

to stabilize the canal bank in compliance with State and County regulations. He acknowledged the IRC Building Department needed to determine whether the porch enclosure work met the money threshold, and agreed to withdraw that part of the case and bring it back if necessary.

2:30:29

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondents were present for this hearing.

2:32:08 **Case #2007110041 – Sean DeCosta**

Mr. DeBlois related this Evidentiary hearing involved violations for auto repair and vehicle storage on residential property, junk vehicles, noise and vibration, and a shed enclosure and electric without a building permit. Inspector Davis submitted photographs into evidence, which are on file in the Commission Office. She summarized she had received complaints from a next-door neighbor about noise from hydraulic jacks and numerous vehicles being repaired at the site.

Mr. Woodall, the Respondent's next-door neighbor, read from a list he had compiled with dates and the number of vehicles on the subject property, and described the accompanying noise. He submitted the list and photographs he had taken into evidence, which are on file in the Commission Office.

The Respondent testified a lot of the photographs were taken while friends were at his house and the vehicles in pictures taken today belonged to him and were tagged, except for a white Toyota Corolla.. He related he had enclosed the garage because he worked on cars as a hobby and he did not charge anyone for the work. He added he had applied for a permit for alterations to the garage, and a copy of the permit is on file in the Commission Office.

Mr. DeBlois noted it seemed as though the property was currently in compliance, but felt there was sufficient evidence for the Board to conclude there had been an illegal repair business and recommended a Continuing Order with the potential for fines in the event the zoning district use and vehicle parking and storage violations recurred. He acknowledged a building permit had been applied for but not issued, and requested the Board find violation for enclosure of the garage without permits and allow 60 days, until March 21, 2008, for the Respondent to comply with an issued permit. Mr. DeBlois stated he would withdraw the noise aspect and the

junk vehicle violation.

3:03:35

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:04:01 **Case #2007110055 – Cynthia Fordham & Marcus Pickson**

Inspector Davis submitted photographs into evidence, which are on file in the Commission Office. She related a home on the site was damaged in the hurricanes and the Respondents had cleaned up the property, but needed to obtain permits to fix the structure.

The Respondents confirmed they were in the process of getting permits and asked for time to complete reconstruction.

Mr. Wixon recommended the Board find a violation and grant 60 days, until March 21, 2008, for the Respondents to obtain permits and an additional 60 days, until May 16, 2008, to comply with the permits or remove the structure.

3:08:53

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:11:18 **Case #2007120033 – Joseph Rymsza**

Inspector Davis submitted a photograph into evidence, which is on file in the Commission Office. She summarized the Respondent was remodeling his garage and a pump house, but the permits had expired and his neighbor was complaining about construction material still being on the site.

Mr. Wixon recommended the Board fine a violation and grant 30 days, until February 22, 2008, for the Respondent to reinstate the permit or remove the concrete blocks and forming boards from the property.

and he did not believe it was a commercial vehicle because the State had not charged him as such when he purchased the registration tags and he only used it for his personal use.

Discussion followed about what constituted a commercial vehicle.

Mr. DeBlois recommended the Board find a violation and grant 60 days, until March 21, 2008, for the Respondent to either remove the vehicle or substantiate the vehicle was one ton or less.

3:32:39

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:34:09 **Case #2007120063 – Leroy & Elizabeth Blondeau**

Mr. Wixon advised this case involved no building permit and a zoning district use violation for a Recreation Vehicle (RV) used as living quarters. Inspector Davis submitted a photograph into evidence, which is on file in the Commission Office.

Respondent Elizabeth Blondeau related their mobile home had been destroyed in the hurricanes and the reason they had not rebuilt was because her husband had been hospitalized.

Attorney Vitunac was not sure there was a violation of a building permit and suggested that violation be dropped. Mr. DeBlois noted the zoning allowed either a site-built or mobile home, and recommended the Board grant an extension of 120 days, until May 16, 2008, to comply with the zoning district use violation.

3:43:34

ON MOTION BY Mr. Owens, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:44:14 **Case #2007120086 – Ronald & Rose Rigby**

Mr. DeBlois related there was originally a non-conforming mobile home on the property and it could be replaced; however a mobile home had been placed on the site without permits and there were issues involving tie-down and other violations. He added there were also overgrown weeds, junk vehicles and junk, trash and debris violations, but the junk vehicle and vehicle parking storage issues had been resolved.

Inspector Davis submitted an Affidavit of Service and photographs into evidence, which are on file in the Commission Office. She read a letter she had received from Respondent Ronald Rigby, a copy of which is on file in the Commission Office, stating the mobile home was put on the property without his consent. Inspector Davis confirmed the electric was not legally hooked up and the trailer was not tied down and elevated properly, and the trailer was damaged.

Mr. Darryl Gerald, who had been living in the trailer, asked for some time to repair the trailer so it could be moved from the site. He stated the Respondent's brother, Bill Rigby, had given him permission to put the trailer on the property.

Mr. DeBlois expressed concern about health and safety issues connected with the trailer, and said he could support an extension of time if the more immediate issues were addressed. He recommended a seven day time frame, until February 4, 2008, for the electricity to be disconnected and securing of the structure as long as nobody was living at the residence; 30 days, until February 22, 2008, for cleaning up the junk, trash and debris and weeds; and 60 days, until March 21, 2008, for the ultimate removal of the unit. Members of the Rigby family in attendance agreed with Mr. DeBlois' recommendation.

3:57:49

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Stetser, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent's representatives were present for this hearing.

3:58:07 **Case #2006080073 – James Anderson FBO 92nd Avenue Trust**

Mr. DeBlois advised he had communicated with the Respondent who lived in California and would like to proceed with the case even though the Respondent was not present. He recapped the case dated back to September, 2006 and involved a half built home that had been abandoned, along with junk, trash and debris and

overgrown weeds. Mr. DeBlois stated at the September 25, 2006 hearing, a Mr. James Alabre had attended as a representative of the 92nd Avenue Trust and said he was pulling permits to restore the site and clean it up. He summarized ultimately at a Compliance hearing on October 21, 2006, the Respondent did not attend and since nothing had been done at the site, the Board had entered a fine.

Mr. DeBlois related there had been a recent revision to the County's public nuisance ordinance, a copy of which is on file in the Commission Office. He specified if the Board entered an Order Imposing Fine against a property and nothing had been done toward compliance, and the Board found there was a serious health, safety and welfare issue, it could recommend the County resolve the violation and lien the property with the cost of the abatement.

Mr. DeBlois continued he had received a letter from Mr. Michael Morangiolo, a representative of the 92nd Avenue Trust, indicating he was not aware the violation was still on the property and there were fines accruing. Upon further investigation, it was discovered someone had changed the mailing address on the IRC Property Appraiser's web site without the owner's permission and Mr. James Alabre, who attended the September, 2006 meeting did not represent the ownership, and essentially had walked away from the job. Mr. Morangiolo had promised to resolve the violations.

Mr. George Glenn, Assistant IRC Attorney, stated this case was a poster child for the change to the ordinance, and the Board should consider whether it was a serious threat to health, safety and welfare, and if that was the case the Board of County Commissioners would proceed with the scheduling for abatement if it was not resolved within 30 days.

Inspector Davis submitted an Affidavit of Service and photographs into evidence, which are on file in the Commission Office. She noted children had been vandalizing the structure and there was concern someone might get hurt because it was an attractive nuisance.

Discussion followed.

4:21:03

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to find the property represented a serious threat to public health, safety and welfare.

It is noted for the record the Respondent was present for this hearing.
4:21:36 **Case #2007120090 – Darius & Daisy Rigby**

Inspector Davis submitted an Affidavit of Service and photographs into evidence, which are on file in the Commission Office. She testified the pictures had been taken on several different occasions when she had observed a large commercial vehicle and junk, trash and debris on the premises. Mr. DeBlois noted the Board had entered an Order for the same violations on March 26, 2007.

The Respondent stated he was looking for a place to store the truck.

Mr. DeBlois asked Inspector Davis how many times she had observed the vehicle since the property had been posted. Inspector Davis said she had seen it four or five times. Mr. DeBlois recommended a \$500 fine for the five times verified since the property was posted, with an extension of 30 days, until February 22, 2008, for the Respondent to find a permanent legal location to store his vehicle.

Mr. Suthard noted Inspector Davis confirmed she had seen the truck four or five times, so there was a possibility it was only four.

4:29:25

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to set the fine at \$400, with a 30 day extension to comply.

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

4:30:27 **Case #2007120110 – Amica Petroleum LLC**

Mr. Wixon advised this was an Evidentiary hearing concerning sign and site plan nonconformance violations. Inspector Davis submitted photographs into evidence, which are on file in the Commission Office. She noted a snipe sign had been removed, but there were several other signs on the site along with excessive window signs of more than 10% of the coverage. She added some of the hedges and required plant material had died back beyond the Florida Number One condition.

The Respondent, Mr. Roy Amico, testified he had just taken over operation of the station and was not aware of the problems.

Mr. DeBlois recommended a seven day extension, until February 4, 2008, to remove the signs and a 30 day extension, until February 22, 2008 to comply with the

landscape violations. He suggested Inspector Davis meet with the Respondent on site to clarify which signs would have to be taken down.

4:38:22

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

4:38:55 **Case #2007230061 – Michael & Sheila Norcia**

Mr. Wixon related this case had to do with a zoning district use violation, no building permit and junk, trash and debris. Inspector Davis submitted photographs into evidence, which are on file in the Commission Office. She testified she was on the site on January 26, 2008, and there was an RV and junk, trash and debris on the property.

The Respondent stated he had purchased a restaurant in the City of Sebastian and did not want to commute from his home in Palm City every day. He asked for time to resolve the issue of the RV.

4:44:58

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to grant a 30 day extension, until February 22, 2008, for removal of the junk, trash and debris; and 120 days, until May 16, 2008, for removal of the Recreational Vehicle.

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

4:45:07 **Case #2007060007 – Creative Choice Homes XVI, Ltd.**

Mr. DeBlois recapped the Board's initial Order in this Compliance hearing was entered in September, 2007 and gave the Respondent until November 23, 2008 to replace dead or missing landscape to the size and standard required under the County's landscape ordinance; and subsequently the Board had granted an extension until last Friday.

Inspector Jefferson reported she had today observed workers removing some of the pepper trees, and submitted photographs into evidence, which are on file in

at 5:24 p.m.

5:33:59 **Case #2007100136 – c/o Countrywide Home Loans Inc.**

Mr. DeBlois explained this was a situation where someone pulled a permit to put a fence in an easement but had never signed or recorded a covenant agreement saying they would remove the fence if it needed to be used by the utility companies, and in the meantime the fence was erected without a permit. He understood the property had since changed ownership because of a bank foreclosure and recommended the Board find a violation and grant 60 days, until March 21, 2008, for staff to follow up with the new owners.

5:35:19

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

5:35:25 **Case #2007100025 – Donna Skinner**

Inspector Davis confirmed this was for junk, trash, debris and tree limbs and the property was not in compliance. Mr. DeBlois recommended 30 days, until February 22, 2008, to resolve the issues.

5:36:18

ON MOTION BY Mr. Owens, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

5:36:30 **Case #2007090125 – High Ridge Mobile Park Inc. (Tenants: Daniel & Barbara Presley)**

Inspector Zedek reported she had not received service on this case.

5:36:43 **Case #2007090126 – High Ridge Mobile Park Inc. (Tenant: Emilio Marquez Pantaleon)**

Inspector Zedek reported she had not received service on this case.

5:44:33

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

5:44:39 **Case #2007120005 – David & Jamie Jackson**

Inspector Jefferson said she had not received service on this case.

5:45:02 **Case #2007100146 – Lowe's Home Centers Inc.**

Mr. DeBlois summarized this involved a free-standing sign in the plaza area near Lowe's Home Centers Inc. that was not allowed under the County's sign ordinance and State Road 60 Corridor Plan. He recommended 60 days, until March 21, 2008, for compliance.

5:45:48

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

5:46:04 **Case #2007120011 – Charles Jones**

Inspector Zedek reported the junk, trash and debris violation was not in compliance and there was still a junk vehicle on the property. Mr. DeBlois recommended 30 days, until February 22, 2008, for compliance.

5:46:44

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing. .

5:52:18 **Case #2007100196 – Vilma Comas**

Inspector Carter Solomon submitted an Affidavit of Service into evidence, which is on file in the Commission Office. She recommended the Board find a violation for overgrown weeds and grant an extension of 30 days, until February 22, 2008, for compliance.

5:52:43

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

5:52:42 **Case #2007110004 – Augustin Pop**

Inspector Carter Solomon submitted an Affidavit of Service into evidence, which is on file in the Commission Office, and revealed this was a case of overgrown weeds at what appeared to be an abandoned house. She recommended an extension of 30 days, until February 22, 2008.

5:53:11

ON MOTION BY Mr. Garone, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

5:53:21 **Case #2007120025 – Johnny Roy Chambliss**

Inspector Zedek reported she had not received service on this case.

5:53:25 **Case #2007120026 – Johnny Roy Chambliss**

Inspector Zedek reported she had not received service on this case.

5:53:33 **Case #2007120028 – Mark Aubin**

Inspector Jefferson stated there was no service on this case.

It is noted for the record the Respondent was not present for this hearing.

5:56:35 **Case #2007120072 – St. Lucie Development Corp.**

Inspector Jefferson reported she had not received service on this case.

5:56:51 **Case #2007120073 – Robert Lloyd**

Inspector Carter Solomon submitted an Affidavit of Service into evidence, which is on file in the Commission Office. She confirmed there were overgrown weeds, junk, trash and debris and two junk vehicles on the property, and the Respondent had contacted her and told her he had been ill but wanted to comply. Inspector Carter Solomon recommended 60 days, until March 21, 2008, for this to take place.

5:57:16

ON MOTION BY Mr. Owens, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

5:57:30 **Case #2007120099 – Aaron & Sandra Wintz**

Inspector Jefferson stated the violation for a commercial vehicle had been resolved, but she wanted a Continuing Order. She submitted a photograph into evidence, which is on file in the Commission Office. Mr. DeBlois recommended the Board find current compliance and grant a Continuing Order in the event it recurred.

5:57:46

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

5:58:08 **Case #2007120104 – Mindy Sue Fulton**

Inspector Carter Solomon reported the junk, trash and debris violation had been taken care of but there was still one junk vehicle on the site. She recommended 30 days, until February 22, 2008, for compliance.

6:02:04 **Case #2008010028 – Bert Ammons (Trustee)**

Inspector Davis submitted photographs into evidence, which are on file in the Commission Office. She described ongoing violations of boat/trailer storage and asked for a Continuing Order, even though it was currently in compliance.

6:02:42

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to find a previous violation had existed and to issue a Continuing Order.

It is noted for the record the Respondent was not present for this hearing.

6:03:14 **Case #2007100121 – William & Holly McCullers**

Mr. DeBlois related this Compliance hearing involved junk, trash and debris. Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission Office, and reported the property was not in compliance.

6:03:44

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to impose the fine.

It is noted for the record the Respondent was not present for this hearing.

6:03:57 **Case #2007090064 – William & Pauline Orlando**

Inspector Teague submitted a photograph into evidence, which is on file in the Commission Office. She confirmed she was on the site today and the junk vehicle was still on the property. Mr. DeBlois noted the Board had entered an Order in October, 2007, and recommended the fine be imposed.

6:04:17

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

6:04:28 **Case #2007100141 – U.S. National Bank Association (Trustee)**

Inspector Davis submitted a photograph into evidence, which is on file in the Commission Office, and related this Compliance case was for junk, trash and debris and no building permit for a utility shed. She observed the property was in foreclosure and Mr. DeBlois recommended a 30 day extension, until February 22, 2008.

6:05:11

ON MOTION BY Mr. Owens, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

6:05:24 **Case #2006090053 – Jorge Posada**

Mr. DeBlois noted this was technically a repeat violation of an Order dating back to October, 2006 for a porch addition built without permits. He explained the Respondent had pulled after-the-fact permits but had not followed through and completed the construction, and the permits had expired. Mr. DeBlois recommended resurrecting the case and granting 30 days, until February 22, 2008, for the Respondent to reactivate the permit; and a total of 90 days, until April 25, 2008, to complete the porch.

6:06:42

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

LIEN RELEASE REQUESTS

6:07:53 **Case #2007060110 – Dale Muchler**

Mr. DeBlois explained this involved a gibney unit used being for storage, and the Board had issued an Order Imposing Fine on October 22, 2007. The Respondent had called and said he had removed the unit two weeks later, and staff had verified it was no longer on the property. Mr. DeBlois recommended the Board acknowledge compliance and set the fine at \$1,400 for 14 days of noncompliance.

Respondent was present.

6:14:02 **Case #2006020061 – Maronda Homes**

Mr. DeBlois recapped the Respondent had been cited for a drainage obstruction in an easement, and the property was now in compliance. He explained staff had calculated the fine based on a flat number of days until compliance was verified, the Respondent had paid the fine, and he recommended the Board authorize staff to release the lien based on staff's calculations.

6:15:08

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

6:15:18 **Authorization for Notices to Appear**

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve Authorization for Notices to Appear for February, 2008.

There being no further business, the meeting was adjourned at 6:20 p.m.