

**BUILDING/FLOOD BOARD OF ADJUSTMENT AND APPEALS MEETING MINUTES
CITY OF CLEARWATER**

June 4, 2019

Roll Call

Present - Chair Earle Cooper, Board Member Kathryn Helmus, Board Member Mark Cagni, Alternate Board Member Philip Jester

Absent - Vice Chair Steven L. Klar,

Also Present - Jay Daigneault – Attorney for the Board, Kevin Garriott – Building Official, Patricia O. Sullivan – Board Reporter

Awaiting approval

2 – Call To Order

The Chair called the meeting to order at 2:05 p.m. at the Main Library.

To provide continuity for research, items are in agenda order although not necessarily discussed in that order.

3 – Approval of Minutes

3.1. Approve minutes of November 6, 2018 Building/Flood Board of Adjustment and Appeals meeting as submitted in written summation.

Member Helmus moved to approve minutes of November 6, 2018 Building/Flood Board of Adjustment and Appeals meeting as submitted in written summation. The motion was duly seconded and carried unanimously

4 – Citizens to be Heard re Items Not on the Agenda: None.

5 – Continued Requests: None

6 – New Request: Appeal to Building Official's Decision

6.1. Case: BAA2019-05002, 1135 Tangerine Street

Legal Description: Greenwood Park No. 2 Blk D, Lot 17

Appellant Name: Yvette F. Williams

Request: "Remove the claim(s)/violations from my record with City of Clearwater."

Basis for Request: "My home was intentionally vandalized by someone who retaliated against me because I rented to someone of a different race. The person never reported any concerns/problems with the property to me."

See Exhibit: Staff Report BAA2019-01001 2019-06-04

Development Review Specialist Vicki Komeraskas reported Appellant Yvette Williams had acknowledged today's meeting and indicated her intent to attend. Building Official Kevin Garriott testified Appellant Williams was properly notified. (Appellant Williams arrived at 2:15 p.m.)

Mr. Garriott said following a complaint, staff inspected 1135 Tangerine Street, cited the property for 9 violations, and on January 30, 2019, sent notice to, property owner Yvette Williams of the violations and repairs/replacements required to comply with Code. On April 29, 2019, Ms. Williams appealed the Building Official's decisions and interpretations to the Building/Flood Board of Adjustment and Appeals.

Housing Inspector Sam Swinton provided a PowerPoint presentation of photographs of the violations at 1135 Tangerine Street 1) Sanitary Facilities; 2) Heat; 3) Smoke detectors; 4) Electrical System requirements; 5) Exterior; 6) Floor surface; 7) Soffit & Fascia; 8) Porch; and 9) Windows. The Housing Code violations were not fixed or repaired.

Val Carty said she was a former tenant and had called in the complaint. She said living conditions at the property had worsened with bugs and high grass.

Appellant Yvette Williams arrived at 2:15 p.m.

Appellant Williams said she was not a slum lord; none of her properties was in poor condition. She said the City's notice, sent by certified mail, had arrived at her post office box when she was out of town and was returned to sender before she could pick it up. She said the notice should also have been sent via regular mail. She said she had not seen the posted notice because her tenant had removed it.

Appellant Williams said she did not see a copy of the report until today, stating she was unable to view the email yesterday when she received it. She said she called Inspector Swinton many times and visited his office when he was out and he never returned her calls. She said workers she sent to the property were unable to make repairs because the tenant was belligerent. She said several tenants had moved out due to the tenant's harassment. She said faults with properties always could be found. She said the house next door had Code violations. She said she had sent someone to cut the grass.

Inspector Swinton said he returned the one message he received of a call from the Appellant but she did not answer and her voice mailbox was full. Mr. Garriott said the Appellant was aware of the notice when she submitted her appeal on April 29, 2019. The City's goal was compliance.

Appellant Williams said she first learned about the notice when people in the neighborhood told her something was wrong. She said she last saw the inside of the property on May 25, 2019. She said she saw the light fixture violation that occurred when someone knocked the light fixture loose when moving furniture. She said she had not wanted to do a violation search at the property because she did not want a confrontation with the tenant before she was evicted. She said she would have the repairs made.

Discussion ensued with comments that Code violations existed, claims of violations should not be removed from the property owner's record, the

Building Official did not misconstrue or misapply the Building Code, and the City should send notices via regular mail.

Attorney for the Board Jay Daigneault said Code Enforcement would establish compliance deadlines.

With regard to the Appeal from the Building Official's decision or interpretation in Case BAA2019-05002, Member Helmus moved to find action on the request to be within the Board's authority to deny the appeal application and affirm the Building Official's decision or interpretation concerning the violations identified and, based on evidence and testimony presented in the application, the Staff Report and at today's hearing, and specifically the following: Appellant did not substantively contest the City's evidence concerning the condition of the structure and made no argument that the Standard Housing Code or its specific provisions did not apply to this matter or that the applicable code had been misconstrued or misapplied, and hereby issue the Conclusions of Law that the criteria set forth in Code of Ordinances Section 47.033 and 47.035 are not met. The motion was duly seconded and carried unanimously.

7 – Director/Building Official Comments

Mr. Garriott said the board had an open seat. He requested members to encourage applications from design professionals, contractors or building industry representatives with knowledge and experience with City of Clearwater Codes. Applications could be submitted online. Clearwater residency was not required.

8 – Adjourn

The meeting adjourned at 2:45 p.m.

Attest:

Chair
Building/Flood Board of Adjustment & Appeals

Board Reporter