EXHIBITS FROM THE RESPONSE

Those exhibits from the Response of Michael Grimm (the "Response") that are cited to in the Supplement to Statement of the Interpretation the Petitioner Contends Should Be Given to the Provisions of the Florida Building Code (the "Supplement") have been reproduced and assembled here for the convenience of the Panel.

While these exhibits are numbered and referred to as Exhibit X where X is a number, they are referred and cited to as Response Exhibit X, where X is a number that corresponds to the exhibit number the particular exhibit has assigned to it in the Response. Only those exhibits that have been cited to in the Supplement have been reproduced here. They are:

Response Exhibit 1

Response Composite Exhibit 2

Response Exhibit 4

Response Exhibit 5

Response Exhibit 7

Response- Exhibit 1

PALM BEACH COUNTY-WIDE/MUNICIPAL BUILDING PERMIT APPLICATION FORM

City of Riviera Beach Building Services
600 W Blue Heron Blvd, Riviera Beach, FL 33404
Telephone: (561)-845-4020 Fax: (561)-845-4027

FOR OFFICE USE ONLY
FBC Version: _____ Permit Type: FWPP
Accepted By: _____ Application Date: _____
Application #: 19-0102 6

1
KIND of PERMIT (CHECK ONE):
☑ PRIMARY PERMIT
☐ SUB-PERMIT - If Fee & Value of a Sub-Permit are covered under a Primary Permit, complete boxes 1, 2, 3, 4, 5, 6 & 8 only to apply. If not covered under a Primary Permit, complete the entire application to apply.

2
PROPERTY OWNER: HALO DEVELOPMENT
TENANT:
ADDRESS: 13901 NW 110TH AVE UNIT:
CITY: MIAMI STATE: FL ZIP: 33178
PHONE: 786-251-6868 FAX:
EMAIL: fane@fanelozman.com

3
TRADE (CHECK ONE):
☐ STRUCTURAL ☐ ROOFING ☐ ELECTRICAL
☐ MECHANICAL ☐ PLUMBING ☐ FIRE ☐ GAS
☑ OTHER: FENCE
PRIMARY PERMIT #:

4
PROJECT NAME: LOZMAN
PCN: 56 .43 .42 .22 .00 .001 .0050
LEGAL DESCRIPTION: PLEASE SEE ATTACHED
ADDRESS: 4601 N OCEAN DR
CITY: RIVIERA BEACH

5
FURTHER WORK DESCRIPTION: INSTALL 614' OF NEW BLACK 4' CHAIN LINK FENCE
Type of Work: ☑ New ☐ Addition ☐ Alteration ☐ Repair ☐ Demo ☐ Temporary ☐ Other
VALUE: $10,800 (SEE FEE SCHEDULE) PERMIT FEE: _____ (AS APPLIES) NET S.F (for SFD's): _____ (AS APPLIES)

6
☐ OWNER BUILDER PER FL. ST. 489 (AS NAMED ABOVE, FOR CONTACT INFORMATION SEE BOX 2)
☑ CONTRACTOR (CERT. HOLDER): ROBERT GREENE License #: U10591
DBA (COMPANY NAME): MARTIN FENCE CO. Contact Person: JOHN MASTROGIOVANNI
ADDRESS: 862 13TH STREET STE: _____ CITY: LAKE PARK STATE: FL ZIP: 33403
PHONE: 561-848-2688 FAX: 561-848-4466 EMAIL: jmastro@martinfence.com

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

7 X
(Signature of Owner or Agent) (including contractor)
Print Name: FANE LOZMAN
NOTARY REQUIRED IF $ 2,500 OR MORE, OR FOR ALL OWNER / BUILDERS REGARDLESS OF $ VALUE STATE OF FLORIDA
COUNTY OF PALM BEACH
Sworn to (or affirmed) and subscribed before me this 8 day of APRIL, 2019, by
FANE LOZMAN
(Name of person making statement).
(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)
Personally Known X OR Produced Identification _____
Type of Identification Produced _____

8
(Signature of Contractor)
Print Name: ROBERT GREENE
NOTARY REQUIRED IF $ 2,500 OR MORE, OR FOR ALL OWNER / BUILDERS REGARDLESS OF $ VALUE STATE OF FLORIDA
COUNTY OF PALM BEACH
Sworn to (or affirmed) and subscribed before me this 8 day of APRIL, 2019, by
ROBERT GREENE
(Name of person making statement).
(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)
Personally Known X OR Produced Identification _____
Type of Identification Produced _____

NOLAN GREENE
Notary Public - State of Florida
Commission # FF 964476
My Comm. Expires Feb 25, 2020

NOLAN GREENE
Notary Public - State of Florida
Commission # FF 964476
My Comm. Expires Feb 25, 2020

EXHIBIT
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FEE SIMPLE TITLEHOLDER, BONDING COMPANY, ARCHITECT/ENGINEER AND MORTGAGE LENDER INFO IS REQUIRED WHEN THE AGGREGATE VALUE (TOTAL COST OF ALL IMPROVEMENTS & NOT JUST WORK AUTHORIZED BY THE INDIVIDUAL PERMIT) IS $2,500 OR MORE (EXCEPT HVAC REPAIR /REPLACEMENT < $7500). PLEASE ADDRESS ALL ITEMS.

9 Fee Simple Titleholder's Name (If other than owner): _____ Fee Simple Titleholder's Address (If other than owner): _____ City: _____ State: _____ Zip: _____ ☐ Same as Owner	10 Bonding Company: _____ Bonding Company Address: _____ City: _____ State: _____ Zip: _____ ☐ Not Applicable
11 Architect/Engineer's Name: _____ Architect/Engineer's Name Address: _____ City: _____ State: _____ Zip: _____ ☐ Not Applicable	12 Mortgage Lender's Name: _____ Mortgage Lender's Address: _____ City: _____ State: _____ Zip: _____ ☐ Not Applicable

WARNING TO OWNER:
YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS *TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE* FIRST INSPECTION.

NOTICE TO CONTRACTOR: FOR A DIRECT CONTRACT GREATER THAN $2,500 (EXCEPT FOR HVAC SYSTEM REPAIR OR REPLACEMENT LESS THAN $7500), FLORIDA STATUTES REQUIRE THE APPLICANT TO FILE WITH THE ISSUING AUTHORITY, PRIOR TO THE FIRST INSPECTION, EITHER A CERTIFIED COPY OF THE RECORDED (BY OWNER) NOTICE OF COMMENCEMENT OR A NOTARIZED STATEMENT (BY OWNER) THAT THE NOTICE OF COMMENCEMENT HAS BEEN FILED FOR RECORDING, ALONG WITH A COPY THEREOF. IN THE ABSENCE OF A CERTIFIED COPY OF THE RECORDED NOTICE OF COMMENCEMENT, NO SUBSEQUENT INSPECTIONS CAN BE PERFORMED UNTIL THE APPLICANT FILES SUCH CERTIFIED COPY WITH THE ISSUING AUTHORITY. THE CERTIFIED COPY OF THE NOTICE OF COMMENCEMENT MUST CONTAIN THE NAME AND ADDRESS OF THE OWNER, THE NAME AND ADDRESS OF THE CONTRACTOR, AND THE LOCATION OR ADDRESS OF THE PROPERTY BEING IMPROVED.

IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

OFFICE USE ONLY BELOW THIS LINE

13 CODE EDITION/NOTES: _____	14 USE (CHECK ONE): ☐ 1 & 2 FAMILY ☐ TOWNHOUSE ☐ CONDOMINIUM ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL ☐ AGRICULTURAL - BLDG CODE EXEMPT ☐ OTHER: _____ ☐ USE CHANGE: _____

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APPROVED BY: _____ DATE: _____
Permit Officer

AUTHORIZED FOR CERTIFICATE OF OCCUPANCY: _____ DATE: _____
Building Official or Designee

AUTHORIZED FOR CERTIFICATE OF COMPLETION: _____ DATE: _____
Building Official or Designee

Response- Composite Exhibit 2

Gagnon, Jeff

From:	Gagnon, Jeff
Sent:	Friday, April 26, 2019 4:24 PM
To:	'mfence@martinfence.com'; 'halodevelopment1@gmail.com'
Cc:	March, Ladi; Richards, Bovell; Hayes, Clarece D
Subject:	City Building Permit Application 19-01026, 4601 N. Ocean Drive - VOID, Issued in Error
Attachments:	City Building Permit Application 19-01026 - VOID, Issued in Error 04.26.2019.pdf

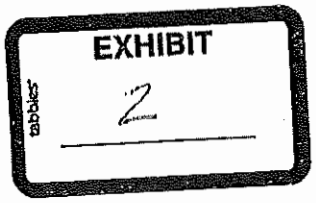
Good afternoon Martin Fence, Co. Management and Halo Development, LLC,

This email is a follow up to my phone call to the Martin Fence Co. office this afternoon (561)848-2688, indicating that City Permit 19-01026, 4601 N. Ocean Drive, associated with installation of 514' of new black 4' chain-link fence, was issued in error, is now void, and should not be relied upon for any construction or building activities (see attached). Further City staff review of the Building Permit Application submittal is required.

Additionally, our computer system indicates that the State License Number associated with Martin Fence Co. has expired. Please provide updated info as applicable. Also, Permit 14-01457 is open within our system and must be closed (see attached). Thank you.

Jeff Gagnon, AICP - Acting Director of Development Services - City of Riviera Beach, FL 33404 - JGagnon@RivieraBch.com - Phone: (561)845-4060 - Fax: (561)845-4027 - www.rivierabch.com
"This message may contain confidential and/or proprietary information and is intended for the person/entity to which it was originally addressed. Any use by others is strictly prohibited."

Response Ex. 2



Contractor Screen printed 4/26/2019 3:25:55 PM

Contractor ID: MARTIN FENCE CO Rec#: 5

Group: FENCE Type: COUNTY Hold:

Contact: MARTIN FENCE CO
Address: 862 13TH ST
City: LAKE PARK State: FL
Zip: 33403-2306 Phone: 561-848-2688

Company: GREENE ROBERT

	Registration Number	Expires	Validate
State:	RX-0053868	09-30-18	
Local:	U-10591	09-30-19	Y
Bond:	C4952812	06-01-19	Y

Notes: NEED TO CLOSE OUT PERMIT 1401457 PR 12-24-14
2058242903 EX 12/01/07

Response Ex. 2

Screen printed 4/26/2019 3:26:10 PM

Permit#: 19-01026 Type: FW Status: 1 Project: 19 MA Rec#: 104655

Address: 4601 OCEAN DR NORTH
4601 OCEAN DR NORTH

Class:
Hold:

Applied: 04-09-19
Issued: 04-23-19
Complete: - -

Master Permit:

Cost: $10,800.00
Due: $317.73
Paid: $317.73

Descript of work: INSTALL 514' OF NEW BLACK 4' CHAINLINK FENCE

Iss. By: CP

Contractor: MARTIN FENCE CO
Engineer:
Designer:
Applicant: MARTIN FENCE CO

Condition 1:

Occ Type:
Cons Type:
Sq Ft:

Permit For:

Report Code: BP # of Units: Plan Review Required (Y/N): Y

Notes: AP BY RG 4/23/19 TO FA

VOID 4/24/2019

Jeff Gagnon

(561) 845-4060

Response Ex. 2

Reply all | Delete Junk | ...

19-01026

DD DeWitt Dulany <ddulany@capfla.com> Reply all |
Wed 6/19, 5:28 AM
Gagnon, Jeff; Gagnon, Jeff <Jgagnon@Rivierabch.com>; Jacobs, Deirdre; Richards,

Inbox

Flag for follow up. Start by Wednesday, June 19, 2019. Due by Wednesday, June 19, 2019.

You forwarded this message on 6/19/2019 9:38 AM

Good Afternoon,

After careful review of Permit Number 19-01026 located at 4601 N Ocean Drive, It is within my authority to return this issued permit to review status.

The conclusion is this permit was issued prematurely without the approval from Zoning Department.

Please provide comments and/or corrections , If any, after Zoning has completed their review.

There is also a question raised, allowing structures in Designated Wetland areas, which could include existing docks and decks located landward of wetland areas.

Judson D Dulany CBO CFM
Building Official
O 561-508-0615
C 561-261-9757
www.capfla.com | ddulany@capfla.com
1910 North Florida Mango
West Palm Beach,FL 33409

EXHIBIT
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Judson D Dulany CBO CFM
Building Official
CAP Government,Inc.

Response- Exhibit 5

PLANNING & ZONING DIVISION
Development Services Department
600 West Blue Heron Blvd.,
Riviera Beach, FL 33404
Phone: (561) 845-4060

Date: November 8, 2019

To: Robert L. Greene

Martin Fence Co. U-10591

862 13th St. Lake Park FL, 363403-2306

Re: Expired Permit # 19-01026 Chain link fence

Project Address: 4601 N. Ocean Drive.

Applicant,

As per Florida Building Code 2107 - **105.4.1.3**

"Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process."

The above referenced project has not had a qualified inspection during the 180 days since the permit was issued on 04/15/19. Under (**FBC 2017 104.4.1.1**) your permit has expired as of 10/20/19, you are being granted a 90 extension (**FBC 2017 105.3.2**).

"An *application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.*"

This extension is granted until 1/18/20 in order to satisfy zoning comments that were issued-please see attached comments dated 5/15/19.

Thank You,
Hudson Dulany
Building Official
City of Riviera Beach

Cc:	Guy Durrani	Building Official CBO
	Jeff Gagnon AICP	Acting Director of Development Services
	Jonathan E. Evans	City Manager
	Deirdre Jacobs	Assistant City Manager
	Dawn Wynn	City Attorney

EXHIBIT
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C:\Users\ddulany\Desktop\Fence 19-1029r1.docx

Response- Exhibit 7

CITY OF RIVIERA BEACH

DEVELOPMENT SERVICES DEPARTMENT | 600 WEST BLUE HERON BLVD.
RIVIERA BEACH FL, 33404 | MAIN: (561) 845-4060 | FAX: (561) 845-4038

BUILDING SERVICES DIVISION

March 5, 2020

Robert L. Greene
Martin Fence Company
862 13th Street
Lake Park, Fl 33403-2306

SUBJECT PROPERTY:
4601 Ocean Drive N
Riviera Beach, FL 33404

Re: Abandonment of City Building Permit Application #19-01026
Scope of Work: "Install 514' of four (4) ft high chain-link fence"

Dear Mr. Greene:

The City deems the subject building permit application applied for on April 9, 2019 (19-01026), abandoned, pursuant to FBC "105.3.2 *Time limitation of application*" "an unaddressed permit application review comments."

As detailed in the FBC Section 105.3.2, an application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued. The building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

A City Building Permit was issued on April 23, 2019. However, said permit was issued without the required City Planning and Zoning Division approval, and was therefore placed back into review status. A memorandum dated May 15, 2019 to the applicant, and copied to the owner, detailed the submittal deficiencies. The following items that have yet to be resolved through the submission of a formal correction to the permit application, include but is not limited to:

1. provide proof of ownership of the land area to be impacted by the proposed fence location;
2. provide proof of ownership of existing structures which may be impacted by the proposed fence installation;
3. submit an environmental survey and assessment to the City in accordance with City Code Section 23-83(c), and corresponding Sections within Chapter 23, Article III to determine specific wetlands preservation area boundaries associated with this Parcel.

In order to address the outstanding comments, in my capacity as Building Official, I granted an extension of expiration for the application until January 18, 2020.

EXHIBIT
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Due to the lack of a timely response to previous requests and the inability to satisfy the outstanding comments has resulted in the abandonment of this City Building Permit Application #19-01026.

Due to the applicant's failure to respond to outstanding requests for required information, and in the absence of addressing the Planning and Zoning comments for the subject permit (Building Permit Application - #19-01026) the application is deemed abandoned. Thereby, any site improvements made to date which are associated with the respective matter, such as installation of 514' of four (4) foot high chain-link fence, and unpermitted fill, must be removed from the property and the affected areas must be returned to their original pre-construction state by no later than April 5, 2020. In the event that such relative improvements are not removed by April 5, 2020, the City will pursue legal remedies to cure this situation.

Should you have any questions, please feel free to contact me via the information listed below.

Sincerely,

Durrani Guy, C.B.O
Building Official,
CITY OF RIVIERA BEACH
Development Services Department
Building Services Division
dguy@rivierabeach.org
(561) 845-4020

C: Halo Development, LLC (Property Owner)
13901 NW 118th Ave
Miami, FL 33178-3141

Jonathan Evans, City Manager
Deirdre Jacobs, Assistant City Manager
Dawn Wynn, City Attorney
Jeff Gagnon, Acting Director of Development Services
Grace M. Joyce, Development Services Operations Manager
Cheryl Bostic, Code Compliance Administrator
Dewitt Delany, Regional Director CAP