



City of Venice

401 West Venice Avenue
Venice, FL 34285
www.venicegov.com

Meeting Minutes Code Enforcement Board

Thursday, June 7, 2018

10:00 AM

Council Chambers

I. Call to Order

A Regular Meeting of the Municipal Code Enforcement Board was held this date in Council Chambers at City Hall. Chair Robert Young called the meeting to order at 10:00 a.m.

II. Roll Call

Mr. Burton entered the meeting at 10:02 a.m.

Present 6 - Jon Preiksats, John Burton, Chair Bobby Young, Judith Keeler, Patrick Reilly and Richard Hale

Absent 1 - George Struble

Also Present

Assistant City Attorney Kelly Fernandez, Code Enforcement Supervisor Jim Davis, Code Enforcement Inspector Debbie Sanacore, Planning Manager Roger Clark, and Assistant City Clerk Heather Taylor.

III. Audience Participation

Mr. Young reordered the agenda to hear this item later in the meeting.

IV. Approval of Minutes

[18-3329](#)

Minutes of the May 3, 2018 Regular Meeting

A motion was made by Mr. Preiksats, seconded by Mr. Hale, that the Minutes of the May 3, 2018 meeting be approved as written. The motion carried by voice vote unanimously.

V. Unfinished Business

[Case No.](#)
[17-424](#)

Venice Lodge No. 1308 Loyal Order of Moose Inc., 111 N. Auburn Road #1, Violation of the City of Venice Code of Ordinance Chapter 90, Buildings and Building Regulations, Section 90-204(a), Permits and Fees

Ms. Fernandez called the case and queried board members on conflicts of interest and ex-parte communications. There were no conflicts of interest. Mr. Young disclosed ex-parte communications regarding a phone call from Ron Wencil from the Moose Lodge.

Mr. Young opened the public hearing.

Ms. Sanacore, being duly sworn, reviewed the case to include the shed still on the property and a permit not being issued and in response to board questions spoke to a letter sent to the Moose Lodge from the planning department regarding the site and development plan process.

Mr. Davis, being duly sworn, spoke to the two options the respondent had to obtain a permit or remove the shed and confirmed that an application has not been submitted to the planning department.

Ron Wencil, Venice Moose Lodge, being duly sworn, spoke to submittal of a site plan amendment application for two sheds in October 2017, installation of one shed, communication with planning department, cancelation and reschedule of Technical Review Committee (TRC) meeting for March 1, 2018, communication with the planning department to include combining the shed with the expansion of the lodge, fees submitted, obtaining the Boone Law Firm to schedule public meetings, public workshop scheduled for July 2, 2018, and responded to board questions regarding communication with Mr. Davis.

Discussion took place regarding the May 4, 2018 letter sent by Mr. Shrum to the Moose Lodge.

Mr. Davis referenced an email received from Mr. Wencil regarding closure of the site and development plan for the initial application and spoke to the violation of the unpermitted shed.

Mr. Wencil spoke to the TRC suggestion to cancel the application and consolidate the two requests and responded to board questions regarding the building permit application.

Ms. Sanacore spoke to the application for the site and development plan.

Mr. Clark, being duly sworn, responded to board questions regarding the process that the Moose Lodge had taken, communication issues, TRC meeting to go over issues, discussion with the contractor and Boone Law Firm, suggestion to merge the projects, lapse in communication from the applicant, and closing of the file.

Discussion took place regarding the shed being installed without a permit, replacement of an existing shed, and concern with hazards due to the shed not being inspected.

Mr. Davis recommended the board issue daily fines until the permit is

issued or the shed is removed.

Mr. Wencil responded to board questions regarding actions taken after receipt of the May 4, 2018 letter from the planning department and spoke to installation of the shed with state safety requirements.

Discussion ensued on whether the permit would be approved based on location of shed, the process to obtain a building permit, modifications to the currently approved site and development plan, special exception from the planning commission due to setback of the current location, whether the original shed had a permit and the size and location of the current shed, and timeline for submitting an application for the shed.

Mr. Clark responded to questions regarding whether they could reopen the application for the shed that was previously closed, and the need for planning commission approval for the site and development plan and special exception.

Mr. Wencil responded to board questions regarding timeframe for submitting the site and development plan application.

Discussion took place regarding a reasonable amount of time to come into compliance, safety concerns, and hiring a professional engineer to determine safety standards.

Mr. Young closed the public hearing.

Discussion took place regarding the shed being built without a permit, no inspection, setback issues, removal of the shed, not setting a precedent to allow unpermitted structures to be installed, allowing time for going through the permitting process, action should planning commission not approve the location of the shed, impact on adjacent property owners, and dry storage.

A motion was made by Mr. Reilly, seconded by Mr. Hale, that based on the sworn testimony and evidence presented, the Board finds Respondent continues to be in violation of Section 90-204(a) of the City Code of Ordinances, and that the Respondent be given until December 31, 2018 to correct the violation by obtaining a permit or removing the shed. Should the Respondent fail to comply with this order within the timeframe set forth herein, a fine may be imposed of up to \$250.00 per day for each day the violation continues beyond the time specified herein for compliance. This case will be heard at the January 3, 2019 Code Enforcement Board meeting beginning at 10:00 a.m. to determine if the order has been complied with and whether a fine should be imposed.

A motion was made by Mr. Preiksats to amend the motion to include within 30 days the Moose Lodge or an independent firm will inspect the shed and provide certification to the building department that the shed meets Florida hurricane code compliance. Mr. Reilly agreed to the statement in his motion. Mr. Hale seconded the motion.

Roll call started with Mr. Young and Mr. Hale voting yes.

Ms. Fernandez interjected to inform the board that with the current vote should the respondent not obtain the inspection within the 30 days, the board will not be hearing the case again until January 3, 2019.

Mr. Reilly withdrew his motion, seconded by Mr. Hale.

A motion was made by Mr. Reilly, seconded by Mr. Hale, that based on the sworn testimony and evidence presented, the Board finds Respondent continues to be in violation of Section 90-204(a) of the City Code of Ordinances, and that the Respondent be given until August 10, 2018 to submit a letter from a licensed engineer confirming that the shed complies with all Florida building codes. If the Respondent does obtain such letter satisfactory to the city, the Respondent shall have until December 31, 2018 to correct the violation by obtaining a permit or removing the shed. Should the Respondent not obtain the letter by August 10, 2018, the Respondent shall come into compliance on or before August 30, 2018 by removing the shed. Should the Respondent fail to comply with this order within the timeframe set forth herein, a fine may be imposed of up to \$250.00 per day for each day the violation continues beyond the time specified herein for compliance. This case will be heard at the January 3, 2019 Code Enforcement Board meeting beginning at 10:00 a.m. to determine if the order has been complied with and whether a fine should be imposed.

Ms. Fernandez reiterated that with the motion as stated the case would not be heard again until January 3, 2019.

Discussion took place clarifying the need for the case to be heard at the September meeting if a letter is not obtained and the January meeting if a letter is obtained and hearing the case at the September meeting to determine if the appropriate action has been taken and determining the next course of action.

Mr. Reilly withdrew his motion, seconded by Mr. Hale.

A motion was made by Mr. Reilly, seconded by Mr. Hale, that based on the sworn testimony and evidence presented, the Board finds Respondent continues to be in violation of Section 90-204(a) of the City Code of Ordinances, and that the Respondent be given until August 10, 2018 to submit a letter from a licensed engineer confirming that the shed complies with all Florida building codes or remove the shed. This case will be heard at the September 6, 2018 Code Enforcement Board meeting beginning at 10:00 a.m. to determine if the order has been complied with and whether a fine should be imposed.

Yes: 5 - Mr. Preiksas, Mr. Burton, Chair Young, Mr. Reilly and Mr. Hale

No: 1 - Vice Chair Keeler

Absent: 1 - Mr. Struble

VI. New Business

Case No.
18-130

Todd Johnson, 1316 Mango Ave: Violation of the City of Venice Code of Ordinance Chapter 34, Environment, Article III, Nuisances, Division 2, Offensive Accumulations, Section 34-81(a)(c), Prohibited Exceptions

Ms. Fernandez called the case and queried board members on conflicts of interest and ex-parte communications. There were none.

Mr. Young opened the public hearing.

Ms. Sanacore, being duly sworn, reviewed the case to include property zoning, inspections conducted, displayed photos of initial and follow up inspections, notice of violation, repeat violator, communication with property owner, and recommended the owner come into compliance by storing work items out of public view.

Mr. Davis, being duly sworn, responded to board questions regarding a seeclickfix complaint in reference to missing windows and water service.

Todd Johnson, property owner, being duly sworn, spoke to the pictures presented regarding buckets and pavers, and permit expiration, and responded to board questions regarding expected completion date.

Discussion took place regarding whether having a rain bucket out front is a violation, cooperation with code enforcement officers, and establishing recurring violation.

Mr. Young closed the public hearing.

A motion was made by Mr. Burton, seconded by Mr. Reilly, that based on the sworn testimony and evidence presented, the Board finds Respondent in violation of Section 90-204(a) of the City Code of Ordinances, and that the Respondent be given until August 1, 2018 to correct the violation by removing debris and establishing an appearance that conforms with city code. Should the Respondent fail to comply with this order within the timeframe set forth herein, a fine may be imposed of up to \$250.00 per day for each day the violation continues beyond the time specified herein for compliance. This case will be heard at the August 2, 2018 Code Enforcement Board meeting beginning at 10:00 a.m. to determine if the order has been complied with and whether a fine should be imposed.

Mr. Davis informed the board that time is needed for reinspection and notice to be sent to the respondent.

Mr. Burton amended his motion, seconded by Mr. Reilly, that the Respondent be given until July 27, 2018 to correct the violation. The motion as amended carried by the following vote:

Yes: 6 - Mr. Preksat, Mr. Burton, Chair Young, Vice Chair Keeler, Mr. Reilly and Mr. Hale

Absent: 1 - Mr. Struble

Audience Participation

No one signed up to speak.

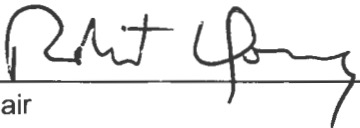
VII. Updates

Mr. Reilly left the meeting at 11:38 a.m. and did not return.

Mr. Davis provided an update on illegal resort dwellings to include the city's mission, city code, elements of enforcement, enforcement process, complaint filing process, and the new resort dwelling tracking system.

VIII. Adjournment

There being no further business to come before this Board, the meeting was adjourned at 11:53 a.m.


Chair


Recording Secretary