



Special Magistrate Hearing City of Greenacres, Florida

Wednesday, May 29, 2024 at 3:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

Minutes

Any person requesting the appeal of a decision will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to F.S. 286.0105, the record must include the testimony and evidence upon which the appeal is to be based. The City of Greenacres does not prepare or provide such verbatim record.

CALL TO ORDER

Special Magistrate Bernard called to order the Special Magistrate Hearing of Wednesday, May 29, 2024.

Special Magistrate Bernard 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 of compliance. For those persons who admitted 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 - March 27, 2024.

Next scheduled Meeting - June 26, 2024.

NEW BUSINESS

1. Case 12-23-10079 - Canalakes H.O.A. - Infinity Property Mgmt - 3107m Poolside Dr - Clubhouse

Clubhouse renovations 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 - Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection

purposes. The Building Official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Officer Dinah Tejeda stated a notice was served by certified mail. Ms. Tejeda mentioned the clubhouse was renovated with no permit or inspections. On March 4, 2024 the contractor applied for a renovation permit and on March 6, 2024 the Building Official sent an email letting the contractor know what was required.

Representative Mike Gorman stated he was working with the City to get all permits completed and he became the property manager after March 6, 2024.

Magistrate Bernard ordered compliance within 60 days, otherwise a fine of \$100.00 per day would accrue until the violation was corrected.

2. Case 1-24-10129 - Buttonwood Plaza Ltd - 3032 S Jog Rd - Kids In Care

Section 16-172 - Special Exceptions - General Provisions - Certain uses are permissible in designated zoning districts as special exceptions granted by the City Council provided such use is specified under the special exception subsection of the appropriate zoning district.

Section 16-171 - Statement of Purpose -

The development and execution of a zoning ordinance is based upon the division of the city into districts, within which the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses and features which because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration in each case, of the impact of such uses and features upon neighboring uses and the surrounding area, compared with the public need for them at particular locations. Such uses and features are therefore treated as special exceptions. A special exception is not the automatic right of any applicant.

Section 8-66(a) - Business Tax Receipt -

Engaging in business without local business tax receipt or under a local business tax receipt issued upon false statements; penalties, prima facie evidence. (a) It shall be unlawful for any person to engage in any business, trade, profession, or occupation taxable by business tax receipt hereunder, without a local business tax receipt or under a local business tax receipt issued upon false statements made by such person, or in his or her behalf. Any person engaged in any such business, profession, or occupation without first obtaining a local business tax for such trade, in addition to the business tax set forth herein.

Section-474(3) - Special Exceptions - Conditions & Safeguards -

Ms. Tejeda stated a notice was served by certified mail.

Senior Planner Gionni Gallier stated the childcare facility did not have the proper business tax receipt to run as a childcare facility and a business. Mr. Gallier stated the property owner has met with City staff to complete the process.

No representative was present.

Magistrate Bernard ordered the business to submit documents such as special exception and variances by 9/26/24 all applications due. Ms. Bernard also ordered for the business tax receipt to be complied within 30 days days, otherwise a fine of \$100.00 per day would accrue until the violation was corrected, if and when the business tax receipt goes through the process.

3. Case 2-24-10199 - Chong Lym & Laura Artunduaga - 233 Broward Ave

This case is about commercial vehicles and commercial equipment at a residential property., open storage, building materials and other miscellaneous items on bed of pickup trucks

Section: 14-28(b)1e – Parking of motor vehicles, boats and trailers - The vehicle cannot be; a bus, a trailer except as allowed by section 14 28(c), a semi trailer, a pole trailer, a tow truck, or construction and industrial equipment.

Section: 7-420 - Open Storage - It shall be unlawful for the owner or occupant of a residential building or structure or property to utilize the premises for the open storage or any appliance or other item of personal property, building materials, rubbish, or similar items.

Section: 7-410(a)(1) - Exterior Property Areas - Safety and Sanitation. All exterior property and premises shall be maintained in a clean, orderly, safe and sanitary condition. The following is prohibited: The outdoor storage, presence, accumulation, display or otherwise keeping of any debris, appliances, tools, equipment, chemicals, automotive parts, furniture, building materials, household items, or other similar goods that are not designed for outside use, including without limitation, any abandoned, discarded, or tangible personal property in a state of disrepair.

Officer Dinah Tejada stated an affidavit of posting was in the file. Ms. Tejada mentioned the property had an open storage, building materials and other miscellaneous items on bed of pickup trucks.

No representative was present.

Witness Sandra Louis stated the issue had been going on for some time and nothing had been resolved.

Magistrate Bernard ordered compliance within 10 days, otherwise a fine of \$100.00 per day would accrue until the violation was corrected.

CERTIFY FINE

4. Case 4-13-4365, 2003-127, 2007-262 - Edward Napoli 533 Broward Ave

Property maintenance, overgrowth, electrical mechanical and plumbing maintenance, structure being built without permit

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: 7-27.5 - Property Maintenance Nuisance Declared - The growth of any vegetation, plant material, or tree which might n time of hurricanes or storms cause damage to life or property within the immediate area of such growth

Section: 3401.6XXXXX - Maintenance - The owner/agent is responsible for the maintenance of building, electrical, mechanical and plumbing systems. Must be in a safe/sanitary condition.

Section 105.4.1 - Permit Intent - A permit issued shall be constructed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit to prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall expire unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

City Attorney Christy Goddeau was requesting for the property to go into foreclosure and to impose the liens on the property. Ms. Goddeau mentioned the property was first cited in 2003.

Representative Edward Napoli stated he would work with the City for the property to go into foreclosure.

Magistrate Bernard ordered to impose the amount of liens and for the property to go into foreclosure.

TABLED CERT/ASSESSMENT

None.

TABLED CASES

None.

APPEAL OF FINE

None.

ADJOURNMENT

3:50 PM.

Amity R. Barnard, Esquire, Special Magistrate

Quintella Moorer, MMC, City Clerk

Date Approved: _____