



## Special Magistrate Hearing

### City of Greenacres, Florida

Wednesday, July 20, 2022 at 3:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

## Minutes

### CALL TO ORDER

Special Magistrate Myrnabelle Roche called to order the Special Magistrate Hearing of Wednesday, July 20, 2022 at 3:00 PM.

Special Magistrate Roche requested all witnesses present who would provide testimony to stand and be sworn in.

She explained the case procedures and stated those persons who admitted a violation existed would coordinate with the City for compliance. For those persons who contested a violation, the City would present its evidence, the Magistrate would hear the testimony from the property owner/representative and then issue her findings based on the testimony and evidence presented.

### PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES - 6/15/22

### NEXT SCHEDULED MEETING - 8/17/22

### NEW BUSINESS

#### 1. Case 3-22-9029 - Eduard Kochetov - 3201 Santa Catalina Place

Wrecked vehicle on property

Section: 14-28(b)1(c) - Parking of motor vehicles, boats & trailers

The motor vehicle cannot be inoperative, wrecked, junked, partially dismantled, or abandoned, and is licensed and registered as required by state law, and is used by the resident of the premises or a guest thereof.

Officer Dinah Tejeda stated a notice was served by posting, an affidavit of posting was in the file. Officer Tejeda mentioned a wrecked vehicle was on the property and it was parked over the sidewalk.

No representative was present.

Magistrate Roche ordered compliance within 15 days otherwise a fine of \$50.00 per day would accrue until the violation was corrected.

#### 2. Case 3-22-9063 - Fabricio L Giron & Johanna M Ponce - 4178 Centurian Circle

Building materials need to be removed, Stucco, Pavers & shed permit needed

Section: 7-27.11 Property Maintenance Nuisance Declared (11) The presence, accumulation, storage, or keeping of any debris, building material, or material of any kind on the ground, leaning against any building or structure, or upon the roof or top of any building or structure.

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge,

alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure

Officer Tejeda stated a notice was served by certified mail. Officer Tejeda mentioned a permit was required and inspection was needed for stucco, pavers, and shed. On November 19, 2021 a permit was applied for pavers, but was denied due to pavers not meeting setbacks.

Property Owners Fabricio Giron and Johanna Ponce stated the property was just purchased and the pavers were installed when they bought the property. Ms. Ponce mentioned Mr. Giron works in construction, and he comes home with construction materials and places all the items on his trailer. Officer Tejeda stated having open storage on the trailer is prohibited.

Magistrate Roche ordered for the stucco and shed to be "Tabled" until September 21, 2022. Compliance was ordered for the open storage and pavers within 60 days otherwise a fine of \$25.00 per day would accrue until the violation was corrected.

### **3. Case 4-22-9123 - Chanae & Perry Bethel - 512 Walker Avenue**

Roof extension installed without permit & inspections

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure

Officer Ileiny Capote stated a notice was served by certified mail. Officer Capote mentioned a roof extension was installed without a permit and inspection.

Representatives Chanae and Perry Bethel stated they were unaware that a permit was required for the roof extension.

Magistrate Roche ordered compliance within 60 days a fine of \$75.00 per day would accrue until the violation was corrected.

**4. Case 4-22-9154 - Joggers Run, Property Owner - Sea Breeze CMS Inc - Maplewood Drive**

Sink hole by the park - repair immediately

Section: 7-27.3 - Property maintenance nuisance declared

(3) The condition of ill-repair or lack of maintenance of any real property such that such condition is deemed to be unsafe or creates a health, sanitation, or safety hazard; or

Officer Capote stated a notice was served by certified mail. Officer Capote mentioned a sink hole was by the park and it needed to be repaired immediately.

No representative was present.

Magistrate Roche ordered compliance within 15 days otherwise a fine of \$250.00 per day would accrue until the violation was corrected.

**5. Case 6-22-9337 - Joseph DeFeo - 3115 S Jog Road**

Remove structure for chickens/roosters - prohibited, remove tarp on fence

Section: 16-630(h)(3) - Yards - Fences & walls -

Fences and walls. The provisions contained herein shall apply to all walls, fences, and hedges on property within the city: (3)Materials generally . All fences and walls shall be adequately secured and designed to withstand stresses to which they may reasonably be subjected and shall be constructed of materials as reasonably determined by the building department. Both sides of any wall shall be properly finished with paint, stucco, or other commonly accepted materials.

Officer Dinah Tejeda stated a notice was served by certified mail. Officer Tejeda mentioned a chicken coop had to be removed from the property, and the tarp material from the fence.

No representative was present.

Magistrate Roche ordered compliance within 30 days otherwise a fine of \$50.00 per day would accrue until the violation was corrected.

**6. Case 6-22-9339 - Robert A Wooster, Reg Agent - Delta Builders Inc - 460 Fleming Avenue**

Remove all items kept outside in front. Maintain grass at all times

Section: 7-27.7 – Property Maintenance Nuisance Declared

(7) The presence, accumulation, open storage, or otherwise keeping, of any abandoned, discarded, or unused chattel; or

Section: 7-27.4 - Property maintenance nuisance declared

(4) The uncontrolled growth of vegetation or any growth of weeds, grass, or other similar ground cover which exceeds twelve (12) inches in height, or rank vegetable

growths which exhale unpleasant or noxious odors, or any vegetation or plant material growth which is conducive to harboring vermin, insects, reptiles, or other wild animal life; or

Officer Ileinys Capote stated a notice was served by certified mail. Officer Capote mentioned items had to be removed from the bench on the property and maintenance of the grass was required.

No representative was present.

Magistrate Roche ordered compliance within 10 days for the open storage otherwise a fine of \$25.00 per day would accrue until the violation was corrected.

## **TABLED CASES**

### **REDUCTION OF FINES**

#### **7. Case 4-21-8440 - Nicholas & Trisha Bolley - 5855 S 38th Street**

Remove plywood on 2 side windows - Fines to date are \$7,575.00 (No homestead)

Complied 6/13/22 - Lien on Property

Section: 304.13.3 - Shutters and Impact Protection

Hurricane protective devices on all occupied buildings must be removed no later than fourteen (14) days after the termination of the hurricane event (watch, warning, actual hurricane or tornado) unless another hurricane event is predicted to occur within the fourteen (14) day time period

No representative was present.

Officer Tejeda moved unto the next case.

### **OLD BUSINESS**

#### **8. Case 2-22-9008 - Marantha Church of the Nazarene of WPB - 5060 10 Avenue**

Interior renovations including electrical, and drywall done without permits and inspections

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure

Officer Dinah Tejeda stated a notice was served by certified mail. Officer Tejeda mentioned interior renovations including electrical and drywall were done without permits and inspections. On June 15, 2022 Magistrate Roche ordered compliance within 60 days or a fine of \$150.00 per day may be imposed. Magistrate Roche also ordered for the representative to return on July 20, 2022 for a status update, and for the Building Official to visit the site to see if there were any safety hazards. Building Official Scott Wood visited the site on June 16, 2022 and confirmed the site was safe. Contractor applied for building permit that was required.

Representative Sergio Najera was present.

Magistrate Roche ordered for the representative to return on August 17, 2022.

**10. Case 9-21-8641 - Sergio Zavala, Reg Agent - SZ Properties Llc - 4615 Melaleuca Lane**

Trees cut, interior, exterior remodel without permits & inspections, overgrowth

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure

Section: 7-27.4 - Property maintenance nuisance declared

(4) The uncontrolled growth of vegetation or any growth of weeds, grass, or other similar ground cover which exceeds twelve (12) inches in height, or rank vegetable growths which exhale unpleasant or noxious odors, or any vegetation or plant material growth which is conducive to harboring vermin, insects, reptiles, or other wild animal life; or

Section: 16-1249 (a)3 - General Maintenance Standards

a)Applicability. Unless otherwise provided in this article, no person, firm, corporation, association, public agency, or agent or employee, shall destroy, remove, or relocate acceptable vegetation not listed in Table 161312(a) from any property without first obtaining a building permit for vegetation removal from the city. (3)For residential developments and subdivisions without approved landscape plans and without a homeowners association, a building permit is required for vegetation removal. Each tree removed must be replaced with a new tree that meets current City Code requirements if removal reduces the number of trees on the lot below Code minimums for quantity. Replacements shall be located on the affected lot.

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Officer Dinah Tejeda stated a notice was served by certified mail. Officer Tejeda mentioned tress were cut, interior and exterior parts of the property were remodeled without permits and inspections and the grass needed to be cut. On May 18, 2022 Magistrate Roche ordered for the case to be "Tabled" for 60 days and stop the fines and return for a status update on July 20, 2022. On May 12, 2022 a interior remodel permit was issued and inspections passed. On June 7, 2022 a landscape permit was issued.

Representative Federico Parra stated they are awaiting for the landscape and electrical inspection.

Magistrate Roche ordered for the representative to return on August 17, 2022.

**ADJOURNMENT**

3:45 PM.

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Myrnabelle Roche, Special Magistrate

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Quintella Moorner, CMC, City Clerk

Date Approved: \_\_\_\_\_