

## **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, July 24, 2006 at 1:30 p.m.

Present were Chairman Karl Zimmermann, Realtor Appointee; Vice Chairman Joe Garone (arrived at 1:35 p.m.), General Contractor Appointee; Joe Petrulak, Subcontractor Appointee; Louis Schacht, Businessman Appointee; Dana Stetser, Architect Appointee; and John Owens, Engineer Appointee.

Absent was Cliff Suthard, Member-at-Large 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; John McCoy, Senior Planner; and Darcy Vasilas, Assistant to the Executive Aide. Others present: Attorney Suzanne Vitunac, Attorney for the Board.

### **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 June 26, 2006**

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve the minutes of June 26, 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.

Mr. Garone arrived at 1:35 p.m.

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

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief, reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda: Cases #2006030219, #2006030251, #2005060077, #2006020029, #2006030241, #2006040026, #2005110093, #2005120010, #2006020115, #2006040107, - 30 day extension until August 25, 2006. Cases #2006030250, #2005020015, #2006010075, #2005040052, #2006020112, #2006030072, #2005050269, - 60 day extension until September 22, 2006. Case #2005010034 - 90 day extension until October 20, 2006. Cases # 2006050099, #2006060026, #2006060068, and #2006050125, had been rescheduled.

In compliance were Cases #2006030060, #2005110033, #2005120092, #2006030161, #2006020093, #2006050021, #2006010053, #2006010060, #2006010068, #2006040052, #2004070061, #2006030194, #2005120014, #2005110096, #2005120008, #2005110071, #2006050053, #2006050034, #2006060022, #2006050130, #2006060080, #2006060103, #2006060074, #2006060071, #2006060009, #2006050037, #2006060040, #2006060090, #2006060093, #2006060153, #2006070006, and #2006070012.

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. Owens, 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 #2005110064 – Richard T. Vaeth**

Mr. DeBlois indicated this Compliance hearing originally came to the Board for an Evidentiary hearing on January 23, 2006 and had to do with issues of housing code violations, dilapidated structure, overgrown weeds, and junk, trash and debris. Under the initial Order Finding Violation (Order), the Board gave the Respondent tiered compliance dates of March 24 and April 21, 2006. He noted by the March 24,

2006 date, the Respondent was to obtain a demolition permit from the IRC Building Division to demolish the structure and cease storage of unrelated construction material on the subject residential property. By the April 21, 2006 compliance date, the Respondent was to complete demolition of the structure, remove all debris and mow the property. The case came back to the Board for an Order Granting Extension which was granted May 22, 2006, giving the Respondent until July 21, 2006 to resolve the cited issues.

Inspector Betty Davis, IRC Code Enforcement Officer, reported she had been at the site July 23, 2006 and the Respondent had started some minor work on the house and removed the majority of construction debris. She noted a demolition permit had been pulled two months ago.

Mr. DeBlois asked if the overgrown weeds issue had been resolved. Inspector Davis responded in the affirmative.

Respondent Richard Vaeth testified they had another death in the family, his sister-in-law, and they were her primary caregivers for the past 60 days. He had started to clean up the property and was waiting for Florida Power and Light to remove the overhead power line then his demolition could be completed. He related the demolition permit had been pulled, the septic tank pumped, and the asbestos removal was complete. He would have the remaining construction debris removed from the property by the following weekend.

Mr. DeBlois recommended the Board grant a 60 day extension, until September 22, 2006, for compliance.

**ON MOTION BY Mr. Schacht, 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 #2005050317 - Clarke Olmstead**

Mr. DeBlois recapped this was a Compliance hearing relating to an order of the Board dating back to July 25, 2005 regarding sign and landscape maintenance issues. The Respondent had been given until September 23, 2005 for the sign violations and staff concluded that violation had been complied with. The Respondent had until November 25, 2005, to resolve some deficient landscape issues. Mr. DeBlois noted a number of extensions had been issued, bringing the

latest compliance date to July 21, 2006.

Inspector Davis reported Mr. Olmstead thought he had the property sold waiting until just recently to install some landscaping. Some of the landscaping had not been replaced, and some of the landscaping installed did not meet the requirements.

Mr. DeBlois stated although staff acknowledged Mr. Olmstead had invested in some landscape replacement under the order, but felt there were remaining issues as far as the quality and size required under the ordinance.

Respondent Olmstead reported he had ordered trees to be delivered and installed next week and the company would be taking care of the watering. He described the existing trees on the property that had been cut back due to hurricane damage which caused them to not meet the 16-foot requirement. Discussion ensued and the Respondent was informed the existing trees must be removed and replaced with trees with the 16-foot height requirement.

Mr. DeBlois recommended the Board grant a 30 day extension, until August 25, 2006, to meet with a landscaping contractor, identify any deficient landscaping, and get it replaced to bring the property into compliance.

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

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

Mr. DeBlois asked Chairman Zimmermann to allow the following case to come next because it required testimony from IRC staff and they had scheduling conflicts.

**Case #2006050002 – Christopher N. Kirrie**

Mr. DeBlois indicated this was an Evidentiary hearing relating to a Notice of Hearing issued to Mr. Kirrie as landowner of a grandfathered business under the Roseland Residential (Rose-4) zoning which allowed both residential site-built and mobile homes and a certain allowance for pre-existing businesses. He related this particular property supported the grandfather clause, and as part of the process in the 1980's, there was a site plan approval process related to the business.

Mr. DeBlois noted the issue at hand dealt with compliance of that approved

site plan, and there were issues of overall compliance with site use insofar as vehicles parking in right-of-way, miscellaneous junk, trash and debris on the property, and general junk vehicles and dilapidated fence stored on the property.

Mr. DeBlois stated Mr. Kirrie had been responsive in cleaning up the property and one of the remaining issues had to do with a building that was part of the site plan approval in the 1980's that had a shell design allowing for construction of a second floor. He continued the original site plan approval was based on the limitations for the square footage of the business, and was tied into various things such as parking. Mr. DeBlois noted when the second floor was put on the building, without staff approval, the site was then in noncompliance with the approved site plan.

Inspector Vanessa Carter-Solomon, IRC Code Enforcement Officer, related she had received complaints on the issues described by Mr. DeBlois and had initially visited the property in May, 2006. There were issues of parking in the right-of-way which had been resolved by the Respondent; and outdoor storage on the approved parking areas which he had also come into compliance with. She continued the fence had been re-installed, but there were various items behind the property that had accumulated over the years and the Respondent was in the process of moving them to another storage location.

Inspector Carter-Solomon noted the Respondent had basically come into compliance except for the second floor issue.

Mr. DeBlois called Mr. John McCoy, IRC Senior Planner to testify. The Respondent objected stating he was not before the Board today on the second floor violation and was not prepared to address that issue at this time.

Mr. DeBlois interjected Mr. Kirrie had been cited for noncompliance of the approved site plan, and the issue of the second floor directly tied into compliance with the approved site plan which specifically limits the square footage of the building to a certain amount which had not been met.

Discussion ensued between Attorney Vitunac, Mr. DeBlois and the Respondent to clarify what Mr. DeBlois was asking for in terms of corrective action. Mr. DeBlois stated the Respondent needed to get approvals for any after-the-fact permits, or if those approvals were not forthcoming, he needed to disassemble the second floor to comply with the current approved site plan.

Attorney Vitunac opined the Respondent had not received adequate notice for

the second floor issue to be discussed at this meeting. Chairman Zimmermann read a portion of the Notice to Appear stating: "...to achieve compliance, bring the property into conformance with the approved site plan and cease the use of designated parking areas for storage use." He noted this was an Evidentiary hearing, not a Compliance hearing to adequately discuss the matter so the Board and staff to take a posture on the violations.

Mr. DeBlois stated he could provide testimony the Respondent had been notified early during the contact process of what was involved with the second floor issue, and he could ask the Respondent, under oath, when he first became aware of that issue under the citation process.

The secretary proceeded to administer the testimonial oath to Mr. McCoy.

Mr. DeBlois asked Mr. McCoy if he was familiar with the subject property under discussion. Mr. McCoy responded in the affirmative.

Mr. DeBlois inquired if Mr. McCoy had recently reviewed the file on the site plan approval for the business use. Mr. McCoy replied he had been over the file with both the Respondent and Inspector Carter-Solomon. He summarized the discussions with the Respondent as follows:

1. From the site plan conformance issues, the building was approved as a 3,200 square foot building and if that floor area doubled, the amount of required parking also must be doubled. He noted there would be a site conformance issue which may also incorporate potential landscape and drainage issues to go along with the increased parking. Mr. McCoy stated he had met with the Respondent where there were discussions on the site in general, and then specifically what may be the result of this Board in that he may be required to go forward and obtain site plan approval to provide the improvements necessary to accommodate that second floor.
2. The Rose-4 zoning requirements had been discussed with the Respondent. There had been discrepancies on changes to the Rose-4 Ordinance over the years, and the Respondent had contended he was following the original ordinance in determining his action.

The Respondent asked Mr. McCoy if he had seen the building permit drawings for the building. Mr. McCoy responded in the negative. The Respondent explained the design was intended for the addition of a second floor at a later date.

Mr. McCoy explained the compliance with the site plan problem was the parking was linked to the gross floor area of the building, and by adding the second floor, the gross floor area was doubled and therefore, the required amount of parking needed to be doubled.

Attorney Vitunac asked if there was a building permit for the second floor. Mr. DeBlois responded while staff recognized the building was structurally able to support a second floor, the second floor was never approved. He added there was no record of a building permit ever being issued for the second floor.

Mr. DeBlois asked Inspector Carter-Solomon to show the approved site plan and read a portion of a letter, dated June 9, 1988, stapled to the site plan stating: "...show as expansion of no more than 3,200 square feet of the new warehouse shop expansion." He noted that statement was the focus of staff's presentation and discussion.

Mr. DeBlois reported the issues of vehicle parking in the right-of-way, miscellaneous junk, trash, and debris storage, site plan nonconformance, and junk vehicles had been brought into compliance by the Respondent with the exception of the site plan conformance, particularly related to the issue of the second floor. Staff recommended for compliance, the Respondent to go through an approval process to either obtain site plan approval, or modification to the current site plan to allow for the second story. He should also deal with the issues as summarized by Mr. McCoy on what the implication of that additional square footage would be from the standpoint of among other things, such as additional parking, and that was a process that would go through the County's normal site plan approval process. He noted both of those options were subject to staff review and approval. If that was not forthcoming due to IRC staff's application of the Code of Ordinances (Code), staff's position was the appropriate avenue for the Respondent was to apply for the site plan approval, and if there was an issue of Code interpretation, that could be appealed through the Planning & Zoning Commission.

Mr. DeBlois stated staff's recommendation was for the Respondent, on the issue of the second floor, to gain site plan approval and appropriate permits for the second floor and any related site plan improvements. If that approval was not forthcoming, then the second story would have to be deconstructed to comply with the original true site plan. He also recommended a period of 90 days, until October 20, 2006, for that process.

The Respondent noted the second floor was a continuation of the original project, and he felt it was approved by the IRC Building Department. He opined the major issue was not the second floor, but that they needed increased parking. The Respondent stated according to the Rose-4 Ordinance, he was allowed family members and up to eight offsite employees. He currently had ten parking spaces in place, the business was non-retail, with no public traffic. He asked if he was limited to eight employees, why he would need 24 parking spaces.

Mr. DeBlois responded the size of the building was the bone of contention, not the number of employees. Inspector Davis added when the Rose-4 zoning district was adopted it was to accommodate small businesses in the Roseland residential area. The Respondents' business was one of those affected and the reason eight employees were addressed was because that was the number he had at the time and they were grandfathered in.

The Respondent disagreed with Inspector Davis stating he was never given a complete site plan until the employee issue was settled. Mr. DeBlois reiterated the issue of the number of employees was not the problem, it was the square footage limitation, which staff felt was breached by the construction of the second floor and not in compliance with the original site plan.

Attorney Vitunac opined the issue of the second floor should definitely come before the Board, but had concerns the Respondent did not receive proper notice for that particular issue when being brought before the Board today.

Mr. DeBlois related the building permit plans included copies of letters on the site plan approval stating specifically "...an expansion of no more than 3,200 square feet of new warehouse space." The site plan was never approved for a second floor which makes it noncompliant with the approved site plan. The Respondent rebutted he felt the building was in compliance with the site plan because the 3,200 square feet, when applied for in a site plan, made no mention of anything other than space that it covered, which hadn't been changed.

Chairman Zimmermann felt the site plan should go back through site plan review to attempt to answer the questions before coming before the Board so they would know how the addition of the second story would impact the Rose-4 restrictions. The Respondent stated he had a fear if the site plan had to go back through the site plan review process it would be denied because it was after-the-fact of the grandfather clause.

Mr. DeBlois reiterated the matter before the Board was noncompliance with



the site plan and recommended the Board make that finding to order the Respondent to obtain approvals for a modified site plan and comply with that site plan, or to modify the site to conform to the current site plan with a time frame of 90 days, until October 20, 2006.

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

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

**Case #2006050074 – Joesceffis Storey & Shaunna Whitfield**

Mr. DeBlois recapped this was an Evidentiary hearing and the nature of the violation cited was recreational vehicle use as living quarters contrary to County Code Section 911.57; a zoning district use issue from the standpoint of operation of a fence company business from a residence; vehicle storage issues; and miscellaneous junk, trash and debris.

Inspector Carter-Solomon reported she had received complaints about a business being run from a residence. Upon inspection, the Respondents had equipment relating to the fence company stored on the property which he had since moved to a warehouse. She added law enforcement informed Code Enforcement of a recreational vehicle on the property someone was living in, and that too had been removed. The Respondents were still using their home as a business address, and were informed they would have to apply for a Home Occupation Zoning Permit which they have agreed to do.

Mr. DeBlois stated based on Inspector Carter-Solomon's testimony, the one remaining issue of zoning district use violation could be resolved with obtaining a Home Occupation Zoning Permit. Staff recommended the Board find this violation, and grant the Respondent 30 days, until August 25, 2006, to come into compliance with obtaining the Home Occupation Zoning Permit.

The Respondent related he had removed all the building materials, miscellaneous junk, trash and debris from the property. He was not aware he needed a Home Occupation Zoning Permit for his fencing business in addition to his County Contractor's License, but was willing to apply for the permit.

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

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

**Case #2006060025 - Touse Homes**

Mr. DeBlois recapped this was an Evidentiary hearing with issues cited as an unsafe building structure; health, safety and hazard issues; public nuisance; and junk, trash and debris.

Inspector Davis testified this property came to her attention from Wabasso residents and the Wabasso Corridor Plan Committee due to the unsafe hazards existing in buildings damaged by the 2004 and 2005 hurricanes. She noted the buildings had been condemned by IRC and there was demolition equipment on the site.

Respondent Scott Benowitz, representing Touse homes, stated there were three buildings on the property that needed to be removed for the project called Orchid Reserve which was currently under development approval. He received the asbestos study today, and after the contract was finalized this week with the demolition company, it would be a week or so before the permit was obtained, and approximately two more weeks to complete the demolition and debris removal on the site.

Mr. DeBlois stated staff could support a 60 day time frame, until September 22, 2006, which would entail receiving the demolition permit and removal of the structure along with all associated debris.

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

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

**Case #2006060021 – Dean Lang**

Mr. DeBlois recapped this was an Evidentiary hearing with violations cited by staff as junk vehicles and accumulation of junk, trash and debris.

Inspector Rose Teague, IRC Code Enforcement Officer, testified this was a complaint from an anonymous source involving junk, trash and debris along with an untagged car.

The Respondent testified he had removed the junk along the side of the house and he was currently trying to get the car updated with license and insurance, but had suffered a spinal cord injury and was unable to drive.

Inspector Teague agreed the junk, trash and debris had been removed.

Mr. DeBlois recommended granting 60 days, until September 22, 2006, for compliance.

**ON MOTION BY Mr. Mr. Schacht, 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 #2006050137 – Sherre Bennett**

Mr. DeBlois related this was an Evidentiary hearing related to overgrown weeds.

Inspector Teague stated she spoke to the Respondent and the weeds had been mowed bringing her into compliance.

Mr. DeBlois stated based on Inspector Teague's testimony, the case would be withdrawn as complied.

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

**Case #2006060053 – Garry J. & Linda A. Kelly**

Mr. DeBlois recapped this case related to an Evidentiary hearing cited by staff as a swimming pool enclosure issue.

Inspector Teague reported this case was based on complaints she had received from adjoining property owners where the screened enclosure to the pool had been blown down by Hurricane Wilma. The Respondent did have a temporary fence in place at this time and there was an application for a fence building permit on file.

Mr. DeBlois stated the reason staff had not closed the case at this time was to ensure the structure was completed in a timely manner. He acknowledged the Respondent's cooperation and voluntary compliance. Staff recommended the Board enter an order finding violation and grant 30 days, until August 25, 2006, for the Respondents to come into compliance with the permanent enclosure of the swimming pool.

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

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

**Case #2006040096 – Kirk A. Hatley**

Mr. DeBlois stated this was an Evidentiary hearing having to do with the violation cited by staff as junk vehicle and violation of the Public Nuisance Ordinance.

Inspector Teague testified this was a complaint received from the Vero Beach Highlands Home Owners Association regarding numerous junk items and vehicles on the property.

The Respondent reported he had three teenage boys who were working on cars, he did not run an automotive repair business or have junk cars, and all vehicles, except for one, were tagged and insured.

Inspector Teague asked about the cars that had been parked across the street. The Respondent replied those cars belonged to his children's friends.

Inspector Teague asked about the one untagged car on the property. The Respondent stated he felt the car was in the backyard and was fine there. Mr. DeBlois informed him the car would have to be put in an enclosed area, tagged and parked in the driveway, or removed from the property.

Mr. DeBlois recommended a period of 30 days, until August 25, 2006, to bring the one car into compliance.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the members unanimously approved (6-0) staff's recommendation.**

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

**Case #2006060153 – Vincent Christunas**

Mr. DeBlois stated this was an Evidentiary hearing concerning junk vehicles.

Inspector Carter-Solomon testified she had received a complaint from a perspective buyer of some adjacent property and they were concerned about the two vans parked in the Respondent's driveway for over a year. She reported when she went to the property there were two vans, a blue one and a brown one, parked in the driveway without tags.

The Respondent related he got his drivers license back two weeks ago and the brown van was now tagged, insured and roadworthy. The blue van was roadworthy, but not tagged and insured. He noted the vans had been on the property for five years.

Mr. DeBlois recommended 30 days to allow for the blue van to be either tagged or stored in an enclosed structure.

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

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

**Case #2006030225 – Samuel & Jean Jones**

Mr. DeBlois recapped this property was cited for yard encroachment, and a fence and wall violation issue. He continued the main issue was a fence that encroached onto a neighbor's property by crossing over an easement and connecting to a neighboring fence. He added there was also no evidence of a fence permit ever being pulled.

Inspector Carter-Solomon reported the Respondent purchased the property in April, 2004 and a fence existed on the property. The previous owners had never permitted the old fence. When the 2004 and 2005 hurricanes came through, the fence came down and was subsequently put back up in the same location. The adjoining property owners, upon purchasing the property in May, 2005, found the fence in the rear yard and the front panel encroached on their property.

Mr. DeBlois recommended granting 60 days, until September 22, 2006, for the Respondent to take down the encroaching panels after receiving permission from the adjoining property owner, and to apply for an after-the-fact fencing permit.

The adjoining property owner, Mrs. Robin Cargill, was present and stated she gave permission for the Respondent to come onto the property to remove the encroaching fence panels.

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

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

At 3:55 p.m. Chairman Zimmermann called a recess in the proceedings. The meeting was resumed at 4:03 p.m.

### **LIEN RELEASE REQUEST**

#### **Case #9711562– Lewis Barton**

Mr. DeBlois reported although this case was under Lien Release Request, it was more exactly an Order Acknowledging Compliance and Setting Fine based on when compliance was achieved.

Mr. DeBlois recapped Mr. Bill DeBaal, IRC Assistant County Attorney, notified Louis B. Vocelle, Jr., Esquire, the attorney representing the Respondent in a related court case, and Fred L. Kretschmer, Jr., Esquire, the attorney for this particular case, by letter on July 13, 2006.

Mr. DeBlois explained this related to Case #CEB-970530, where an Order Imposing Penalties and Lien (Order) was entered by the Board on August 24, 1998 regarding property in Surfside Estates Subdivision with an issue of failure to take corrective action as ordered regarding alterations made to an existing residence contrary to issued building permits constituting a violation to the IRC Building Code. He continued the effective date of the \$100 per day fine was August 6, 1998.

Mr. DeBlois noted the issue was a second story and roof line alterations that had occurred, and through the series of Evidentiary hearings and other hearings which had taken place on this case, there was a conclusion that the alterations made were not in compliance with the issued building permits. He reviewed the

alterations to the structure since 1996 and stated the 2004 hurricanes caused damage to the point the County condemned the structure and the Respondent applied for, and obtained demolition permits. The structure at this point in time had been demolished to the point whereas the second story no longer existed.

Mr. DeBlois summarized staff's position was the structure was now in compliance with the referenced Order in that the second story, which was built without the appropriate permits, no longer existed. The question the Board had before them today was to determine when compliance took place.

Mr. DeBlois explained the following dates were being considered for the compliance date and the corresponding fine amounts:

<b>Date</b>	<b>Description</b>	<b>Accrued Fine (#days x \$100)</b>
09/06/04	Hurricane Frances	\$222,300 (2,223 days x \$100)
09/25/04	Hurricane Jeanne	\$224,200 (2,242 days x \$100)
07/13/05	Demolition permit application	\$253,300 (2,533 days x \$100)
12/01/05	Demolition permit issuance	\$267,400 (2,674 days x \$100)
12/31/05	Verified demolition of 2 <sup>nd</sup> Story	\$270,400 (2,704 days x \$100)

Mr. DeBlois stated staff was reluctant to support the hurricane dates as the date of compliance, but would recommend the compliance date to be tied in with the demolition permits.

**ON MOTION BY Chairman Zimmermann, SECONDED BY Mr. Schacht, to impose the July 13, 2005 lien release date.**

**UNDER DISCUSSION**, Mr. Petrulak asked why the verified demolition date of the second story, December 31, 2005, was not used. Chairman Zimmermann responded the demolition was delayed because the permit was not released due to it being applied for during turtle hatching season causing the permit not to be released until after that season.

**THE MOTION WAS CALLED, and passed with a vote of (5-1). Mr. Petrulak opposed.**

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

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

Mr. DeBlois stated this was a Compliance hearing having to do with junk vehicles; junk, trash and debris; and commercial outdoor storage issue.

Inspector Davis testified she checked the property on July 23, 2006, and the Respondent still had citrus pickers, semi-trucks, and commercial vehicles on the property. Mr. DeBlois stated this was a situation where people had agriculturally zoned property in Fellsmere and felt they could have citrus picking operations from it. He added there were restrictions limiting citrus picking incidental to grove operation.

Inspector Davis reported the Respondent had cleaned up the property a little bit, but had brought all the equipment back. She continued the same Respondent had been cited previously for two other parcels.

Mr. DeBlois stated based on the testimony presented, staff found the Respondent not to be in compliance and recommend the fine be imposed.

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

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

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

Mr. DeBlois recapped this had to do with an agriculturally zoned property in Fellsmere with issues of storage; junk vehicles; and the same use issues as the previous case.

Inspector Davis testified when she was at the site on July 23, 2006, there were citrus pickers and bins still on the site. She noted the junk and trash had been cleaned up and she was not sure if the slab poured for a porch had been permitted, but would be checking into that matter.

Mr. DeBlois stated based on the testimony presented, staff found the Respondent not to be in compliance and recommend the fine be imposed.



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

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

**Case #2004080046 – Leah M. Uliano**

Mr. DeBlois stated this was related to a metal Quonset hut-type structure that was converted into a residence. The Respondent had hired an attorney and had been trying to get after-the-fact permits and approvals for the structure. During the process, the original building permit expired and staff had worked with the building department to reduce some of the reapplication fees.

Mr. DeBlois stated staff felt there had been some effort to comply, and recommended the Respondent be granted 60 days, until September 22, 2006, to bring the property into compliance.

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

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

**Case #200640110 – Gil Martin Dees**

Mr. DeBlois recapped this was a junk, trash and debris, and junk vehicle issue located on residential property. Inspector Carter-Solomon testified the Respondent had not come into compliance but had taken some of the trucks and car parts to the rear of the property and when she stopped by this morning, there was another vehicle without a tag parked on the property.

Mr. DeBlois stated based on the testimony presented, staff found the Respondent not to be in compliance and recommend the fine be imposed.

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

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

**Case #2006020088 – Nancy Perkins**

Mr. DeBlois related this case had to do with an overgrown weeds issue and junk, trash, and debris. Inspector Carter-Solomon testified the Respondent was not in compliance, and had made no improvements to the property.

Mr. DeBlois stated based on the testimony presented, staff found the Respondent not to be in compliance and recommend the fine be imposed.

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

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

**Case #2004120104 – Linda Jackson**

Inspector Davis reported this case was regarding a recreational vehicle that was in bad shape sitting on the property. The Respondent had not made any progress in months then left two messages for her over the weekend that the vehicle would be demolished.

Mr. DeBlois recommended granting a 30 day extension, until August 25, 2006, to allow for complete compliance.

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

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

**Case #2006050059 – Jetson Executive Mini-Storage, LLC**

Mr. DeBlois related this was an Evidentiary hearing having to do with an unsecured vacant house on Old Dixie Highway. Inspector Davis added this was a brick house with all the windows and doors missing, a large garage in the back, and the lot was overgrown with weeds. She noted someone had also dumped a large amount of household debris on the property.

Inspector Davis testified when she contacted the Respondent she was informed they were working with the IRC Health Department to find the well on the

property and cap it off then the building would be demolished and the lot cleared.

Mr. DeBlois recommended a 60 day extension, until September 22, 2006, to demolish the structure and clean up the junk, trash and debris.

**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 #2006040063 – Gary Kelly**

Inspector Davis reported there was no service in this case.

**Case #2006050048 – Steven & Debra Bales**

Inspector Davis indicated this was a recreational vehicle illegal use and junk vehicles. She noted everything had been removed except for the recreational vehicle being used for living purposes.

Mr. DeBlois stated based on the testimony, staff found the Respondent in violation and recommended giving him 30 days, until August 25 2006, to allow for removal of the recreational vehicle.

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

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

**Case #2006060120 – Verna Wright, Tony Bridgewater**

Inspector Davis reported there was no service in this case.

**Case #2006050109 – Maria Daqoverto Covarrubias**

Inspector Davis related this was a case regarding illegal use of a recreational vehicle and commercial vehicles parked at a residence. She added the only thing remaining was the recreational vehicle that would be tagged.

Mr. DeBlois stated based on the testimony presented, staff recommended giving the Respondent 30 days, until August 25, 2006, to bring the recreational vehicle into 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 #2006060024 – Mary Edmond**

Inspector Davis reported this case was regarding an unsafe building and junk, trash and debris. Mr. DeBlois recommended a 60 day extension, until September 22, 2006, for compliance.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, 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 #2006060021– Ronald C. & Rose C. Rigby**

Inspector Davis reported this case was regarding a mobile home destroyed in a hurricane and the only thing remaining was the frame and some debris. Mr. DeBlois recommended granting a 30 day extension, until August 25, 2006, for compliance.

**ON MOTION BY Mr. Schacht, 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 #2006050127 – George C. & Ruth B. Dix**

Inspector Teague reviewed the case as a commercial vehicle at a residence, junk vehicles, junk, trash and debris. She added all violations had been complied with except the junk vehicle removal.

Mr. DeBlois recommended granting a 30 day extension, until August 25, 2006, for removal of the junk vehicle to bring the case into 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 #2006050128 – John P. Corley**

Inspector Teague reported she had no service in this case.

**Case #2006050131 – Michael Kuschel**

Inspector Teague reported she had no service in this case.

**Case #2006060003 – Marianne Crist**

Inspector Teague submitted an Affidavit of Service, which is on file in the Commission Office, and confirmed she had posted the property on July 14, 2006. Mr. DeBlois noted this was a case of junk vehicles, junk, trash and debris.

Inspector Teague related the junk, trash and debris had been complied with but two junk vehicles remained on the property. The Respondent was working on getting the vehicles removed.

Mr. DeBlois recommended granting a 30 day extension, until August 25, 2006, for removal of the junk vehicles.

**ON MOTION BY Mr. Schacht, 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 #2006060005 – Ben James Licardi, Jr.**

Inspector Teague submitted an Affidavit of Service, which is on file in the Commission Office, and confirmed she had posted service on July 14, 2006. She noted she had met with the Respondent who had requested a 30 day extension.

Most of the junk, trash and debris had been resolved and there was one remaining vehicle.

Mr. Petrulak asked if this Respondent had been before the Board previously. Inspector Teague responded this was a repeat violation, but the Respondent was in the process of trying to sell the home.

Mr. DeBlois recommended a 30 day extension, until August 25, 2006, for compliance.

**ON MOTION BY Mr. Schacht, 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 #2006060052 – Indian River Country Club, Ltd.**

Inspector Teague reported there was no service in this case.

**Case #2006060077 – Kimberly & Carla Rumsby**

Inspector Teague reported this was a case of junk, trash and debris, a recreational vehicle being used as living quarters because of hurricane damage to the home, and overgrown weeds.

Mr. DeBlois stated based on the testimony presented, staff recommended giving the Respondent 60 days, until September 22, 2006, to bring the property into compliance.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, 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 #2006060081 – Paul McCall**

Inspector Teague reported there was no service in this case.

**Case #2006060065 - Vero Grove Land Group, LLC**

Inspector Debbie Clifford, IRC Code Enforcement Officer, reported there was no service in this case.

**Case #2006060067 – Wisam Husein**

Mr. DeBlois reported this was a junk, trash and debris issue relating to a commercial business. Inspector Clifford added there were two dumpsters at the back of the business which were not enclosed. She continued the Respondent had requested a couple of weeks to comply and in the meantime would have someone making sure the area was kept clean.

Mr. DeBlois stated based on the testimony presented, staff recommended finding the violation of junk, trash and debris and giving the Respondent 30 days, until August 25, 2006, to bring the property into compliance.

**ON MOTION BY Mr. Schacht, 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 #2006060011– Alex L. George**

Inspector Clifford reported there was no service in this case.

**Case #2006050076 – Mark P. & Kathy J. Lehr**

Inspector Teague submitted an Affidavit of Service, which is on file in the Commission Office, and confirmed she had posted service on July 14, 2006. She noted the violations were based on complaints she received from adjoining homeowners regarding junk, trash and debris; swimming pool enclosure violation; and a junk vehicle. She noted all violations were still current and no improvements had been made.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht to recommend granting the Respondent 30 days, until August 25, 2006 to bring the property into compliance.**

**UNDER DISCUSSION** Chairman Zimmermann inquired about the safety issues regarding the non-secured pool area. Mr. DeBlois related there had been difficulty in getting in contact with the Respondent and had other liens placed against the property for earlier violations. It was noted the Respondent lived on the property.

Inspector Teague offered to work with the IRC Sheriff's Department in getting the pool secured.

**Mr. Petrulak AMENDED HIS MOTION, with an AMENDED SECOND by Mr. Schacht, the members voted unanimously (6-0) to require compliance of the pool violation by July 28, 2006, with 30 days, until August 25, 2006 for compliance of the remaining violations.**

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

#### **Case #2006050110 – The Preserve of Vero Property Owners Association**

Inspector Carter Solomon reported she received a Notice of Service (Notice) on July 11, 2006 from The Preserve of Vero Beach Property Owners Association and the Notice from the Respondent being cited, JPG Enterprises, on July 14, 2006.

Mr. DeBlois explained there was a landscape buffer cleared, which should not have been, in conjunction with a lot development. The buffer was intended to be a buffer easement. He continued the Property Owners Association was essentially the responsible party, but they were also the complainant. Mr. DeBlois reported compliance entailed replanting of the buffer easement.

Inspector Carter Solomon stated a representative of JPG Enterprises was meeting with her tomorrow to coordinate the replanting of the buffer.

Mr. DeBlois related based on the testimony, staff recommended granting 60 days, until September 22, 2006, for the replanting of the landscape buffer.

**ON MOTION BY Mr. Schacht, 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.



**Authorization for Notices to Appear**

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

**Other Matters**

There being no further business, the meeting was adjourned at 4:54 p.m.