



**CITY OF COCOA BEACH, FLORIDA
CODE ENFORCEMENT BOARD AGENDA**

**DATE: AUGUST 18, 2010
LOCATION: CITY COMMISSION ROOM**

**TIME: 9:00 A.M.
2 SOUTH ORLANDO AVENUE**

*Diane Elder, James Gray, Vivian Lindauer, Barbara Romano, William Vollmer,
Richard L. Bates, Vice-Chairperson, Nancy P. Villarosa, Chairperson*

A. CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES: July 21, 2010

B. NON-COMPLIANCE HEARING CASES

1. Case No. 10-0461

Respondent: Cocoa Beach Office Condominium Assoc., Inc., c/o Richard E. Biery, R. A.
Address of Property: 63/69/71/73/75 North Orlando Avenue
Parcel ID#: 25-37-11-DB-00100.0-xxxx.xx
Legal Description: Cocoa Beach Office Condominium, as described in O. R. Book 1636, Page 91 and all amendments thereto, Public Records of Brevard County, Florida
Code Section/Violation(s): 1.) Cocoa Beach Code of Ordinances, Chapter 9, Section 9-1, adoption of the Florida Fire Prevention Code, National Fire Prevention Association (NFPA) 10.16.1. Outside storage of combustible materials shall not be located within ten (10) feet of property line.
2.) NFPA10.16.4. Combustible material shall not be stored beneath a building or structure unless specifically constructed or protected for this purpose. (Illegal storage of assorted piping materials.)
FIRST OFFENSE

2. Case No. 10-0214

Respondent(s): Baldino Studios, Inc., c/o Raymond J. Baldino, R. A.; David W. Boers; Steven & Beth Hoskins
Address of Property: 41 North Orlando Avenue
Parcel ID#: 25-37-11-DB-00100.0-0027.xx
Legal Description: First and Best Properties Condominium, as described in O. R. Book 5450, Page 2894 and all amendments thereto, Public Records of Brevard County, Florida
Code Section/Violation(s): 1.) Cocoa Beach Code of Ordinances, Chapter 9, Section 9-1, adoption of the Florida Fire Prevention Code, National Fire Prevention Association (NFPA) 10.16.1. Outside storage of combustible materials shall not be located within ten (10) feet of property line.
2.) NFPA10.16.4. Combustible material shall not be stored beneath a building or structure unless specifically constructed or protected for this purpose. (Illegal storage of assorted piping materials.)
FIRST OFFENSE

3. Case No. 10-0267

Respondent(s): Bruce & Bonnie Petro
Address of Property: 42 Danube River Drive
Parcel ID#: 25-37-10-50-00004.0-0023.00
Legal Description: Lot 23, North Isle No. 4, Addition to North Isles 3 and 4 of the River Isles Subdivision, according to the plat thereof, as recorded in Plat Book 16, Page 142, Public Records of Brevard County, Florida
Code Section/Violation(s): 1.) Cocoa Beach Code of Ordinances, Section 10-22; Enumerated conditions prohibited, declared nuisance.
2.) Cocoa Beach Code of Ordinances, Section 15-23.1; Nuisance; designated personal property under certain conditions.
3.) Cocoa Beach Code of Ordinances, Section 6-4 (f) Site debris and site condition. (1) The contractor and/or owner of any active or inactive construction project shall be responsible for the clean up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, such that accumulation of construction debris must not remain on the property for a period of time exceeding fourteen (14) days. (2) All debris shall be kept in such a manner so as to prevent it from being spread by any means. (Construction materials stored on property exceeding the allowable fourteen (14) days without being installed causing these materials to become debris.)
FIRST OFFENSE

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C. UNFINISHED BUSINESS

1. Case No. 10-0199

Respondent: Cocoa Beach Office Condominium Assoc., Inc., c/o Richard E. Biery, R. A.
Address of Property: 63/69/71/73/75 North Orlando Avenue
Parcel ID#: 25-37-11-DB-00100.0-xxxx.xx
Legal Description: Cocoa Beach Office Condominium, as described in O. R. Book 1636, page 91 and all amendments thereto, Public Records of Brevard County, Florida
Code Section/Violation(s): 1.) Cocoa Beach Code of Ordinances, Section 10-22; Enumerated conditions prohibited, declared nuisance.
2.) Cocoa Beach Code of Ordinances, Section 15-23.1; Nuisance; designated personal property under certain conditions.
3.) Cocoa Beach Code of Ordinances, Appendix B, Land Development Code (LDC), Section 5-80 B; Building Permit Required.
4.) Cocoa Beach Code of Ordinances, Section 6-4(c)(1); Permit and permit fee required.
5.) Cocoa Beach Code of Ordinances, Section 6-4(d)(3); Work commencing before permit issuance.
6.) International Property Maintenance Code (IPMC), as adopted by Cocoa Beach Code of Ordinances, Chapter 6, Section 6-11. IPMC, Section 302. Exterior Property Areas. Section 302.1. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition.
7.) IPMC, Section 304. Exterior Structure. Section 304.1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare. Section 304.13. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
8.) IPMC, Section 309. Pest Elimination. Section 309.1. Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, property precautions shall be taken to prevent re-infestation.
9.) Cocoa Beach Code of Ordinances, Section 10-3; Location of containers. Mechanical containers shall be located at the building rear, if possible, adjacent to the building and easily accessible to the refuse collector's route. All receptacles and mechanical containers shall be confined from public view.
10.) Cocoa Beach Code of Ordinances, Section 10-4; Sanitation. Receptacles, mechanical containers and adjacent area shall be kept in a clean, dry and sanitary condition at all times by the owner or occupant of the premises. Containers shall always be kept tightly covered. (Outside storage of assorted trash, debris and combustible building materials by the structure; non-operable vehicles without current tags in open storage; New exterior door installed without the required building permit; dumpsters without enclosures; broken windows allowing insects and rodents to enter the structure; and a broken wall revealing rebar.) **FIRST OFFENSE**
Please see letter dated June 23, 2010 attached requesting a 60 day extension on the case.
Staff has no objection to a continuance until August 18, 2010.
Case Status: Case was continued until August 18, 2010, per Board Action of July 21, 2010.

D. ACCEPTANCE OF AFFIDAVITS OF COMPLIANCE:

1. Case No. 10-0411

Respondent: Ocean Pines Owners Association, Inc., c/o Dale J. Schultz, R. A.
Address of Property: 55 North Fourth Street
Parcel ID#: 25-37-10-CZ-00000.0-xxxx.xx
Legal Description: Ocean Pines Condominium, as described in O. R. Book 2288, Page 538 and all amendments thereto, Public Records of Brevard County, Florida
Code Section/Violation(s): 1.) International Property Maintenance Code (IPMC), as adopted by Cocoa Beach Code of Ordinances, Chapter 6, Section 6-11. IPMC, Section 304. Exterior Structure. Section 304.1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare. Section 304.12. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. (Unsafe guardrail/handrail system on the east side of the structure creating a life safety hazard.) **FIRST OFFENSE & Serious Threat to Public Health, Safety & Welfare**
Case Status: Case was found in non-compliance and given until July 21, 2010 to come into compliance or beginning July 22, 2010 a fine of \$200.00 per day will be imposed due to the threat to the public health, safety and welfare, per Board Order of June 16, 2010. Case came into compliance July 20, 2010 with the understanding that no fine was assessed.

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2. Case No. 10-0327

Respondent: Roberto's Little Havana, Inc., c/o Roberto Barrial, R. A.
Address of Property: 26 North Orlando Avenue
Parcel ID#: 25-37-10-DC-00107.0-0007.00
Legal Description: Lots 7 and 8 of Block 107, 2nd Addition to the Cocoa Beach Subdivision, according to the plat thereof, as recorded in Plat Book 09, Page 18, Public Records of Brevard County, Florida
Code Section/Violation(s): 1.) Florida Building Code - Mechanical, (FBC), as adopted by the City of Cocoa Beach Code of Ordinances, Chapter 6, Section 6-1. Chapter 5, Section 507.8. Cleaning and grease gutters. A hood shall be designed to provide for thorough cleaning of the entire hood. Grease gutters shall drain to an approved collection receptacle that is fabricated, designed and installed to allow access for cleaning.
2.) Section 507.9. Clearances for Type I hood. A Type I hood shall be installed with a clearance to combustibles of not less than 18 inches. Exception: Clearance shall not be required from gypsum wallboard attached to non-combustible structures provided that a smooth, cleanable, non-absorbent and non-combustible material is installed between the hood and the gypsum wallboard over an area extending not less than 18 inches in all directions from the hood.
3.) Section 507.11.2. Mounting position. Filters shall be installed at an angle of not less than 45 degrees from the horizontal and shall be equipped with a drip tray beneath the lower edge of the filters.
4.) Section 507.12. Canopy size and location. The inside lower edge of canopy-type commercial cooking hoods shall overhang or extend a horizontal distance of not less than 6 inches beyond the edge of the cooking surface, on all open sides. The vertical distance between the front lower lip of the hood and the cooking surface shall not exceed 4 feet.
5.) Section 508.1. Makeup air. Makeup air shall be supplied during the operation of commercial kitchen exhaust systems that are provided for commercial cooking appliances. The amount of makeup air supplied shall be approximately equal to the amount of exhaust air. The makeup air shall not reduce the effectiveness of the exhaust system. Makeup air shall be provided by gravity or mechanical means or both. For mechanical makeup air systems, the exhaust and makeup air systems shall be electrically interlocked to ensure that makeup air is provided whenever the exhaust system is in operation. Makeup air intake opening locations shall comply with Sections 401.5 and 401.5.1.
6.) Section 506.3.12.3. Termination location. Exhaust outlets shall be located not less than 10 feet horizontally from parts of the same or contiguous buildings, adjacent property lines and air intake openings into any building and shall be located not less than 10 ft. above the adjoining grade level.
7.) Cocoa Beach Code of Ordinances, Chapter 9, Section 9-1, adoption of the Florida Fire Prevention Code, National Fire Prevention Association, (NFPA) NFPA, 96-10.2.3* Automatic fire-extinguishing systems shall comply with UL 300 or other equivalent standards and shall be installed in accordance with the requirements of the listing.
8.) NFPA, 96-5.2. Hood size. Hoods shall be sized and configured to provide for the capture and removal of grease-laden vapors.
9.) NFPA, 96-8.1. Exhaust Fans for Commercial Cooking Equipment. 8.1.1* Upblast Exhaust Fans.
8.1.1.1. Approved upblast fans with motors surrounded by the air stream shall be hinged, supplied with flexible weatherproof electrical cable and service hold-open retainers, and listed for this use.
10.) NFPA, 10-5-5-5* Class K Cooking Media Fires. Fire extinguishers provided for the protection of cooking appliances that use combustible cooking media (vegetable or animal oils and fats) shall be listed and labeled for Class K fires. **FIRST OFFENSE**
Case Status: Case was found in non-compliance and given until August 30, 2010 to come into compliance or beginning September 1, 2010 a fine of \$100.00 per day (running fine) will be imposed, per Board Order of June 16, 2010. Case came into compliance August 9, 2010 with the understanding that no fine was assessed.

- E. BOARD MEMBER REPORTS AND CORRESPONDENCE**
- F. CODE ENFORCEMENT BOARD ATTORNEY REPORT**
- G. STAFF REPORTS**
- H. NEXT REGULAR MEETING DATE: September 15, 2010 – 9:00 A.M.**
- I. ADJOURNMENT**

Any person desiring to appeal any decision made by the Code Enforcement Board, with respect to any matter considered at such meeting or hearing, will need a record of the proceedings, and for such purposes, must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense, as the City does not provide one.

ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least forty eight (48) hours prior to the meeting, contact the Office of the City Clerk at (321) 868-3286; Florida Relay Service (800) 955-8771 (TDD); or (800) 955-8779 (Voice).

All meetings are aired locally on Channel 1 TimeWarner Cablevision. (Channel 1 will be accessible on the TWC "smart box" and Zenith converter. On some cable-ready TVs and/or VCRs, Channel 1 may be accessed on Channel 99 or Channel 61, depending on the TV/VCR manufacturer.) If you are having a problem receiving audio transmission of this meeting, please call 868-3286 during business hours. After 5:00 P.M., you can call the Customer Service Department of TimeWarner at 254-8441 to report trouble.

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