windows and the shutters, but the bay window must be installed first. He stated the window contractor was coming back from vacation on January 2. He stated other contractors said that they could take up to six months and his contractor will be quicker.

Mr. Vukelja asked the inspector how much work had been done on the house.

Inspector McCoy stated there had been a substantial amount of work done.

Mr. Vukelja asked if the property was being rented and the inspector stated it is vacant. He stated originally the violations came from a complaint by the tenant.

DISPOSITION: Mr. Vukelja continued the case to the January 8, 2019 meeting, at which time respondent will advise the Magistrate precisely when the windows and shutters will be installed and a compliance date set. It is further ordered that respondent shall not use, occupy or rent the property until compliance is achieved.

CASE# 10 - SMG 11-18-128 - Cellese Family Trust and Francesca Cellese-Fahmy as Trustee

is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at 407 University Blvd. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 8/23/2018.

Duane Davis, family friend and witness, came forward and was sworn in.

Mr. Davis stated the person that was scheduled to come to the hearing could not make it and he was asked to appear on her behalf. He stated he knows of the issue regarding the window and the respondent is in New York.

Mr. Vukelja stated that he would consider Mr. Davis a witness.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Mark Jones. He stated the inspector is asking to amend to the next cutoff.

Mr. Vukelja called the witness and stated that the City has already requested that the respondent be given until January 2 to come into compliance.

Mr. Davis stated that was fantastic.

DISPOSITION: Mr. Vukelja amended the current Order of Non-Compliance to allow the respondent until January 2, 2019 or be returned for the consideration of a fine of up to \$1,000 per day thereafter.

CASE# 11- SMG 11-18-140 - Mary & William E. Gordon III, joint tenants with rights of survivorship

is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at 414 Daytona St. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 8/17/2018.

Ms. Mary Gordon came forward and was sworn in.

Mr. Jackson stated the inspector is Mark Jones and this is a Window World issue and that windows were installed without permits. He stated this has been going on since August and permits have still not been applied for. He stated they are seeking for the owner to take action and get this taken care of. He stated the inspector is asking for a \$100 per day fine to a maximum of \$10,000.

Ms. Gordon stated that she was still asking Window World to obtain the permits for the windows which have already been installed. She stated she has been to the permitting office three times and produced a piece of paper from Jennifer Bennett in the permitting department. She stated they applied for the permits for one of the units, but they needed to get one for all four units. She stated the taxes are listed for 414, but the permit was pulled for 416, and Mrs. Bennett stated they told Window World they needed to come back down and pull the remaining permits. She stated when she went to Window World and they stated they were having an issue with the City and she told them they needed to get it straightened out. She stated she wasn't sure what to do and that she was not allowed to pull the permit. She stated she wanted the inspector to come out there and check the work that was done.

Mr. Vukelja asked how many windows we were talking about.

Mrs. Gordon stated there were 22. She stated there was one unit that did not need them and that we were talking about 416, 418 and 420.

Mr. Vukelja ask about 414.

Mrs. Gordon stated that unit did not need them, it was more like a house. She stated instead of having the windows mismatched she decided to replace them all.

Inspector Jones stated the property was under address 414. He stated it was a long piece of property that had four units - four individual houses. He stated that per the tax appraiser they were under the address of 414. He stated the units that received windows were 416, 418 and 420 but that was only for mailing purposes and does not address the property.

Mrs. Gordon stated this is been going on since November 6.

DISPOSITION: Mr. Vukelja amended the current Order of Non-Compliance to allow the respondent until January 2, 2019 or a fine in the amount of \$100 per day will automatically go into effect and continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000.

CASE# 12 - SMG 11-18-150 - Ormond Breeze LLC Trustee under Florida Land Trust 712

is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at 712 Georgia St. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 8/15/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Mark Jones. Inspector Jones reports the property was inspected on November 26 with just a few violations to resolve and they had been given until December 16 to correct them and so we are asking to amend to the next cutoff for him to get rescheduled for another inspection.

Mr. Vukelja asked why the respondent was not present.

Mr. Jones stated he had no idea why the respondent was not present. He stated he spoke with the respondent on December 5 and he said he was almost complete with everything. He stated he assumed he would be at the hearing.

DISPOSITION: Based on the inspector's report, Mr. Vukelja amended the current Order of Non-Compliance to allow the respondent until January 2, 2019 to come into compliance or be returned for the consideration of a fine of up to \$1,000 per day thereafter.

CASE# 13 - SMG 11-18-151 - Help U Now Consulting Corp & Allen Hyppolite

is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at 446 N Keech St. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 9/14/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Mark Jones. Inspector Jones reports that he believes this is a rental property. He stated when respondent was here last month, she indicated she was a realtor and that the sign posted outside the property, where she has no rental license, indicated other properties that she rents as she rents everywhere. He stated the inspector is requesting a fine of \$100 per day to a maximum of \$15,000.

Mr. Jones stated the property owner has continued to have a "for rent" sign out front and on a daily basis. He stated she now has people living there and that he has stopped and talked with them and they said they are relatives and that are there doing repairs for the owner and not paying any rent. He stated he has no way to verify that and has had no communication with the owner.

Mr. Vukelja asked if the inspector had any idea why the respondent was not present and inspector Jones stated no.

DISPOSITION: Based on the inspector's report and noting the absence of the respondent, a fine of \$100 per day was imposed, commencing December 6, 2018, and continuing to accrue each day thereafter until the property is brought into compliance or the amount of the fine reaches a maximum amount of \$15,000 was imposed.

CASE# 14 - SMG 05-18-52 - Margaret Ellen Eberwein

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 302.3, 302.4, 302.8, 304.7); Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.8.G, at 348 Jackson Ave. Violation(s)- Damaged roof, outside storage, boarded windows, inoperable vehicle and scooters, overgrown shrubs and dilapidated fence. First Notified - 2/13/2018.

Margaret Ellen Eberwein came forward and was sworn in.

Mr. Jackson stated the inspector is John Stenson. He stated this case is where a local organization called VIND was going to be helping her with the roof. He stated this was a case where the Magistrate asked for compliance on everything else except the roof and since the time of clearing everything, she has acquired another junk vehicle on her property. He stated regarding the circumstance of the VIND effort, we have no information.

Mrs. Eberwein stated her truck failed and she got another truck and it doesn't have a heater, so she needs to get the heat exchanger out of the other truck before she gets rid of it. She stated the VIND people were shifting and they do not keep people long and they are looking for volunteers and materials. She stated she was going after the hearing today to explain to them that she does have the materials. She also stated she does have some finances.

Mr. Jackson stated the City would like to allow her until February. He stated the City would like her to have permits pulled by January and if permits are not pulled then it appears it is not going to happen. He stated he would like to see action taken.

Mr. Vukelja asked if anyone from the City has spoken to any representatives for this program to confirm that she's on a list.

Lead Code Inspector, John Stenson, stated he had one conversation with the people at VIND and they did confirm that they were working with this property owner. He stated they could not give him a timeframe and it is known that these organizations take longer than the traditional project.

DISPOSITION: Mr. Vukelja ordered that the roofing permit be pulled by January 2, 2019 and the property come into compliance by February 6, 2019, and failing either of those two events, the respondent will be returned for consideration of a fine up to \$1,000 per day thereafter.

CASE# 15 - SMG 11-18-126 - 1448-1490 W International Speedway Blvd., LLC

is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S; Art 9 Sec. 9.2.A; City Code Ch. 90 Sec. 90-297, at 1490 W Intl. Speedway Blvd. Violation(s) - Lack of required permits for stage, failure to obtain Business Tax Receipt (BTR). First Notified - 9/6/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is John Stenson. Inspector Stenson reports that the property remains in non-compliance. He stated this is the location of the old Outback steakhouse and regarded the stage issue. He stated the staff is asking for a \$250 per day fine to a maximum of \$15,000.

Inspector Stenson stated he has had no contact with respondent since the last meeting and the permit for the stage has been under review since September 25.

DISPOSITION: Based on the testimony of the inspector and the absence of the respondent, a fine of \$200 per day, commencing December 6, 2018, and continuing to accrue each day thereafter until the property is brought into compliance or the fine reaches a maximum amount of \$20,000 was imposed.

CASE# 16 - SMG 11-18-129 - Greg E Allen

is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 6 Sec. 6.1 0.a.1-3; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.4, 302.7, 302.8, and 304.7), at 112 S Martin Luther King Blvd. Violation(s) - Outside storage, dilapidated sign, high weeds, junk vehicles, damaged fencing and roof. First Notified - 8/22/2018.

Respondent not present.

Mr. Jackson stated the case is before you for the imposition of a fine and the Inspector is John Stenson. Inspector Stenson reports that he has had no contact with anyone since the last meeting and the property remains in non-compliance. He stated staff is asking for a \$200 a day fine to a maximum of \$20,000.

Inspector Stenson stated the junk vehicles on this property have been removed and the police department had them towed. He stated all other violations still exist.

Mr. Vukelja asked the Inspector if he knew a reason why he hasn't heard from anyone.

Inspector Stenson stated that the actual owner of the property is deceased and last month his son appeared but other than that there's been no contact.

DISPOSITION: Based on the inspector's report and noting the absence of the respondent, a fine of \$200 per day was imposed, commencing December 6, 2018, and continuing to accrue each day thereafter until the property is brought into compliance or the fine reaches a maximum amount of \$20,000 was imposed.

CASE# 17 - SMG 09-18-113 - Promo 05 LLC

is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 3 Sec. 3.4.S.2; Art. 3 Sec. 3.4.S.3; City Code Ch. 90 Sec. 90-297, at & 227-225 N Oleander Ave. Violation(s) - Adding a third apartment in the basement of the front building - no permit for electrical, plumbing, new porch, new stairs and demo, failure to obtain Business Tax License (BTR). First Notified -3/7/2018.

Mr. Alex Betancourt, friend of the owner, came forward and was sworn in.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Mike Fitzgerald. Inspector Fitzgerald reports nothing has been done and is asking for a fine in the amount of \$250 per day to a maximum of \$15,000.

Inspector Fitzgerald stated that the roof was completed with the permit and they have stated they are in the process of hiring a contractor but he has not seen anyone working nor have they pulled any permits for the rest of the job. Inspector Fitzgerald stated he is asking for a fine of \$250 per day to a maximum of \$15,000.

Mr. Vukelja asked when it reads no permits for plumbing, electrical, new porch, new stairs and demo is that referring to the third apartment in the basement or the overall building?

Inspector Fitzgerald stated that would refer to the overall building in the front where they did a lot of demolition and built stairs without permits or engineering.

Mr. Betancourt stated the owner has hired a general contractor and an engineer for engineering drawings and he has both contracts. He also stated the General Contractor was present.

Mr. Vukelja asked the respondent how long it would take to bring the property in compliance.

Mr. Betancourt presented the Special Magistrate and the City Attorney with copies of the contracts and drawings.

Mr. John Toft, General Contractor, came forward and was sworn in. Mr. Toft stated that he was brought in to look at the building to see what needed to be done and he recommended an engineer that he has previously worked with. He stated he would not be able to bring it into compliance by January 8. He stated plans need to be submitted to the City for a permit and the plans will have to be approved. He stated that the work was in motion, but he cannot pull the permit until he gets a set of drawings.

DISPOSITION: Mr. Vukelja continued the case until the January 8, 2019 meeting for a progress report.

CASE# 18 - SMG 09-18-114 - Calvary Global Ministries Inc

is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 3 Sec. 3.4.S.2; Art. 3 Sec. 3.4.S.3, at 301 Earl St & 313. Violation(s) - No permit to enclose porches. First Notified - 6/14/2018.

Compliance 12-3-2018

CASE# 19 - SMG 11-18-147 - GEA Seaside Investments Inc

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 304.6, 304.8, 305.3, 504.1 and 604.3.1), at 507 Phoenix Ave. Violation(s) - Maintenance Code - Non-working hot side of bathroom sink, damaged interior surfaces, exterior damage, electrical hazard or missing parts. First Notified - 7/23/2018.

Ms. Angela Hendry, Esq., came forward.

Ms. Hendry stated numerous issues had already been resolved over the last 6 months and stated they were unsure as yet if they needed a licensed contractor to make some of the additional repairs because the balcony issue was not cited in the original Notice, and if the City is requiring them to hire a licensed contractor and pull a permit, they will need additional time. She stated GEA has reached out to some licensed contractors and that she has a list. She stated she has an estimated project schedule if a licensed contractor is required. She stated that if they need a contractor, they would need until March 19 in order to retain an architect, have drawings made and apply for the permit.

Inspector Fitzgerald stated he and Lead Inspector, John Stenson, met with Ms. Hendry on site and went over everything that needed to be done except the permit issue. He stated the issue with a permit came up when the repair to a leaking roof in the garage led to the respondent totally reconstructing the garage roof and balcony above and that permits were required for the work they performed. He stated that the work that needs to be performed on the property needs to be done by a licensed contractor because the property is a commercial property.

Mr. Vukelja asked for clarification on all the work that needs to be done that requires a contractor.

Inspector Fitzgerald stated that it did not include the normal handyman issues but repairing drywall or anything that was electrical needs to have a licensed contractor. He stated the way they chose to fix the leaking drywall issue was to replace the entire ceiling and the roof and that is a perm it item that has to be done by a contractor and has to have engineering done with it.

Mr. Vukelja asked respondent's attorney about the balcony.

Ms. Hendry stated that all she can see from the picture is the ceiling and it is unclear to her that the whole ceiling was replaced and that a licensed contractor or engineer is required.

Mr. Vukelja asked Ms. Hendry if we were now clear on all the items that needed to be attended to in order to bring the property into compliance.

Ms. Hendry stated that the notice was vague, so it is unclear as to what the items are.

Mr. Jackson stated he believed the inspector had met with Ms. Hendry on site three or four times and she has repeatedly said that the violations are unclear. He stated that he is not sure what she means when she says the violations are still unclear. He stated a support issue on the ceiling is going to require a licensed contractor to ensure that it is safe for people to walk on.

Mr. Vukelja stated when he sees a Notice of Violation that says exterior surfaces and exterior damage that sounds like the whole structure so, at what point in time is the respondent given a specific inventory list of what needs to be done?

Inspector Fitzgerald stated Lead Inspector Stenson and he went to the property and went through the violations, along with photographs with arrows, and she has those pictures with the Notice of Violation that was sent. He demonstrated on the pictures what he means by interior surfaces and showed an arrow pointing at those issues. He stated they are all over the house. He stated the exterior surfaces are missing siding which he pointed out to them when they met on the property. He stated he issued a CEB I with photographs and that it was much more detailed than the Notice of Violation for the Special Magistrate.

Mr. Vukelja asked what was the issue in regard to the balcony?

Inspector Fitzgerald stated the balcony is a separate issue. He stated he wrote the damage on the ceiling but how they fixed it is the problem. He stated instead of putting up a piece of plywood to fix the damaged ceiling, they completely replaced the ceiling and a new floor on top for the balcony, which requires permits, and has to be engineered and inspected.

Ms. Hendry stated the balcony was not torn out and instead of just nailing or gluing the drywall to the ceiling they install plywood to make it sturdier. She stated they did not tear out the whole ceiling and rebuild the balcony.

Mr. Vukelja asked how long the City believes it should take the respondent to come into compliance.

Inspector Fitzgerald stated if they pull a permit, they should be able to get it done by the next cutoff because it's already done.

Ms. Hendry stated that was not enough time to get it done. She stated if the permit department requires an engineer to be retained, and for drawings to be made, they would need more time.

Mr. Vukelja asked what was left other than the balcony.

Mr. Fitzgerald stated the holes in the walls were still there and he hasn't seen a receipt from an electrical contractor that they had fixed the electrical.

Ms. Hendry stated she could provide the receipts at a later time and there has not been an electrical contractor that they've retained yet because they've been more focused on the balcony issue since that is a major repair. She stated she does have an estimated project schedule and she has a list of contacts that they would contact to handle all the issues on the property.

Mr. Vukelja asked when the respondent expects to be in compliance.

Ms. Hendry stated she has an estimated project schedule of March 19 and that's assuming there's no engineer being retained.

Mr. Jackson stated that she may need an engineer and drawings so the City would request that all of the other things that can be done be done by the next cutoff.

Mr. Vukelja asked if there were any appearance issues with the exterior right now.

Inspector Fitzgerald stated it was just the garage area where it is boarded in and they would need to put a banister in.

Mr. Vukelja asked for clarification that the City is in agreement that for the balcony issue it could put them back to March 19 for compliance.

Mr. Vukelja asked Ms. Hendry, setting aside the balcony issue, if all the other work that needs to be done can be done by January 2.

Ms. Hendry stated she can have GEA come into compliance on the other issues but the balcony issue is something that she cannot guarantee.

Mr. Vukelja asked for the City's thoughts on the balcony.

Mr. Jackson stated that the balcony is a substantial issue and has the potential to become the major detail on work. He stated the City believes it can be done by the March date but the City would ask for a progress report in February that they have in fact hired an engineer and gotten drawings. He stated the respondent needs to stay in touch so that the inspector knows what has been accomplished but that they have not received any calls for re-inspection.

Mr. Vukelja asked when the last time inspector Fitzgerald was in the house.

Inspector Fitzgerald stated November 12.

Mr. Vukelja asked if he requested a list of things that need to be fixed in the house would that be a long list.

Mr. Fitzgerald stated it was things like holes in the ceiling and things like that that could be fixed in two days. He stated a lot of it can just be repaired.

Mr. Vukelja asked if we are now on the same page as far as the issues we're talking about and the fixes that need to be made?

Ms. Hendry stated yes.

Mr. Jackson stated yes.

DISPOSITION: Mr. Vukelja ordered that the balcony violation be continued for a progress report at the February 12, 2019 meeting. Mr. Vukelja further ordered the respondent to come into compliance for all other violations by February 6, 2019 or the respondent will be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day thereafter. It was further ordered that the property shall not be rented, occupied or utilized until compliance is achieved.

New Cases

CASE# 20 - SMG 12-18-163 - GEA Seaside Investments Inc.

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 302.3, 404.12, 304.6, 304.2, 304.14, 304.10, 304.4, 304.15, 304.13, 304.7, 305.3, 603.1, 604.3.2.1, 605.2, 704.2, 602.3 and 304.10), at 21 S Peninsula Dr. Violation(s) - Damaged sidewalk. Damaged steps and handrails. Damaged exterior surfaces. Exterior paint. Missing screens, Damaged porch and railings. Structural supports. Damaged exterior doors. Broken/inoperable windows. Damaged roof. Damaged interior surfaces (flooring). Inoperable appliances (stove). Damaged electrical fixtures. Inoperable outlets. Lack of required smoke detectors. Lack of operable heat source. Damaged balcony. First Notified - 10/12/2018.

Mr. Vukelja asked if the respondent agrees that these violations occurred as stated in the Notice of Violation.

Ms. Hendry stated that the rental license was issued, and they disagree with all of the violations as the property was inspected numerous times over the years and the walkway has remained the same and has not changed. She stated it was constructed for aesthetic purposes and she has photos throughout the years to show that the walkway has not changed.

Mr. Vukelja asked if there were any items on the Notice of Violation that she agreed with.

Ms. Hendry stated they are disagreeing with all of them.

Lead Inspector Stenson stated the violations came from a tenant complaint. He stated the respondent is correct and the property does have a rental license. He stated the violations from the tenant complaint were regarding issues found on the inside. He stated he met with Ms. Hendry and her handyman and another assistant on property and he meticulously pointed out every violation and how it needs to be corrected. He stated his last time at the property was yesterday. He stated he could only observe the exterior and that nothing had been done. He stated the tenants had vacated the property at least two weeks ago. He stated there is a balcony that has serious issues. He also stated there were broken windows, screens, exterior surfaces and extreme disrepair on the exterior. He stated, on the interior, the tenant that was there had actually fell through the floor on multiple occasions. He stated stairways leading up to the property are missing handrails. He stated the surface is uneven and if you're not steady on your feet you will fall leading all the way up to the front porch.

Mr. Vukelja asked if he was testifying to the violations that he had seen himself as to the exterior and supplemented his testimony with the photos for the Special Magistrate to examine.

Lead Inspector Stenson stated yes.

Mr. Vukelja asked if the matters that he had testified to are found within the Notice of Violation.

Lead Inspector Stenson stated yes.

Ms. Hendry stated she believes they are in compliance and she has photos showing that the walkway has remained consistent. She stated the Notice of Violation was extremely vague. She stated it is just a list of a bunch of IPMC codes and is not very clear.

Mr. Jackson stated the inspector believes these violations can be fixed by next cutoff.

Mr. Vukelja asked if his understanding is correct that they have not been inside yet.

Mr. Jackson stated the initial violations were the result of a tenant complaint and the inspector went inside the property then.

Lead Inspector Stenson stated that is correct. He stated he had been in the interior on his initial inspection with a tenant and with Ms. Hendry. He stated he had been on the inside on two different occasions.

Ms. Hendry stated they definitely need more time and if the City is making issue of the balcony, and if they require a contractor, and then an engineer to come on board, that requires time to do the drawings and pull the permits. She stated attached to the case file online is a long list of 37 issues and it would be next to impossible to come into compliance within the next cutoff.

Mr. Vukelja asked if the house was being rented.

Ms. Hendry stated that it was completely vacant and had been since the tenant's departure.

Mr. Jackson stated Ms. Hendry was speaking of the tenant list and not the CEB I which was cited by the inspector.

Mr. Vukelja asked to see the CEB I and reviewed it.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and continued the determination of a compliance date until the January 8, 2019 meeting. Mr. Vukelja further ordered the respondent must keep up the exterior maintenance on the property and that it shall

not be rented, occupied or utilized until compliance is achieved. He further stated the continuance is to give the respondent more time to look at the CEB I and return on January 8 and provide an informed opinion as to when the property can be brought into compliance or if this was going to be an extended job how much of the property can be brought into compliance right away and what items will need additional time.

CASE# 21 - SMG 12-18-152 - Nick Seidell

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A; Art. 4. Sec. 4.1.A; Art. 5 Sec. 5.2.A.2; City Code Ch. 26 Sec. 26-294, at 115 Minerva Rd. Violation(s) - Zoning violation - the property is zoned SFR- 5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district. Failure to obtain Rental License (RTL). First Notified - 9/20/2018.

Respondent was not present.

Mr. Jackson stated the inspector reports the property is brought into compliance yesterday and is requesting a finding of Non-Compliance-Compliance on this matter.

Mr. Fitzgerald stated the property was listed on VRBO as a rental daily and weekly. He stated he was ready to bring a case before the Magistrate about seven months ago and the property was immediately transferred from brother to sister, so he had to start over to recite the new owner. He stated they never excepted any of the green cards and he had to post the property. He stated the respondent removed the listing on December 10, 2018.

DISPOSITION: Based on the stipulation of the City Attorney and the inspector's testimony, Mr. Vukelja found the respondent in non-compliance and further determined, by the Inspector, to subsequently have come into compliance and ordered for every future violation the respondent be returned to the Special Magistrate for consideration of a fine up to \$5,000 per occurrence.

CASE# 22 - SMG 12-18-161 - Daytona 54 LLC

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 302.3, 308.1), at 200 N Ridgewood Ave. Violation(s) - Pot hole, trash and debris. First Notified - 10/25/2018.

Respondent was not present.

Mr. Jackson stated the Inspector is Danny Garcia and he reports that the property remains in non-compliance and is asking for the next cutoff for it to be brought into compliance.

Mr. Garcia stated there was a lot of trash and debris, there is a huge pothole in the rear and when it rains it's covered with water. He stated he got the property owners to put up something so people would not hit it and damage their cars. He stated the property was the Dollar General store. He stated there is also graffiti which he has cited and will be on the next hearing.

DISPOSITION: Based on the testimony of the Inspector and noting the absence of the respondent, Mr. Vukelja found the respondent in non-compliance and ordered the respondent until January 2, 2019 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter.

CASE# 23 - SMG 12-18-165 - Stanko K Bogovich

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 301, 301.1, 301.2, 301.3 and 505.1), at 820 N Beach St. Violation(s) - Residing/occupying a dwelling without running water. First Notified - 8/18/2018.

Respondent was not present.

Mr. Jackson stated the Inspector is Danny Garcia and he reports that this is a will-fine situation and he is asking for a finding of non-compliance-compliance.

Inspector Garcia stated he responded to a complaint from neighbors that the respondent had resided in the property for several months without water. He also stated that the City assisted him to get it back.

DISPOSITION: Based on the testimony of the inspector and noting the absence of the respondent, Mr. Vukelja found the respondent in non-compliance and that the property has subsequently come into compliance and ordered for every future violation the respondent be returned to the Special Magistrate for consideration of a fine up to \$5,000 per occurrence.

CASE# 24 - SMG 12-18-153 - Rudean W Davis as Trustee of the Rudean W. Davis Living Trust dated December 9, 1999

is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at 720 Indiana St. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 5/12/2018.

Ms. Rudean W. Davis came forward and was sworn in.

Mr. Vukelja asked if Ms. Davis agreed that the violations existed or occurred as stipulated in the Notice of Violation.

Ms. Davis stated yes.

Mr. Jackson stated the inspector is Mark Jones and he reports that he did an inspection on July 25 and a small list of items had to be done but no one has contacted the inspector to proceed with getting the license and he believes it can be in compliance by the next cutoff.

Ms. Davis stated that everything was done except one thing and her contractor had to go out of town because the hurricane damaged property of some of his relatives.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent until January 2, 2019 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter. He reminded Ms. Davis when the work was done to call the inspector, and have it inspected so that the property could be brought into compliance in the files.

CASE# 25 - SMG 12-18-164 - Rudean W. Davis, Trustee of the Rudean W. Davis Living Trust dated December 9, 1999

is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at 796 Georgia St. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 1/16/2018.

Mr. Vukelja asked if Ms. Davis believes that the violations occurred as stated in the Notice of Violation.

Ms. Davis stated yes. She stated it had been inspected and the problem had to do with the windows. She stated that she replaced two windows and did not have a permit. She stated that the permit was applied for but the address on the permit did not match the address where the work was done. She further stated there are 4 units on the property which have different addresses for mail purposes only.

Mr. Vukelja asked the City how long they believe it will take to come into compliance.

Mr. Jackson stated she should be able to resolve it by next cutoff. He stated that the original windows installed were not the correct windows and she should be able to have it corrected by the next cutoff.

Ms. Davis stated she could do that but wanted clarification if she is to have impact windows.

Inspector Jones stated the Building Inspector's notes state they were not up to code because they were not impact windows.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent until January 2, 2019 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter.

CASE# 26 - SMG 12-18-154 - JNG Property Group, LLC

is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at 571 Fairmount Rd. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 9/19/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Mark Jones and he reports the property was inspected and failed the inspection in June. He stated the inspector recently spoke to the property owner and he believes he will have the property in compliance by the next cutoff.

DISPOSITION: Based on the testimony of the City Attorney and the absence of the respondent, Mr. Vukelja found the respondent in non-compliance and ordered the respondent until January 2, 2019 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter.

CASE# 28 - SMG 12-18-157 - Joseph T Collier Jr & Thelma & Charles J & Bettye C Thomas

is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at 1151 Edith Dr. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 8/11/2018.

Mr. Joseph T. Collier Jr. came forward and was sworn in.

Mr. Vukelja asked if the respondent agrees that the violations occurred as stipulated in the Notice of Violation.

Mr. Collier stated yes.

Mr. Collier stated he was speaking to the tenant and they determined that everything had been done except windows. He stated the windows had to be repaired and they have estimates but the people that are supposed to do the work say that they can't do it until the first of the month and the tenant needed an extra week since he will be staying with family out of state for Christmas and requested that he be given until the 7th. He stated he was entertaining the idea of sale of the property to the tenant.

Mr. Jackson stated the inspector is Mark Jones and he reports that there are some additional things that need to be done but a reinspection has not been called for yet. He stated the inspector believes they can have this completed by the next cutoff.

Inspector Jones stated there was a lot of outside storage in the front of the house and the back yard.

Mr. Vukelja asked if that had been removed.

Inspector Jones stated that he did not know and had not been back to the property.

Mr. Vukelja asked what failure to obtain a rental license entails.

Mr. Jones stated they had to pass a rental inspection and part of the rental inspection is a checklist which includes the outside condition of the property, the building itself and the grounds around it. Outside storage is not allowed. He stated there was quite a bit stored underneath the carport in the front of the house, a boat stored on the left side with other stuff piled around it and on the right

side is a pontoon boat which is parked correctly. He stated the backyard is just covered with all kinds of stuff.

Mr. Collier stated that he saw things in different parts - the things the owner needed to do and the things the tenant needed to do. He stated when he received the notice he gave the tenant 10 days or he would start eviction proceedings and they have had a conversation with him and he has indicated, and given them a written statement, that he was going to do those things to clear up the violation. He stated on the 19th they were so concerned that he went over and took pictures and noted the same things and as a result he called the lawyer and made an appointment with him. He stated they met with the lawyer on the 26th to discuss the eviction. He stated he spoke to the tenant and he vehemently stated he has cleared the area and he said he is going to take care of the back and he asked about purchasing the house. He stated he did not want to touch the tenant's belongings and that the responsibility to remove the outside storage was the tenants. He stated he instructed his Project Manager not to take the rent for December because of not being able to legally rent and is unsure of where to go from here. He stated according to the inspector, he has an estimate to replace two windows and valances in a bedroom and in a front bedroom facing North. He stated it was actually a window repair and he has the estimate.

Mr. Vukelja asked if he expected to have those windows repaired by January 2.

Mr. Collier spoke to his Project Manager and they said they would have it done by the first of the year.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and allowed the respondent until January 2, 2019 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter. He further stated there is no excuse for outside storage being an issue on January 2, 2019 and if he ran into any issues with the subcontractor he needs to stay in contact with the inspector.

CASE# 29 - SMG 12-18-158 -AYA Realvest LLC, Fadwa Najdi Sole Mbr

is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at 411 N Halifax Ave #201. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 10/19/2018.

Respondent was not present.

Mr. Jackson stated the inspector in this case and the next two cases is Mark Jones and he reports that these properties have failed inspections, but he believes they can be in compliance by the next cutoff.

Inspector Jones stated the situation is the same for all three cases and previous inspections had failed. He stated all 3 July inspections included items to be corrected and the November 6 inspection revealed there had been nothing done on the list.

DISPOSITION: Based on the testimony of the Inspector and noting the absence of the respondent, Mr. Vukelja found the respondent in non-compliance and ordered the respondent until January 2, 2019 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter.

CASE# 30 - SMG 12-18-159 -AYA Realvest LLC, Fadwa Najdi Sole Mbr

is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at 415 N Halifax Ave #111. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 10/19/2018.

DISPOSITION: Based on the testimony of the inspector and noting the absence of the respondent, Mr. Vukelja found the respondent in non-compliance and ordered the respondent until January 2, 2019 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter.

CASE# 31 - SMG 12-18-160 -AYA Realvest LLC, Fadwa Najdi Sole Mbr

is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at 415 N Halifax Ave #110. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 10/19/2018.

DISPOSITION: Based on the testimony of the inspector and noting the absence of the respondent, Mr. Vukelja found the respondent in non-compliance and ordered the respondent until January 2, 2019 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter.

CASE# 32 - SMG 12-18-162 - Krisztian Guti

is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC IPMC 305.1, 304.14, 304.13, 304.6, 304.2; City Code Ch. 26 Sec. 26-294, at 615 Tanglewood St. Violation(s) - Work without permit, interior finishes, exterior finishes, screens, windows, exterior walls, paint, failure to obtain Rental License (RTL). First Notified - 8/27/2018.

Ms. Erzsebet Kroll, mother of the respondent, came forward and was sworn in.

Mr. Vukelja asked the respondent if she agrees that the violations existed or occurred as cited in the Notice of Violation.

Ms. Kroll stated yes.

Mr. Jackson stated the inspector is Mark Jones and he reports there are two rental units and that the property can be in compliance by the next cutoff.

Inspector Jones stated the property is two buildings. He stated one building has three units and one building has two rental units, so he was not able to complete the inspection. He stated they have never been re-zoned for multi-family. He stated he spoke to the contractor who has been working on the property, without a permit, and the zoning department has told him he does not believe it will be re-zoned. He stated it is currently being rented but is zoned only for single family homes. He stated the only way the property can come into compliance is to go back to single family units or get a variance.

Mr. Vukelja asked how long it would take to convert these back to single units.

Inspector Jones stated the owner believes it will take a couple months.

Mr. Vukelja asked if the respondent understood that her son needs to convert these back to single family homes.

Ms. Kroll stated they would like to apply for a variance.

Mr. Vukelja asked if they had submitted an application.

Ms. Kroll stated they were in the process.

Inspector Jones stated at the time of inspection four of five units were rented.

Ms. Kroll stated they had not made application for a variance.

Mr. Jackson stated that they would like to see a progress report in January to determine if they had in fact applied for a variance or made some decisions and go from there.

DISPOSITION: Based on the inspector's testimony and the testimony of the City Attorney, Mr. Vukelja found the respondent in non-compliance and continued the case until the January 8, 2019 meeting for a progress report and the determination of a compliance date.

MISCELLANEOUS BUSINESS

ADJOURNMENT

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