

drainage violations on the golf course at Vista Royale and Vista Gardens developments, which was owned distinctly and separately from the condominium associations at the site. He noted the grass mowing and weed issue was not a code violation that would be heard at today's hearing because the County's public nuisance ordinance was currently limited to lots within platted developments, and the subject property did not fall into that category.

Mr. DeBlois described the reed overgrowth and lack of maintenance at stormwater ponds and pipe conveyances on the site and submitted photographs into evidence, which are on file in the Commission Office.

Mr. Dan Wittenberg, Engineering Inspector Supervisor, IRC Engineering Department, testified the ponds on the property were interconnected and part of a fairly large system. He stated a lot of the ponds were functioning at minimal levels and opined some of the outfall structures would back up and cause flooding in the event of a storm.

The Respondent, Attorney Charles Sullivan Jr., confirmed a company had been hired to spray herbicides on the reeds and other plants which would be removed when they died off. He asked the Board to continue the matter for 30 days, adding he did not want to be found in violation because it would set a precedent. Attorney Sullivan said he could not find any evidence of the County permitting the stormwater structures and it appeared some of the lakes and canals were owned by the condominium associations. He did not want to get into a determination of who was actually responsible for maintenance of some of the structures, even though he had gone ahead and had it all sprayed this time.

Mr. DeBlois was concerned about ongoing maintenance of the property beyond today's issue, but acknowledged the Board would have an opportunity to address the situation after 30 days if the violation was not resolved.

2:56:05

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to continue the case for 30 days, provided that if compliance was not achieved by December 21, 2007, it would be scheduled for a hearing at the January Code Enforcement Board meeting.

It is noted for the record the Respondent was present for this hearing.

Affidavit of Service and a photograph into evidence, which are on file in the Commission Office. She observed the junk, trash and debris had been resolved and it was just the junk vehicle violation remaining.

Mr. David Hyatt, a tenant on the property, said he was taking the engine out of the unlicensed vehicle and rebuilding another car. Mr. Don Wixon, IRC Code Enforcement Coordinator, recommended an extension of 60 days, until January 25, 2008, for compliance.

3:10:39

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

It is noted for the record the Respondents' tenant was present for this hearing.

ADMINISTRATIVE HEARING

3:11:26 **Case #2006010079 – GL Homes Building Corporation**

Mr. DeBlois advised since the Respondent was not present for the hearing, the citation should be upheld by default.

3:12:10

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

3:12:49 **Case #2007090120 – High Ridge Mobile Park, Inc. (Tenant: Analila & Sigifredo Garcia)**

Inspector Kelly Zedek, IRC Code Enforcement Officer, testified the IRC Health Department had requested an inspection of the High Ridge mobile home park, and there were several cases on today's agenda. She submitted photographs into evidence, which are on file in the Commission Office, and stated the only violation that remained was an untagged vehicle.

Mr. DeBlois recommended the Board find a violation of the junk vehicle and grant a 30 day extension, until December 21, 2007, with a hearing on January 28, 2008.

Mr. DeBlois recommended rather than the Board dropping the case, it should be indicated, based on new evidence provided by the Respondent and despite there being a restriction on mobile homes dating back to 1973, in this case there appeared to be an estoppel if permits were issued. He stressed the existing mobile home could not be replaced in the future because it was a non-conforming use.

Discussion ensued.

5:53:06

ON AMENDED MOTION BY Mr. Hedin, AMENDED SECOND BY Mr. Owens, the Board voted (6-1) to approve staff's recommendation. Mr. Zimmermann in opposition.

It is noted for the record the Respondent and her attorney were present for this hearing.

LIEN RELEASE REQUESTS

5:55:36 **Case #2007040068 – Root Bros, Inc.**

Mr. DeBlois recapped this case originally came to the Board in June, 2007 for junk, trash and debris involving concrete debris storage on the subject property and on August 27, 2007 when compliance was not achieved the Board had entered an Order Imposing Fine. Mr. DeBlois acknowledged the paperwork in this case had been sent to the mailing address 6th Avenue S.W., but should have been sent to 6th Avenue S.E., and the Respondent had asserted he was not receiving the notices in a timely manner. Mr. DeBlois added the Respondent had been working with staff to clean up the property and was now in compliance and he recommended a rescindment of the fine.

The Respondent, Mr. Chris Flagg, said he was never sure if he was in or out of compliance and he thought everything had been resolved, which was why he had not shown up for any hearings.

5:58:41

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve staff's recommendation.

It is noted for the record the Respondent was present for this hearing.

