

## **CODE ENFORCEMENT BOARD**

A meeting of the Indian River County (IRC) Code Enforcement Board (the Board) was held in the Commission Chambers at the County Administration Building, 1840 25th Street, Vero Beach, Florida on Monday, April 24, 2006 at 1:30 p.m.

Present were Chairman Karl Zimmermann, Realtor Appointee; Vice Chairman Joe Garone, General Contractor Appointee; Joe Petrulak, Subcontractor Appointee; John Owens, Engineer Appointee; Cliff Suthard, Member-at-Large Appointee and Dana Stetser, Architect Appointee.

Absent was Louis Schacht, Businessman Appointee (excused)

Also in attendance were IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Betty Davis, Debbie Clifford, Vanessa Carter Solomon, Rose Teague and Kelly Zedek, Code Enforcement Officers; and Reta Smith, Assistant to the Executive Aide.

### **Call to Order**

Chairman Zimmermann called the meeting to order and the secretary called the roll, establishing that a quorum was present.

### **Approval of Minutes of March 27, 2006**

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve the minutes of March 27, 2006 as presented.**

### **Attorney's Overview of Board Purpose and Procedures**

Attorney Vitunac gave a brief overview of the procedures and purpose of the Code Enforcement Board.

### **Agenda Additions or Deletions, Consent Items**

Mr. DeBlois reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda: Cases #2005070013, #2005120008#2006020102, #2005120028 and

#2005110071 - 30 day extension until May 19, 2006. Cases #2005030155, #2005050317, #2005050269, #2005070021, #2005070042, #2005110093, #2005110033 and #2005100131- 60 day extension until June 23, 2006. Cases #200120036, #2005060050, #2006030107 and #2006030032 had been rescheduled.

In compliance were Cases #2005080053, #2005050308, #2004060020, #2005070012, #2006020071, #2006020005, #2006020082, #2006020092, #2005070071, #2005090040, #2005090142, #2005120025, #2006020032, #2006020085, #2006020023, #2006020040, #2006030100, #2006030027, #2006030218, #2006030064, #2006030054, #2006030030, #2006030152, #2006030177, #2006030182, #2006030184, #2006030208, #2006020069, #2006030059, #2006030038, #2006030044, #2006030047 and #2006020054.

Mr. DeBlois mentioned he had one addendum to the agenda under Evidentiary hearings, #2005090079, Mr. John Shank.

Chairman Zimmermann explained if anyone present was on the Consent Agenda and wanted to be heard, they should let the Board know, otherwise their case would be extended, based on staff's recommendation.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to accept the Consent Agenda with the additions.**

### **Swearing in of Those Who Will Testify**

The secretary proceeded to administer the testimonial oath to everyone who would be testifying at today's hearings.

### **Case #2004080046 – Leah M. Uliano**

Mr. DeBlois related this Compliance hearing initially came to the Board for an Evidentiary hearing in November, 2004, when the Board's original order gave the Respondent under February, 2005 to obtain after-the-fact permits for a barn structure being used for non-agricultural purposes and to modify the structure as necessary in accordance with the approved permits. Since that time, there had been a number of extensions until a compliance date of Friday April 21, 2006. The Respondent had retained an attorney to help facilitate the permitting process, but due to various circumstances a permit had not yet been issued and in the meantime the application for an after-the-fact permit had expired.

Mr. James "Buddy" Akins, IRC Building Director, testified an application for after-the-fact permits had been made on November 23, 2004 to make part of an existing steel building into an apartment. The IRC Plans Examiner had responded on February 8, 2005 with six items that needed to be corrected in the application and the Building Division received no further information, so on November 21, 2005 the Building Clerk cancelled the permit application because it was over one year old.

Inspector Davis detailed the Respondent's attorney had written letters saying the Respondent had obtained the original plans on the barn and acknowledged the things they would do to bring the barn up to code, but no building plan had been submitted for what they proposing to do.

Attorney Avery Chapman stated after receiving a letter in February, 2005 from the Plans Examiner, he subsequently had a meeting with IRC Code Enforcement staff to obtain a punch list of exactly what needed to be done. He maintained the Respondent had complied with each of the items identified by the Code Enforcement Board. Attorney Chapman outlined he had written letters to Code Enforcement staff on March 8 and June 21, 2005 describing what his client was doing to work towards compliance; however in the meantime Mr. Akins office cancelled the permit application because they had not heard about what was going on.

Attorney Chapman stated he spoke to Mr. DeBlois and then issued a letter at the end of November, 2005 saying the Respondent had complied with all the items they had jointly identified on the punch list. It was his understanding the Respondent would be waiting for the Building Department to review the file prior to the expiration of the current permit application on November 23, 2005. Attorney Chapman related his client did not feel she should be penalized by having to pay a new permit application fee or be found out of compliance because work was done to come into compliance during the pending application that the Building Department was not aware of. He suggested the Board either give the Respondent an extension or have the fee waived for a new permit application, and get the after-the-fact inspection and permit issued.

Mr. DeBlois concurred with Attorney Chapman, noting Code Enforcement staff had been trying to work as a facilitator between the Respondent and the Building Department, and materials were submitted to Code Enforcement but were not passed on to Building Department staff.

Mr. Akins stated the Building Department could not act on anything that was not submitted to them; however they would allow the after-the-fact permit to be renewed under the old code application on payment of the plans exam fee and

continue the review under the old code, or the Respondent had the option of reapplying under the new code.

After discussion, Mr. DeBlois recommended an extension of 90 days, until July 21, 2006, to allow for the issuance of the permit and inspections.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to allow an extension of 30 days for after-the-fact permit reapplication, and a total of 90 days, until July 21, 2006 for compliance.**

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

**Case #2005110018 – Doris Anderson**

Mr. DeBlois specified this Compliance hearing was for a stormwater drainage violation on residentially zoned property. Inspector Davis confirmed she had been working with IRC Engineer D. Howard on this case and he had told her the case was pretty much complete and he was happy with what the Respondent had done. Mr. DeBlois recommended the Board find the property in compliance.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2005120035 – Robert & Cynthia Wingo**

Mr. DeBlois recapped an Evidentiary hearing on this case had originally been heard on February 27 2006, at which time the Board had entered an Order Finding Violation and given the Respondent until April 21, 2006 to comply. Inspector Davis testified there were still several unlicensed vehicles and miscellaneous debris on the property. She submitted photographs into evidence, which are on file in the Commission office. Inspector Davis noted some of the land clearing debris had been removed, but otherwise not a lot of progress had been made.

The Respondent stated he had hired a professional land clearing company to clear trees and stumps from the right side of his property, and he had asked them to

leave him a pile of material to be used as topsoil before he laid sod. He confirmed he had sold two vehicles and they would be removed this week, and he was cleaning out his shed in order to free up some storage space for things from his yard. The Respondent stated he had been working very hard to come into compliance.

A discussion followed about boats and trailers on the property.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to grant an extension of 60 days, until June 23, 2006 for compliance.**

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

### **ADMINISTRATIVE HEARINGS**

#### **Case #2006030202 – Frederick Luongo**

Mr. DeBlois related there was a representative from the IRC Solid Waste Disposal District present to testify, however the Respondent was not in attendance and the citation would be upheld by default, unless the Board chose to hear the case.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to confirm Citation #0144 since the Respondent did not appear before the Board.**

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

#### **Case #206020111 – Richard & Jane Dupee**

Inspector Clifford advised there was no service in this case.

#### **Case #2006020024 – Ruben & Ofelia Zamaripa**

Mr. DeBlois reported this Evidentiary hearing had to do with junk vehicles, junk, trash and debris and a zoning use violation with respect to commercial outdoor storage on agriculturally zoned property. He explained this involved an agricultural picking operation that was normally only associated with groves and there were

certain requirements associated with having the equipment on the subject property.

Inspector Davis submitted a photograph into evidence, along with an Affidavit of Notice of Service, which are on file in the Commission office. She observed the site had been cleaned up considerably since her first visit, adding she had cited the same piece of property and its owners about three years ago for the same violation.

Mr. DeBlois summarized the County allowed for someone to apply for approval of an agricultural business in the agricultural zoning through the special exception site plan approval process, which meant it would be subject to hearings, etc. Chairman Zimmermann explained to the Respondent it would be much better to store the picking equipment in the groves where he was currently doing harvesting, rather than on the subject property next to residential development.

The Respondent indicated he were in the process of cleaning up the junk, trash and debris. He stated due to the hurricanes jobs in the citrus industry had been limited and was working in construction; consequently he was not allowed to keep the equipment in the groves because he was not working there at the moment.

Mr. DeBlois thought there might be a grove owner out there who would allow the equipment to be stored on his property under some arrangement that would be legal under the County's requirements. Inspector Davis suggested the Respondent speak to one of the IRC Planners to see what they recommended. Mr. DeBlois recommended a 90 day extension, until July 21, 2006.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006030071 & #2006030073 – Robert & Jane Ford**

Mr. DeBlois indicated this had to do with site plan nonconformance for landscape maintenance on a commercially zoned property. He noted this and the following case, #2006030073, related to the same owner and the same business, although they had been cited as two distinct cases because they were two different tax parcels. Mr. DeBlois thought that would be appropriate for the Board to hear the two cases together.

Inspector Davis pointed out one of the cases, #2006030071, was a repeat violation. Mr. DeBlois clarified the issues for site plan compliance concerned off-site

parking, use of unapproved storage area and landscape maintenance. He noted there was an auto repair business on the property and the issue was what was typically acceptable as far as junk vehicles and where they were stored on the site.

Inspector Davis submitted photographs into evidence and Affidavits of Notice of Service, which are on file in the Commission office. She described there was a large lot to the north of the subject property where numerous vehicles had been parked, along with vehicles parking in the required parking places. She confirmed the Respondent had requested site plan approval on Case #2006030073, but there were still cars and junk vehicles parked on the property. Inspector Davis described the dead and missing landscape on the site, which was not in compliance with the original site plan.

The Respondent acknowledged parking had been a problem since he had purchased the property in 1994. He pointed out on a copy of the site plan where he had planted hedges and palm trees on the site even though they were not shown on the original site plan, although he conceded part of the hedge was dead. The Respondent continued he had purchased the property across the street and had applied for a site plan to use the land as additional parking. He stated he had lost two thirds of his building due to the hurricanes and the contractors were using some of the designated parking to store construction materials.

The Respondent mentioned someone was trying to buy the property across the street from his auto repair business and sell him additional property behind the business. He asked for a six months extension to resolve all the issues. Mr. DeBlois said there were three issues, one was the subject business property being in compliance with the current site plan; the second was getting site plan approval for the auxiliary parking area across the street; and the third one was the fact this was a repeat violation. He felt there should be more immediate compliance for the main business location regarding parking and landscape.

Mr. DeBlois recommended 60 days, until June 23, 2006, for compliance on the landscape and storage on the main property, Case #2006030071, and 120 days, until August 25, 2006, to get site plan approval for the auxiliary property, Case #2006030073.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation, with the exception of allowing 150 days, until September 22, 2006, for compliance in Case #2006030073.**

Attorney Vitunac inquired if the Board's motion meant the auxiliary lot across the street from the auto repair business was to be kept clear for 150 days, or if the Respondent was given a grace period for that time. The Respondent expressed he hoped to be able to use the lot in the meantime, because otherwise he would have a big problem. Mr. Suthard pointed out staff's recommendation did not stipulate any removal or ceasing of the storage of vehicles. The Respondent promised vehicles without tags would be hauled away. Mr. DeBlois stipulated the property was to be used strictly for parking, and not to repair vehicles.

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

### **Case #2006030029 – Palm Estates at Vero Beach LLC**

Mr. DeBlois related this Evidentiary hearing was for sign violations on multi-family zoned property. Inspector Davis submitted photographs into evidence, which are on file in the Commission office, and described there were numerous snipe signs along the right-of-way and four real estate signs that did not meet the code. Mr. DeBlois clarified the County's code allowed certain active real estate signs, which allowed the developer the opportunity to make it known to passers-by that there were either lots for sale or apartments for rent. He explained while a subdivision was being developed and not all the lots were sold you would be allowed to have an active real estate sign so people could buy into it, but in this case the project was totally completed and the signs were not allowed.

Mr. DeBlois clarified the question was whether the signs should be regulated under the active real estate provisions and not allowed, or if they should be considered permanent free-standing signs and be permitted that way. He understood the Respondent had come in and applied for a permit, but an internal review was being conducted as far as which category the signs fell under and what would be allowed. He requested the Board find a violation that the signs were erected without permits, but grant 30 days, until May 19, 2006, until the issue was resolved.

The Respondent stated the application had been approved on Thursday, April 20, 2006. Chairman Zimmermann advised the reason Mr. DeBlois had brought this to the Board was so it would be a repeat violation in the event there was a recurrence. The Respondent acknowledged the building had been completed but the reason the signs were up was because it was being converted from a condominium to short-term rentals.

Attorney Vitunac suggested the Board continue the case without making any findings until staff could investigate the matter. Mr. DeBlois agreed that might be more appropriate.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to table Case #2006030029 until the next Board meeting on May 22, 2006.**

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

**Case #2006030216 – Octavi Merida & Urbano Contreras**

Mr. DeBlois related this was agriculturally zoned property near Fellsmere and concerned a citrus-type business similar to a previous case on today's agenda (#2006020024). Inspector Davis submitted photographs into evidence, which are on file in the Commission office. She noted the Respondent had cleaned up the property somewhat but there were still picking vehicles on the site. Mr. DeBlois noted there were quite a few things cited and asked Inspector Davis to go down the list with him to see what infractions still needed to be addressed.

After an interpreter was brought into the room, the meeting continued. The Respondents reported they had one bus without a tag, but the flat bed trailer was gone and there was only one boat on the property. Inspector Davis observed the Respondent had put down concrete blocks to build a porch and she had told him he had to get permits if he was going to finish the job. Inspector Davis asked who lived on the property and the Respondent stated five family members resided there. Inspector Davis related there had been complaints about sewage runoff and IRC Health Department staff had gone out and did not see anything, but the IRC Stormwater Department was going to look into the matter. She added the Recreational Vehicle (RV) that had been cited belonged to a neighbor and the zoning use violation had to do with the picking business and related agricultural equipment.

The Respondent stated he had a business license to harvest fruit, but Inspector Davis advised it was not a permitted use of the property unless the Respondent obtained a Special Exception, and he would have to come in and apply for a permit. Attorney Vitunac pointed out since the Board had not received testimony about the stormwater drainage violation they should reserve jurisdiction on that issue.

Mr. DeBlois recommended an extension of 90 days, until July 21, 2006 for compliance. Chairman Zimmermann explained to the Respondent he could put in a formal request to keep the equipment on the property, but in order to do so there would have to be a public hearing, and if the neighbors complained about the equipment the County would probably deny the permit. The Respondent wanted to get a permit to put up a fence so the neighbors would not see his equipment. Mr. DeBlois said that would not resolve the issue because it was a matter of whether the use was allowed or not.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006030219 – William B. Thorup III**

Mr. DeBlois explained this had to do with a fence encroachment in the right-of-way, commercial vehicle at a residence and a zoning district use violation for a construction business and equipment storage on the property. Inspector Davis said she had received a complaint from the IRC Emergency Management and Engineering Departments regarding the right-of-way being blocked off by a fence across the road. She reported the Respondent had a number of semi-trucks and land clearing equipment on the site, along with some building materials. She submitted an Affidavit of Notice of Service and photographs into evidence, which are on file in the Commission office.

Mr. DeBlois advised the Respondent could petition for abandonment of right-of-way through a public hearing process, nevertheless staff's position was it had not been abandoned and the Respondent had no right to block it off and take it in as his own property.

The Respondent confirmed he built the road himself when he bought his property three years ago and had gated it off because he had a lot of problems with theft. He related the semi-truck Inspector Davis mentioned was the truck that dropped off bricks to go around his pond as he was in the process of building a house on the property. The Respondent admitted he had some equipment related to his grading service business parked in a far corner of his property and he owned one semi, which was up for sale. He understood the issue with the gate for emergency vehicles, but pointed out he had built the road himself in what had been woods with no way for vehicles to get down it in the first place. He added if emergency vehicles

did need to go down the road, the only place it led to was the Respondent's driveway.

Mr. DeBlois commented when you had lots developing on roads that were paper roads and really did not exist, it was up to the landowner to create access to their property if they wanted to build a house and did not want to wait until the County came in and built the roads. Nevertheless, the only way the Respondent would be allowed to gate off the road would be if it was formerly abandoned, so the solution was to either not gate the entrance to the road or apply for abandonment of the right-of-way if it was not serving any public benefit. Mr. DeBlois continued the property was residentially zoned and storage of commercial equipment, other than for the construction project, would not be authorized unless they could be enclosed in a structure.

Mr. DeBlois recommended 90 days, until July 21, 2006, for the Respondent to either take the gate away or apply for abandonment of the road and address the commercial vehicle storage. He added there was an opportunity for the Respondent to have his home property as a base for his business operation, but the main caveat would be there could be no outdoor storage of the grading equipment under that process.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006020115 – Roland & Penny Merritt**

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

**Case #2006020091 – David & Amanda Holler**

Mr. DeBlois indicated this was for maintaining farm-type animals on residential property in Vero Lake Estates as well as junk, trash and debris. Inspector Davis clarified a neighbor had complained about pigs and a turkey on the subject property. Mr. DeBlois noted the County would require a special permit for a non-commercial kennel for the turkey, but the pigs would not be allowed because they were considered as livestock and did not qualify as household pets.

Inspector Davis clarified the junk, trash and debris violation had to do with

pens on the property.

The Respondent stated they had gotten rid of the turkey because of the noise factor and he had fenced in the whole yard so the pigs could not be seen by the neighbor, and they were inside a kennel. He mentioned the IRC Health Department had been out and did not see any violations for the pigs because they were potty-trained and weighed less than 50 pounds. The Respondent maintained the neighbor was only complaining in retaliation for a previous incident.

A discussion followed.

Mr. DeBlois noted the Board had the opportunity to give extended time periods to allow for a cycle of the 4-H if that was appropriate, and in the meantime the Respondents could check to see what their true opportunities would be to try and get a permit or work something out.

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, to grant an extension of 90 days, until July 21, 2006.**

Mr. Suthard asked if the motion makers would consider amending their motion to nine months.

**ON AMENDED MOTION BY Mr. Owens, AMENDED SECOND BY Mr. Petrulak, the Board voted unanimously (6-0) to grant an extension of nine months, until January 19, 2007.**

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

### **LIEN RELEASE REQUESTS**

#### **Case #2001010064 – Chistos Grigropoulos**

Mr. DeBlois recapped this concerned an Order Imposing Penalties and Liens tied to a 1997 case, CEB 97-0472, for overgrown weeds. Subsequent to that order there was a new case established in 2001 for the same issue, and the property was brought into compliance under the new case number so the 1997 order continued to be in effect and fine continued to accrue. He explained there were no computer records of the 1997 case in existence because it was under an old system, and over the course of time there had been computer problems in converting the old system to the new one.

Inspector Teague submitted photographs into evidence, which are on file in the Commission office.

Mr. DeBlois stated when staff had recently revisited the property it had overgrown weeds once again. He understood there was a prospective buyer of the property who had agreed to clean and maintain the property as soon as closing had taken place. Mr. DeBlois said he had not calculated the exact fine that would run from 1997 until 2001, but it would be fairly substantial. He suggested the Board consider setting a fine certain amount with a contingency that if the owner did buy it, there would be a defined timeframe to resolve the issue of the overgrown weeds.

Attorney Bernie Carter, representing the Respondent, stated he had become involved with this case after the hurricanes in 2004, and the condition of property was absolutely horrendous. He described there had been a large tree uprooted in the front yard and apparently some homeless people had taken up residence on the property and it was filthy. Attorney Carter specified the Respondent was an elderly retired individual who lived out of state and had counted on property managers and real estate people to take care of the property. He related the potential new owner had removed the uprooted trees and cleaned up the debris and mowed the grass, but it had subsequently grown back again.

Attorney Carter asked if there was a fine in addition to the administrative costs that it be something manageable so closing could take place. Mr. DeBlois felt there was some public benefit in allowing the closing to occur if the new owner would be diligent in cleaning up and ultimately maintaining the property. Attorney Carter confirmed the new owner would be using the property as his primary residency. Mr. DeBlois noted administrative costs would be approximately \$1,500 and staff could support a \$2,000 fine assessment, with a contingency the lien was paid and the property was sold, and that the weeds were to be mowed within 30 days after closing on the sale of the property.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, to approve staff's recommendation.**

Chairman Zimmermann was concerned about having such a small fine for something that had been allowed to continue for such a long period of time, and he thought the Board was sending a wrong message by making it so low. Mr. Suthard observed it seemed to him there were three cases, one in 1997, another in 2001, and now another one. He felt there ought to be three administrative costs calculated.

**ON AMENDED MOTION BY Mr. Petrulak, AMENDED SECOND BY Mr. Suthard, the Board voted unanimously (6-0) to levy a fine consisting of three administrative costs of \$1,500, for a total of \$4,500, with the contingencies to remain the same.**

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

**Case #9903138 – Wendy's of N.E. Florida, Inc.**

Mr. DeBlois explained this concerned the Wendy's property next to the Indian River Mall, where there had been an Order Imposing Penalties and Liens recorded in January, 1998 for landscape maintenance in accordance with the approved site plan. He noted this was similar to the previous case where there was compliance at one point, but the applicant had not come in to request the Board set a fine certain. Mr. DeBlois summarized when staff researched the case file they concluded the property had come into compliance but the cumulative fine was \$55,000.

Mr. DeBlois continued Wendy's was having a change of ownership of the franchise at this location and needed to close the transaction. They had paid the \$55,000 fine in order to release the lien, with the condition they reserved the right to come back to the Board to discuss the fine amount.

The Respondent's representative, Mr. Bob Skinner, gave a history of the subject property. He related he had become involved in 1999 while working with Inspector Davis to resolve the violation, which involved a perimeter hedge height. Mr. Skinner indicated he had not appeared before the Board and did not know there was a lien on the property because there was never a reason to search the title until a few weeks ago, and he apologized for the oversight.

Mr. DeBlois confirmed the beginning date of the Order Imposing Penalties and Liens was January 24, 1998 and a related case had come into compliance sometime in June, 1999. He thought there was a change of contact between the initial case and the subsequent case when it came into compliance and even though it went back a long way, once Mr. Skinner found out about the violation he had been very cooperative in coming into compliance.

Mr. DeBlois recommended the Board impose a fine in the amount of \$5,000.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

Chairman Zimmermann called a recess at 4:52 p.m. and reconvened the meeting at 5:01 p.m.

**Case #2005090058 – Richard T. Tallman (Tenant: Carl Jensin)**

Mr. DeBlois recalled at the meeting on March 27, 2006 the Board had entered a two-tiered order, one to submit permit applications by April 21, 2006, and a longer timeframe until June 23, 2006, to get the permits and comply. He noted there were a number of these cases and the reason they were on the agenda today was because staff could not verify any permit applications had been issued. Mr. DeBlois continued staff had received information that Mr. Tallman, the owner of the mobile home park, had a prospective buyer and was advising the new owner of the code enforcement issues, with the idea he would sell the park and the new owner would have to deal with the issues.

Mr. Petrulak observed the Board had run into this before when a property was sold and people had to be re-noticed, etc. Attorney Vitunac advised if a certain property was subject to a Board order, the original owner remained under the order and was required to notify Code Enforcement of the transfer, and then Code Enforcement gave the new owner time, etc. but the old owner was not off the hook.

Mr. DeBlois related the options were to either impose the fines against Mr. Tallman and each individual unit owner for not submitting the permits under the first timeframe, the other option would be to grant extensions. He indicated staff could support an extension and basically make the whole compliance date until June 23, 2006. He thought it was a matter of communicating with the unit owners for them to understand how the process worked.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to impose the fine.**

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

**Case #2005110096 – Leo & Eunice Llonch**

Inspector Davis reported the Respondent had working diligently on getting his landscape maintenance violation completed. She noted there were also sign violations at the site and recommended a 30 day extension, until May 19, 2006, for compliance.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2005120010 – Isola Gunder Clayton**

Mr. DeBlois related this was a Compliance hearing for junk, trash and debris and junk vehicles. Inspector Davis confirmed some progress had been made and recommended an extension of 30 days, until May 19, 2006.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2005120076 – Frank Jr. & Rae Donna Gallina**

Mr. DeBlois stated this was a Compliance hearing for overgrown weeds and junk vehicles. Inspector Carter Solomon confirmed the overgrown weeds were taken care of but there was still an untagged RV on the site. She added the Respondent did not seem interested in clearing up the junk vehicle issue and it had been going on since December, 2005. Inspector Clifford added she had cited the Respondent once before for the same violation. Mr. DeBlois recommended the fine be imposed.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2005110114 – Home Depot USA Inc.**

Mr. DeBlois indicated this was for outdoor storage and the use of parking spaces for storage at a retail center. Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission office. She said the Respondent was still using the rear and the south side of the building as outdoor storage and had not applied for any type of site plan approval or pre-application leading up to that. She added the landscape maintenance was in compliance.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to impose the fine.**

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

**Case #2006020065 – Mercedes Homes Inc.**

Inspector Davis confirmed the Respondents had applied for a sign permit but had not yet obtained it. Mr. DeBlois recommended an extension of 30 days, until May 19, 2006, to allow for the permit processing.

**ON MOTION BY Mr. Owens to approve staff's recommendation.**

Mr. Garone said he would rather impose the fine. Inspector Davis clarified the Respondents had picked up an application for a permit on Friday, April 21, 2006, but had not submitted it yet. In that case, Mr. DeBlois said staff would support a fine. Mr. Owens withdrew his motion.

**ON MOTION BY Mr. Garone, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation to impose the fine.**

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

**Case #2006020061 – Maronda Homes**

Inspector Davis recapped this involved a culvert in the right-of-way at the entrance to Vero Lake Estates. She stated the Respondent had removed the sign

and ceased parking in the right-of-way but had not resolved the culvert violation. Mr. DeBlois said it had been made clear to the Respondent's representative at the last meeting that the drainage resolution was a priority, and recommended the fine be imposed.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

### **Case #2006020082 – Mercedes Homes**

Inspector Davis advised this case was still open, even though the Respondent said they were in compliance and Mr. DeBlois had announced it was in compliance under the Consent Agenda. Attorney Vitunac recommended the Board amend the previous approval of the Consent Agenda.

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to amend the approval of the Consent Agenda to bring Case #2006020082 back into active status.**

Mr. DeBlois clarified the Respondent was to correct an obstruction of a drainage swale and coordinate with IRC Engineering staff, which apparently had not been done. He recommended the fine be imposed.

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

### **Case #2005080101 – Executive Properties Management LLC**

Inspector Davis stated this was an illegal lot split and although she had contacted the Respondents on several occasions, they still had not submitted the necessary documentation. Chairman Zimmermann related the Respondent was a client of his and had just arrived back in town on April 20, 2066 after going to France for cancer treatment. Chairman Zimmermann said he knew the Respondent was interested in trying to resolve the violation.

Inspector Davis confirmed the Respondent had hired an engineer and Mr. DeBlois recommended an extension of 60 days, until June 23, 2006, for compliance.

After a discussion with Chairman Zimmermann, Attorney Vitunac advised there was no reason he should recuse himself from this case.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2005120015 – Mark & Kary Lehr**

Mr. DeBlois noted the junk, trash and debris issue had been resolved, but there was still an overgrown weeds violation. Inspector Teague confirmed the rear yard was approximately five to six feet high, and Mr. DeBlois recommended the fine be imposed.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2005090141 – Christopher & Lori Newton**

Mr. DeBlois related this was for overgrown weeds, junk vehicles and junk, trash and debris. Inspector Carter Solomon reported the overgrown weeds violation was in compliance but the junk, trash and debris and junk vehicle were still there. Mr. DeBlois recommended the fine be imposed.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Cast #2005080111 – Jole & Sue Astrup**

Inspector Carter Solomon described the junk vehicle was still on the premises with flat tires and no tag, but the overgrown weeds and swimming pool enclosure violations had been resolved.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to impose the fine.**

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

**Case #2005080082 – Willie Lee & Clyde Cobb**

Mr. DeBlois related there was an issue with getting notice of service and the case would have to be rescheduled.

Chairman Zimmermann observed the Compliance cases coming up were all involving Richard T. Tallman and it was decided to hear them all together.

**Case #2006010055 - Richard T. Tallman (Tenant: Antonia Olivera); Case #2006010056 – Richard T. Tallman (Tenant: Lynn Bobo); Case #2006010063 – Richard T. Tallman (Tenant: Miguel Chaverin); Case #2006010068 – Richard T. Tallman (Tenant: Guadelope Robles); Case #2006010070 – Richard T. Tallman (Tenant: Gregory Murriata)**

Mr. DeBlois confirmed no permits had been applied for in any of these cases.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to impose the fine in each of the above cases.**

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

**Case #2005090079 – John C. Shank**

Mr. DeBlois related this involved a health and safety public nuisance violation for dead trees that held a potential threat to adjacent property structures. Inspector Carter Solomon confirmed the Respondent had attempted to comply by hiring someone to cut down the trees, but the person he hired had let the trees fall onto the neighboring property. She noted the Respondent had some health issues and had told her 60 days should be sufficient time for him to get someone else to take care of the remaining violations.

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant an extension of 60 days, until June 23, 2006, for compliance.**

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

**Case #2006020026 – Garrett & Cherie Guidroz**

Inspector Davis stated she had not received service in this case.

**Case #2006020004 – William Randolph & Michelle Scott**

Inspector Clifford reported the only violations remaining were junk, trash and debris.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to find there was a junk, trash and debris violation and grant an extension of 30 days, until May 19, 2006, for compliance.**

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

**Case #2006030072 – Sembler EDP Ptnr. #5 Ltd.**

Inspector Davis detailed this was a landscape violation at the CVS store on Kings Highway and State Road 60. She recommended an extension of 60 days, until June 23, 2006, for compliance.

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006030075 – Ernest Gay**

Inspector Davis indicated the Respondent had been running an aluminum business on the property and there were junk vehicles on the property along with an

RV parked where it was not allowed, however the boat/trailer storage issue had been resolved. Mr. DeBlois recommended the Board find a violation and grant an extension of 30 days, until May 19, 2006, for compliance.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006020114 – Marshall & Barbara Summerlin**

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

**Case #2006030026 – Raymond & Luttrell Portalatin**

Inspector Teague confirmed there was no service on this case.

**Case #2006030104 – Mark Lehr**

Inspector Teague submitted an Affidavit of Notice of Service and a photograph into evidence, which are on file in the Commission office. She described there was commercial equipment parked in the County right-of-way, and she was told by the neighboring homeowner's association it had been there over a year. Mr. DeBlois recommended the Board find a violation and allow an extension of 30 days, until May 19, 2006, for compliance.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006030155 – Roger Rucker**

Inspector Teague confirmed there was no service on this case.

**Case #2006030179 – William Laziman & Patricia Brunner**

Inspector Teague advised this case was in compliance.

**Case #2006030164 – Owen & Jennie Gregory**

Inspector Clifford reported the junk vehicle violation was in compliance but there was still a lot of junk, trash and debris on the property. Mr. DeBlois recommended an extension of 60 days, until June 23, 2006, for compliance.

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006030194 – Roosevelt Banks & Carrie Copeland**

Mr. DeBlois advised the overgrown weeds violation had been resolved and there was one junk vehicle remaining. He recommended an extension of 30 days, until May 19, 2006, for compliance.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006030102 – Ellene Strickland**

Mr. DeBlois noted this was a repeat violation for junk, trash and debris. Inspector Clifford stated she had not received service on the Respondent tenant, Mr. Robert Zeh, but she had spoken to him and he was aware of the issues.

A discussion followed about whether or not the service was acceptable. Mr. DeBlois recommended proceeding on the case with an extension of 30 days, until May 19, 2006, for compliance. Attorney Vitunac said in the meantime staff could get service against the tenant, since it was a repeat violation.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #206030060 – Ruth Dye**

Mr. DeBlois related this involved junk vehicles and junk, trash and debris. Inspector Clifford testified a lot of progress had been made and there was only the frame of an RV left on the site.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to grant an extension of 30 days, until May 19, 2006, for compliance.**

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

**Case #2006030051 – Leroy & Alberta Brant**

Inspector Clifford reported she had not had contact with the Respondents, noting this had to do with a roof torn off a house and junk, trash and debris. Mr. DeBlois recommended an extension of 30 days, until May 19, 2006, for compliance.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006030037 – Synergy Orlando One Inc.**

Inspector Carter Solomon indicated the tenant on the subject property had come into the office this morning and told her she was having the salvage yard pick up the junk vehicle tomorrow.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant an extension of 30 days, until May 19, 2006, for compliance.**

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

**Case #2006030052 – Mary Alice Williams**

Mr. DeBlois indicated this was for a junk vehicle and overgrown weeds. Inspector Clifford specified there were two Federal Emergency Management Agency trailers on the site and the Respondent had destroyed the house and piled all the junk out front. Mr. DeBlois recommended an extension of 60 days, until June 23, 2006, for compliance.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006030042 – William & Holly McCullers**

Mr. DeBlois related this involved junk, trash and debris and a zoning district use issue for a commercial operation on a residential property with outdoor commercial storage. Inspector Carter Solomon stated the Respondent had told her he would be moving the commercial equipment to another site, however as of April 21, 2006 some of it was still on the property and there was still junk, trash and debris. Mr. DeBlois recommended an extension of 60 days, until June 23, 2006, for compliance.

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006020112- Glenn Legwen**

Inspector Carter Solomon stated she had not received service on this case.

**Case #2006030016 – Lee & Trixie Stevens**

Inspector Carter Solomon stated she had not received service on this case.

**Case #2006030195 – Clifton & Susanne Garrison**

Inspector Carter Solomon stated she had not received service on this case.

**Case #2005120014 – Jessie Lewis**

Inspector Davis confirmed the only violation remaining was junk, trash and debris, and recommended an extension of 30 days, until May 19, 2006, for compliance.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2005120053 – Gregory Palmer**

Inspector Davis stated she had not received service on this case.

**Case 2006010015 – Jack & Carolyn Illare**

Inspector Carter Solomon stated she had not received service on this case.

**Authorization for Notices to Appear**

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant Authorization for Notices to Appear for May, 2006.**

There being no further business, the meeting was adjourned at 5:44 p.m.