



City of Venice

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

Meeting Minutes Code Enforcement Board

Thursday, September 6, 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 10:04 a.m.

II. Roll Call

Present 4 - Jon Preiksats, Chair Bobby Young, Patrick Reilly and Richard Hale

Absent 3 - John Burton, Judith Keeler and George Struble

Also Present

Liaison Council Member Fred Fraize, City Attorney Kelly Fernandez, Code Enforcement Supervisor Jim Davis, and Assistant City Clerk Heather Taylor.

III. Audience Participation

No one signed up to speak.

IV. Approval of Minutes

18-3422 Minutes of the June 7, 2018 Regular Meeting

A motion was made by Mr. Preiksats, seconded by Mr. Hale, that the Minutes of the June 7, 2018 meeting be approved as written. The motion carried by voice vote unanimously.

V. Unfinished Business

Ms. Fernandez spoke to the lien reduction item that was removed from the agenda.

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 queried board members regarding ex-parte communications and conflicts of interest. There were none.

Mr. Young opened the public hearing.

Mr. Davis, being duly sworn, reviewed the case to include inspection of the property and letter received from the Venice Moose Lodge regarding potential sale and removal of the shed.

Ron Wencil, Venice Moose Lodge, being duly sworn, spoke to public workshop held regarding the main lodge expansion, prior discussion regarding tie down of the shed, design documentation submitted to the building department, proposed site plan, and notification of hearing received.

Mr. Davis responded to board questions regarding the prior order and the documentation presented by the respondent.

Discussion took place regarding the prior order stating an independent engineering firm provide the code certification.

Ms. Fernandez read the prior order and reminded the board of the initial step requirement.

Discussion continued regarding confirmation of building code determination, the letter submitted being provided by the manufacturer versus a licensed engineer, status of building permit, prior board recommendation, and affidavit of non-compliance.

Mr. Young closed the public hearing.

A motion was made by Mr. Reilly, seconded by Mr. Hale, that the boards finds the respondent in compliance with the code enforcement board order dated June 29, 2018 in that they did provide a document showing that the shed was constructed and installed in compliance with all applicable Florida building codes and that this case will be heard at the January 3, 2019 code enforcement board meeting to determine if the shed has been removed or if a permit has been obtained. The motion carried by the following vote:

Yes: 4 - Mr. Preiksats, Chair Young, Mr. Reilly and Mr. Hale

Absent: 3 - Mr. Burton, Vice Chair Keeler and Mr. Struble

VI. New Business

Case No.
18-140

998 Laguna LLC, 998 Laguna Dr: along with Gulf View Marina Holdings, 996 Laguna Dr: Violation of the City of Venice Code of Ordinance Chapter 86, Land Development Code, Article V, Use Regulations, Division 3, Residential Zoning Districts, Section 86-81, Residential Single-Family District

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

Mr. Young opened the public hearing.

Jeff Boone, Boone Law Firm, being duly sworn, requested a continuance to the October 4, 2018 meeting and noted code enforcement officer George Nixon is not present for questioning.

Ms. Fernandez informed the board that Mr. Shamsey will represent the city.

Jon Shamsey, Fournier, Connolly, Warren & Shamsey P.A., being duly sworn, stated that the city is not opposed to or supporting the continuance and requested that Jon Sorber be able to testify today due to traveling from out of state.

Mr. Young closed the public hearing.

A motion was made by Mr. Reilly, seconded by Mr. Preiksats, that the hearing be open to permit the testimony of Jon Sorber and immediately following the case be continued until the October 4, 2018 code enforcement board meeting. The motion carried by the following vote:

Yes: 4 - Mr. Preiksats, Chair Young, Mr. Reilly and Mr. Hale

Absent: 3 - Mr. Burton, Vice Chair Keeler and Mr. Struble

Mr Young re-opened the public hearing.

Jon Sorber, 1000 Laguna Dr., being duly sworn, expressed his concern with use of the property as commercial use for rental and storage of commercial boats, parking by employees at residential properties, 849 Laguna Dr. being used as commercial property, and displayed photos of the commercial use for boat storage and responded to Mr. Shamsey's questions regarding his witnessing of commercial usage.

In response to Mr. Boone's questions, Mr. Sorber spoke to homestead exemption on his property, ownership of his home, state residency, ownership of boats docked at his home, his occupation, number of boats parked at the subject property, knowledge of usage during times he is not in Florida, observed commercial use, dates in Florida during spring break, purchase of adjacent home by Freedom Boat Club, and use of property across the street by Freedom Boat Club.

Mr. Shamsey noted the date of transfer of property as April 9, 2018 and questioned Mr. Sorber regarding activity witnessed after the property was purchased, his belief that the property is being used as commercial boat storage and employee parking, and interaction with employees of Freedom Boat Club.

Mr. Boone objected to discussion regarding hearsay testimony.

Ms. Fernandez informed the board of procedure for hearing hearsay testimony.

There was consensus to hear hearsay testimony.

Mr. Sorber continued to speak to his discussion with Freedom Boat Club employees.

Discussion took place regarding the distance between Freedom Boat Club property and Mr. Sorber's property, location of adjacent home, and noise disturbances prior to Laguna LLC purchasing the property.

Mr. Young closed the public hearing.

Discussion took place regarding the photos being placed into record and hearing the case at the October meeting.

VII. Updates

There were none.

VIII. Adjournment

There being no further business to come before this Board, the meeting was adjourned at 11:24 a.m.


Chair


Recording Secretary