

MAYOR
Hal J. Rose

DEPUTY MAYOR
John Dittmore

COUNCIL MEMBERS
Daniel Batchelder
Pat Bentley
Adam Gaffney
Barbara A. Smith
Andrea Young



Building Department
Tom Forbes, Building Official
City Hall
2240 Minton Road
West Melbourne, FL 32904
Phone: (321) 837-7776
Fax: (321) 952-9542
www.westmelbourne.org

CODE ENFORCEMENT BOARD

AGENDA

Thursday, September 17, 2020
5:30 p.m.
City Council Chambers

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ADOPTION OF MINUTES**

The Board is asked to approve the minutes of the July 16, 2020 hearing.

5. **SWEARING IN OF THOSE PRESENTING TESTIMONY**
6. **NEW BUSINESS**

- A. Case No. 2020-0066 (9075 ELLIS ROAD)
MADISON HOLDINGS OF BREVARD, LLC. et al.
Violation of Section 2-94. - Emergency actions
Violation of Section 98-562. - Principal uses and structures
Violation of Section 98-565. - Prohibited uses and structures
Order of findings & penalty

7. **OLD BUSINESS**

- B. Case No. 2014-0056 (7561 TROPICANA AVE)
KATHY POPIEL, et al.
Violation of Section 98-1008. - Parking, storage or use of major rec. equipment
Order releasing an order of findings (written request by title company)

- C.** Case No. 2017-0124 (3232 IRENE STREET)
ROBERTA L. MOORE, et al.
Violation of Section 26-102. - Removal of certain growth of grass and weeds
Violation of Section 26-64. - Property maintenance
Order releasing liens (paid in full)
- D.** Case No. 2020-0018 (2909 W. NEW HAVEN AVENUE)
JOSEPH DIPOLA, et al.
Violation of Section 18-151. - Required
Violation of Section 18-178. - Work starting before permit issuance
Order imposing penalties & liens

All persons wishing to be heard should appear in person at these hearings or send written comments to the City Clerk. All persons and parties are hereby advised that if they should decide to appeal any decision made by the City with respect to any matter considered at the public meeting or hearing described in this notice, they will need a record of the proceedings, and for such purpose, said person or party 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 (Chapter 286, Florida Statutes). In compliance with American with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City's ADA coordinator at 321-837-7774 at least 48 hours before the hearing.

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CODE ENFORCEMENT BOARD

MINUTES

July 16, 2020

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Vice Chair Sandra Michelson called the meeting to order at 5:30 pm and led the Pledge of Allegiance.

2. ROLL CALL

Present: Vice Chair Sandra Michelson, Board Members Andrew Jones, James Shipton, Linda Palardy, Carl Weaver and George Bosch.

Absent: Chair Chris Gibbs and Board Member Robert Luber.

Board Member Shipton moved to excuse Chair Chris Gibbs and Board Member Robert Luber. Seconded by Board Member Weaver, motion carried 5-0.

Also present: Building Official Tom Forbes, Code Enforcement Inspector Roy Black, Administrative Support Specialist Doreen Morales, City Attorney Morris Richardson and other members of the public.

3. ADOPTION OF MINUTES

Board Member Jones moved to approve the minutes from the June 18, 2020 hearing. Seconded by Board Member Shipton, motion carried 5-0.

4. SWEARING IN OF THOSE PRESENTING TESTIMONY

Doreen A. Morales swore in those presenting testimony.

5. NEW BUSINESS

Case No. 2019-0150

Violation of Section 18-151. Required (permits)

Building Official Tom Forbes presented Case No. 2019-0150 for property located at 129 W. Laila Drive and owned by Teresa Van Valkenburg, et al.

Building Official Tom Forbes was sworn in and testified:

- Property owners installed a large shed without a permit
- Permits were submitted but rejected due to setback requirements
- Shed is too large and cannot fit in the side yard
- Relocate shed to the other side of the yard or remove entirely

Teresa Van Valkenburg and Daryl Adams, property owners at 129 W. Laila Drive, were sworn in and testified:

- Mr. Adams stated his parents passed away and left him all of their personal belongings
- He needs the shed for his parents belongings
- They have lived in this home since 2014
- He spoke to Code Enforcement Inspector Trude Hull about the unpermitted shed and submitted required permit paperwork
- They are in the middle of fixing the piping in the house and plan to sell the property and relocate afterwards
- It will take at least 32 days to redo the pipe work with a cost of \$73k
- They will eventually relocate the shed but are not sure when because Mr. Adams was injured in an airboat accident and is not working due to COVID19
- They will need \$500 to relocate the shed and they request some leniency
- Also, there appears to be a large sink hole opening in their backyard and their pool and back room are falling into the hole
- The shed is currently not strapped and is laying on 4x6's but is full of personal belongings and isn't going anywhere
- He has spoken to his neighbor about the shed and they have been understanding

Building Official Forbes stated the shed is in violation but Code Enforcement has not received any complaints from residents in the neighborhood. He recommends 60 days to remove or relocate the shed and 30 days to have the shed anchored to the ground or fastened to the skids with augers.

Building Official Forbes would like to see the shed and how it is loaded and secured before hurricane season.

Board Member Jones moved to find the violation at 129 W. Laila Drive. Board Member Palardy seconded, motion carried 5-0.

Board Member Weaver suggested giving 120 days to remove or relocate the shed. Building Official Forbes stated he is fine with granting 120 days to remove or relocate the shed.

Attorney Morris Richardson stated mitigation is to assist the property owner in not having to move/remove the shed but ensuring neighbors and property are safe.

Building Official Forbes would like to make sure the shed is safe and secure which will give the property owner time to relocate or remove the shed.

Board Member Weaver moved to grant 120 days to remove or relocate the shed. Board Member Jones seconded, motion carried 5-0.

Case No. 2020-0018

Violation of Section 18-151. Required (permits)

Violation of Section 18-178. Work starting before permit issuance

Building Official Tom Forbes presented Case No. 2020-0018 for property located at 2909 W. New Haven Ave and owned by Joseph Dipola, et al.

Building Official Tom Forbes was sworn in and testified:

- This case is for the old beauty school located in the Home Depot parking lot
- A concrete block wall was built without permits or approvals from the Planning & Zoning Department
- City water main is under the slab structure/block wall
- Materials stored on the lot need to be removed along with the concrete wall
- Paved roadway into adjacent property needs to be removed and returned to green space
- The wall structure is not a dumpster enclosure and requires a site plan review
- Water Dept. and Planning Dept. would not approve a structure over a city water main
- Roof overhang needs to meet wind loads and/or be removed
- A permit was submitted for a dumpster enclosure after all work was completed with no site plan review from the Planning & Zoning Department
- The structure is not a dumpster enclosure
- Water Dept. will not jackhammer through concrete to fix a water main
- A twenty foot easement is required for a city water main

Building Official Forbes stated March was a crazy month with the start of COVID19 and we did not have hearings in April or May. Unfortunately, we did not get proper service for the June hearing. Property had to be posted for tonight's hearing.

Joseph Dipola, property owner of 2909 W. New Haven, was sworn in and testified:

- Property was recently purchased
- He had spoken with Jason Wolf who is part of the management team at Home Depot
- Mr. Wolf requested a dumpster enclosure and fencing
- They have applied for a permit for block walls to separate dumpsters
- Eight inch water main was already there and the entire parking lot covers the water main and the west side parking lot
- Curbing was broken out and paved into the adjacent stores
- He can remove the paved area and return it to green space
- Traffic and heavy trucks drive over the water main all day long at Home Depot
- He could put an opening in the fencing, if need be, for access to the water main
- He wants to help, work with the City and get along. He is looking to resolve these issues
- He will submit plans to Planning & Zoning for a site plan review
- They have done a lot of clean up for the Home Depot and it looks a lot better
- Mr. Dipola stated Mr. Forbes was very nice and told him he needed permits
- Mr. Dipola believes the roof overhangs are securely anchored and meet safety codes

Board Member Weaver moved to find the violations at 2909 W. New Haven Ave. Board Member Shipton seconded, motion carried 5-0.

Building Official Forbes stated they can either remove the structures or submit a minor site plan review to the Planning & Zoning Department and go through the process to see if the work is approved.

Board Member Jones moved for a minor site plan review be submitted to the Planning & Zoning Department within 30 days. Board Member Palardy seconded, motion carried 5-0.

Case No. 2020-0025

Violation of Section 26-166. Certain locations and vehicles prohibited

Code Enforcement Inspector Roy Black presented Case No. 2020-0025 for property located at 351 Park Hill Blvd. and owned by Kirk Lang, et al.

Inspector Black was sworn in and testified:

- Trailer has been parked in the front yard on many occasions
- Mr. Black stated there were two previous cases for the trailer
- Property owner would remove the trailer to comply the cases and then return the trailer once case was closed
- Case has been opened for future repeat violation cases

Inspector Black requests a finding of violation.

Board Member Palardy motioned for a finding of violation at 351 Park Hill Blvd. Seconded by Board Member Jones, motion passed 5-0.

Inspector Black stated he has no recommendation for fines at this time. He stated his objective was to find the violation. Resident has a habit of removing the trailer to comply the case and then return the trailer once the case is closed. Resident is aware any future cases could be a \$500/a day fine which will begin once the violation is found.

6. ADJOURNMENT

There being no further business, hearing was adjourned at 6:15 pm.

Chair Chris Gibbs, or designee

Doreen A. Morales
Recording Secretary