

## **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, August 28, 2006 at 1:30 p.m.

Present were Chairman Karl Zimmermann, Realtor Appointee; Cliff Suthard, Member-at-Large Appointee; Joe Petrulak, Subcontractor Appointee; Louis Schacht, Businessman Appointee; Dana Stetser, Architect Appointee; and John Owens, Engineer Appointee.

Absent was Vice Chairman Joe Garone, General Contractor 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; Ken Oristaglio, 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.

Chairman Zimmermann announced this would be Mr. Schacht's last meeting and thanked him for his service.

### **Approval of Minutes of July 24, 2006**

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Stetser, the Board voted unanimously (6-0) to approve the minutes of July 24, 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. 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 #2005120055, #2006030079, #2006050025, #2006060005, #2006050074, #2006040026, #2005110093, and #2006060021- 30 day extension until September 22, 2006. Cases #2005120087, #2006030052, #2005070042, #2005110061, #2006030251, #2006030241, #2006030241 and #2006060067 - 60 day extension until October 20, 2006. Cases #2005110098, #2006030233, and #2006020029 - 90 day extension until November 24, 2006. Case #2006060151 withdrawn due to change of ownership.

In compliance were Cases #2004060053, #2003110010, #2006030071, #2005110035, #2005050317, #2006020115, #2006050048, #2006050109, #2006060112, #2006060069, #2006060011, #2006070018, #2006060145, #2006070036, #2006070038, #2006060142, #2006070009, and #2006060149.

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. Schacht, 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 #2006050055 – Maggie Runyon**

Mr. DeBlois indicated this Compliance hearing originally came to the Board as an Evidentiary hearing on June 26, 2006 and had to do with a mobile home being placed on a lot without the required permits in a commercially zoned mobile home park. The Board gave the Respondent until August 25, 2006 to obtain an after-the-fact building permit for the mobile home setup. Mr. Billie Runyon, son and Power of Attorney for Maggie Runyon, was present at the June 26, 2006 hearing along with the owner of the mobile home, Aviar Espinosa.

Inspector Vanessa Carter Solomon, IRC Code Enforcement Officer, reported she had been at the site August 25, 2006 and as of that date no building permits had been applied for. She spoke with Mr. Runyon on that date and was informed the tenant, Mr. Espinosa had contacted a few mobile home setup contractors and most of them told him it would be at least a year before they could even get to the project, but one contractor that looked at the mobile home, advised Mr. Espinosa against applying for permits because the mobile home was in such poor condition he did not feel the building inspectors would pass the inspection. Mr. Runyon stated he was going to issue an eviction notice to Mr. Espinosa and would either have the mobile home removed from the property or demolished with debris removal.

Mr. Runyon reported he had a seven day eviction notice ready to serve Mr. Espinosa and noted it was difficult to get a mobile home setup company to come onto property that was not theirs. He realized he may have to "bite the bullet" and pay someone to tear the mobile home down or haul it away.

Mr. Aviar Espinosa entered and was sworn in by the secretary. Mr. DeBlois asked if the testimony related by Mr. Runyon was correct. Mr. Espinosa replied in the affirmative and added he had not been able to find a company to perform the mobile home setup. He noted he had put a lot of money into the mobile home and did not want it demolished.

Mr. DeBlois recommended the Board grant a 60-day extension, until October 20, 2006, to allow for more time to find a setup contractor, and if a contractor could not be found, plans for demolition could then proceed.

**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 #2005060077 - Cedar Cove Rentals, P.A.**

Mr. DeBlois recapped this was a Compliance hearing relating to an order of the Board dating back to June 10, 2005 regarding enclosing a carport on a structure without permits. The Board initially gave the Respondent until October 21, 2005 to obtain an after-the-fact building permit. Subsequent extensions had been granted until most recently on July 24, 2006 giving the Respondent until August 25, 2006 to comply. Staff felt compliance had still not been achieved.

Inspector Betty Davis, IRC Code Enforcement Officer, reported she had spoken with Mr. Gaskins, owner of the property, several times and he e-mailed her last week that they were ready to do the work but one of the tenants would not allow the work to be done. She added the permits had been pulled.

Ms. Cathy Summerlin, employee of the contractor doing the work, tried to help Mr. Gaskins in getting the tenant to allow the work to be done. The tenant had rented the house under a lease with option to buy situation and would not allow the one corner be removed to comply with the IRC building codes. When the contractor went to do the work the tenant contacted law enforcement.

Ms. Summerlin reported the tenant had since relocated and now the work has been delayed because of the threat of Tropical Storm Ernesto and the contractor was going to be out of town for two weeks. She stated the work would begin in approximately three weeks and felt the work could be completed within 60 days.

Mr. DeBlois related based on the testimony, staff could support the 60 day extension request.

**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's representative was present for this hearing.

### **Case #2006060063 – Vincent Christunas**

Mr. DeBlois indicated this was a Compliance hearing relating to a junk vehicle issue. He continued the case came before the Board at the July 24, 2006 meeting and the respondents were given until August 25, 2006 to comply by obtaining a registration for the vehicle or removing the vehicle from the property.

Inspector Carter Solomon related she had inspected the property on August 25, 2006 and the vehicle was still on the property untagged and when she made contact with Mr. Christunas he stated he was in the process of doing interior remodeling of his home and the garage was full of his furniture. He felt within 45 days he could have the vehicle enclosed in his garage. Mr. Christunas explained he could not afford to purchase a tag and insurance for the vehicle at this time so would store it until the funds were available.

Mr. DeBlois stated he could support a 60 day extension to allow the Respondent time to complete his interior remodeling, move the furniture back into the house, and then store the vehicle in the garage.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Schacht, the Board voted unanimously (6-0) to grant the 30 day extension.**

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

**Case #2006050078 – Sturgis Lumber Company**

Mr. DeBlois recapped this was an Evidentiary hearing and the nature of the violation cited was the owners of Superior Sheds, having their business located on the property of Sturgis Lumber Company, had nonconformance issues. These issues particularly related to landscaping and also the area of shed display violating the initial site plan.

Inspector Davis summarized a meeting had been held approximately one month ago with the IRC Planner of the Day, the Respondents, and herself to review the site plan. She reviewed the trees and other landscaping needing to be replaced and the shed display area had exceeded the designated areas.

The Respondent, Mr. Rick Mahony, explained the display area had been cleaned up and admitted they had extended the allowable shed display area and were in the process of selling off the storage sheds as quickly as possible. He continued all the dead landscaping being shown was new and the landscaper had not been able to be contacted to replace the dead plants. He was also trying to get a bid for an irrigation system.

Mr. DeBlois stated based on testimonies given by Inspector Davis and the Respondent, there were two options, revising the existing site plan or for the Respondent to apply for an Administrative Approval and pay additional impact fees, if necessary. He recommended 30 days to either comply with the current approved site plan including remedy of the landscaping, or if an amended site plan was required, the site plan would be applied for within the 30 days and allowing a total of 60 days for the results if that option was pursued.

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Schacht, 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 #2006060111 – Damien & Bonnie Gilliams**

Mr. DeBlois recapped this was an Evidentiary hearing with issues cited as a health and safety hazard, junk, trash and debris, overgrown weeds, and a fence or wall violation.

Inspector Davis testified this case came to her attention from surrounding neighbors about the condition of the property. Primarily they were concerned about a dock the Respondents have several hundred feet out into the river with a canopy and gazebo-type structure that had caved in and was hanging loose. She also noted there was a lot of miscellaneous lumber and dilapidated play equipment in the rear yard.

Inspector Davis related the Respondent had done some work on the site, but there was an old hot tub and debris behind the house and an old rusted fence lying in the adjoining land owners' property. She added there was overgrown grass and weeds remaining on some of the property.

The Respondent, Mr. Damien Gilliams, reported the boat house had been removed, the grass had been mowed in some areas but he was letting the grass grow in other areas to conceal the lumber for the dock stored there since he had trouble with theft. He continued the dock had not been worked on because of the hurricanes that came through following Hurricanes Frances and Jeanne. Mr. Gilliams was still working with his insurance company and the Department of Environmental Protection for the dock repair. He added he had rolled up the fencing material and removed it from the neighboring property.

Mr. DeBlois stated staff could acknowledge the roof to the boat dock had been removed and from a staff perspective, he would recommend a 30 day time frame allowing Mr. Gilliams to pull a County permit for the dock repairs and to resolve the remaining issues.

Mr. Gilliams related he had a problem pulling the dock permit because his contractors had to do that and it may take 90 days for them to act on the building permit once it was issued. Mr. DeBlois responded he could agree to allowing up to 90 days for the permitting process to be completed, but the remaining issues needed to be cleared within 30 days.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to approve staff's recommendation of a 30 day extension for clearing the remaining debris, mowing the grass and weeds, and the allowance of up to 90 days for the permitting process to be completed. The Respondent was asked to meet with Inspector Davis to review the violations to ensure all were addressed.**

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

**Case #2006060048 – Donna E. Brown**

Mr. DeBlois recapped this was an Evidentiary hearing relating to issues of junk vehicles and general junk, trash and debris.

Inspector Carter Solomon reported a complaint was received regarding several junk vehicles placed on the property and miscellaneous junk, trash and debris. She spoke with the Respondent a couple of weeks previously and was informed the vehicles were owned by tenants and the property had previously been a daycare facility with trash left when it closed.

Inspector Carter Solomon stated when she inspected the property on August 25, 2006, there was one remaining junk vehicle and some debris left from the previous daycare. She noted substantial work had been done since the Respondent was initially cited.

Mr. DeBlois recommended granting a 60 day time frame to allow the Respondent to bring the property completely into compliance.

Ms. Tiffany Griffith, representing the Respondent, agreed to bring the property into compliance within 60 days.

**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's representative was present for this hearing.

**Case #2006050125 – Banack Family Limited Partnership**

Mr. DeBlois related this was an Evidentiary hearing relating to the lack of improvements to the historical former Marvin Gardens building that had been relocated to this site.

Inspector Debbie Clifford, IRC Code Enforcement Officer, stated she had been contacted by several people regarding the poor condition of the building and the potential for a hazardous environment.

The Respondent, Mr. Rusty Banack, apologized for having to come before the Board. He related his plans for the building and the renovations that were delayed because of the site plan approvals he needed to obtain before applying for building permits. He added there were restrictions placed on his site for the retail space he needed to conduct the business planned for the building. The Respondent stressed he had continuously worked on the building renovations since moving to the current property, but was having problems with meeting all the permitting requirements.

Mr. DeBlois stated based on the testimony staff would recommend a 90 day time frame, with the option of increasing the extension, to allow the Respondent the opportunity to finalize his plans.

**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 #2006070051 – Douglas C. McVay & Gregory Pillon**

Mr. DeBlois recapped this case was related to an Evidentiary hearing cited by staff as a dilapidated structure posing a health and safety hazard issue.

Inspector Davis related the house had the roof caving in and the windows had been broken out. She spoke with Mr. McVay on three occasions and was told there was a contract for sale on the property and the building was going to be demolished.

Mr. Helishio, the purchaser of the property, stated he was going to demolish the building, but the sale would not be complete until the end of the year. He had plans to develop the property.



Chairman Zimmerman explained the building needed to be demolished before the 6 months timeframe. Mr. DeBlois stated staff would recommend 60 days for the Respondent to obtain a demolition permit, and completion of the demolition with removal of debris.

**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's representative was present for this hearing.

**Case #2006060114 – Laura Bonnemaïson**

Mr. DeBlois stated this was an Evidentiary hearing having to do with a swimming pool enclosure violation, overgrown weeds and junk, trash and debris.

Inspector Davis testified this was a complaint received from surrounding property owners regarding a fence not being around the pool and they were concerned about children being harmed. She stated the pool had been recently cleaned, the grass mowed and the storage unit in the driveway had been removed.

Respondent Laura Bonnemaïson related the fence had been destroyed by the 2004 hurricanes and they had installed a wood fence across the front of the property, on the left and rear sides of the property were hedges. Inspector Davis pointed out the hedges would not qualify as a satisfactory barrier because they were penetrable.

The Respondent explained they had moved out of the area and were trying to sell the house. It had been difficult for them to come back every weekend to mow and clean the pool. She had contracted recently with companies to do both to keep both the yard and pool in good condition.

Attorney Vitunac interjected the issue today was the pool fencing, noting a hedge was not acceptable to keep children out. Mr. DeBlois recommended granting a 30 day time frame for staff and an IRC building inspector to determine what needed to be done for the pool fencing.

**ON MOTION BY Mr. Schacht, 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 #2006060147 – Michael & Ann Staszewski**

Mr. DeBlois stated this was an Evidentiary hearing concerning the burning of debris and the matter of junk vehicles.

Inspector Davis testified the complaint initially came from surrounding neighbors about the continued burning on the site. There had been previous complaints and staff had been out to the property. She continued the IRC Fire Department was contacted to determine if burn permits had been issued for the property, and she was informed there were no permits issued.

Inspector Davis added there had also been an illegal land clearing and demolition business being run from the property. The equipment was stored on the property and off site. Land clearing and demolition debris had also been brought to the property.

Inspector Davis explained the discrepancy on the address of the property due to the parcel initially being 20 acres in size and then divided. There was a barn on the site and a pond noting there was a permit for the barn, but not the pond.

Mr. DeBlois related staff found violations of trailers on the property without permits. The property was zoned Agricultural, but the uses currently in practice on the site were Commercial. There was also miscellaneous junk, trash and debris on the property.

The Respondent, Michael Staszewski, reported the majority of the clean up had been completed, the only thing remaining were some logs which were to be milled on-site to make posts for the fence to be put around the perimeter of the proposed tree farm on the property. He related he had contacted Code Enforcement when putting in the pond and was told he did not require a permit.

Mr. DeBlois inquired about the equipment on the site. The Respondent stated the equipment was there when needed for the construction of a 4,000 square foot tree farm. When the equipment was not needed it was stored at their permanent site.

Mr. DeBlois noted some of the violations had been cleared, and based on the testimony staff recommended granting a 60 day time frame for compliance to resolve the material storage issues, noting the debris and burning issues had been resolved.

**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 #2006060151 – Michael & Ann Staszewski**

Mr. DeBlois reported this case was withdrawn due to a change in ownership.

**Case #2006070019 – Robert Hamner (Doing Business as Three Brothers and a Sister)**

Mr. Scott Dillon, representing Three Brothers and a Sister, was sworn in by the secretary.

Mr. DeBlois recapped this case as an Evidentiary hearing dealing with overgrown weeds. He noted there were other actions associated with this property which were being dealt with in a separate case.

Inspector Rose Teague, IRC Code Enforcement Officer, testified she had received numerous complaints regarding the overgrown site. She visited the site August 25, 2006 and some of the property in the front had been mowed, but overgrown weeds on the side yards remained.

Mr. DeBlois related there had been some recent progress and would recommend granting 30 days to allow the Respondent to coordinate with Inspector Teague and finalize the overgrown weeds issue.

The Respondent stated he would mow whatever areas staff directed them to mow.

**ON MOTION BY Mr. Schact, 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 #2006060130 – George Sigler & Judith Lightfoot**

Mr. DeBlois recapped this case was cited for zoning district use violation for

commercial storage use on the property without site plan approval. There was also an issue of junk, trash and debris on the property.

Inspector Teague testified several complaints had been received from surrounding property owners. There were numerous commercial vehicles being kept on the property, and when the Respondent was contacted, he informed her he was planning on obtaining site plan approval for outside storage. Inspector Teague was notified by Mr. Stan Boling, IRC Planning Director, the Respondent had applied for the site plan approval. She indicated the junk, trash and debris remained on the property.

The Respondent, Mr. George Sigler, related he had owned the property for a number of years and the commercial equipment had been purchased after Hurricanes Frances and Jeanne to use for clean up and subsequently sent to aid in the clean up of Hurricane Katrina and then to West Palm Beach following Hurricane Wilma. During the time the equipment was in use elsewhere, the County sold his rights to concurrency on 27<sup>th</sup> Avenue so he had to halt his plans to build an office building on his property because after the equipment came back, he was not allowed to store it on the property.

The Respondent contacted Mr. Boling and was told to apply for an Administrative Approval to put a storage unit on the property. He related the request was five weeks into the process and he was waiting for the County to complete their paperwork. He noted there were tree stumps on the property and he was removing them as he was able and several piles of debris were illegally dumped on the property and reports had been filed with the Sheriff's Office.

Mr. DeBlois stated based on testimony received, staff could support a 60 day time frame for the Application For Administrative Approval for the equipment storage and tie in the requirement for fencing and debris clean up. If there was a delay for the County's Administrative Approval process, he could support an extension.

**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 at this hearing.

**Case #2006070032 – Tracy and William Walker**

Mr. DeBlois recapped this case related to the building of a shed without the

required permits.

Inspector Clifford testified this Respondent had been cited previously for a fence built without a permit and as a result, a permit was obtained. A shed was now being erected on the property and when she checked with the IRC Building Department it was determined no permit had been applied for. She also noted there were three other sheds on the property.

Mr. DeBlois stated the Agricultural zoning the Respondent was under allowed for an agricultural pole barn if it was used only for agriculture, but these shed structures did not comply with the pole barn exemption.

The Respondent, Mr. William Walker, explained he was going to grow vegetables to sell to produce markets and he also had a few hogs on the property.

Mr. DeBlois stated the sheds were structures that required permits, and were therefore subject to zoning setback requirements. He felt there may be an issue as to the number of sheds on the property. Mr. DeBlois recommended granting a 60 day time frame for resolving the issue of permitting for the existing sheds.

Discussion was held regarding the posting of a No Trespassing sign posted on the Respondent's road and the use of that road by the Code Enforcement Officer.

**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 Respondents were present for this hearing.

**Case #2006060118 – Henry H. & Louise L. Martin**

Mr. DeBlois reviewed the pictures taken by Mr. Martin this date and found the case to be in compliance.

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

**Case #2006060052 – Indian River Country Club, Limited**

Mr. DeBlois recapped the issues being cited were a semi-trailer stored on County right-of-way along with junk, trash and debris.

Inspector Teague testified she had received complaints regarding debris that

was placed in the County right-of-way and also the storage of a semi-trailer. The debris had been removed and the semi-trailer remained.

The Respondent, Mr. John Keeney, Equipment Manager for Indian River Country Club (Club), related the debris had been removed several weeks ago and the semi-trailer was used to deliver pine straw to the Club, the pine straw had been removed and the owner of the semi-trailer had been notified to remove same. He apologized on behalf of the Club.

Mr. DeBlois stated based on the testimony, he supported a 30 day time frame for removal of the semi-trailer.

The Respondent wished to note for the record, the notice had initially gone to the wrong address and gave the correct address as 800 South Carolina Circle, Vero Beach, FL 32962.

**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 #2006060081 – Paul McCall**

Mr. DeBlois recapped this case related to a pool enclosure deficiency.

Inspector Teague testified this was a complaint received by surrounding neighbors regarding a swimming pool that was not adequately enclosed.

The Respondent, Mr. Paul McCall, related they did have a security fence around the pool and it was stolen. He had since replaced the temporary fencing and had a contract with a fence company who told him they did not need to pull a permit. When he checked with the IRC Building Department, he was told he did indeed need a fence permit so he cancelled the contract with the original fence contractor and signed a new contract with another contractor.

Mr. DeBlois stated based on the testimony, he could support a 30 day time frame for the Respondent to obtain a permit for, and replace the permanent fence.

**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 #2006060120 – Verna Wright, Tony Bridgewater, and Tenant**

Mr. DeBlois recapped this was a multi-family residence with a violation of unlicensed vehicles and miscellaneous accumulation of junk, trash and debris.

Inspector Davis testified she posted the property and spoke with the Respondent, Mrs. Verna Wright, who stated she would contact her tenants and get the violations resolved.

Inspector Davis related there were still untagged cars on the property along with discarded furniture and other trash along the side.

The Respondent, Mrs. Verna Wright, stated there were five tenants living in the home and she had spoke to them on several occasions asking them to clean up the debris and the untagged cars. She opined it would take approximately 30 days to clean up the property.

Mr. DeBlois recommended granting 60 days to allow for the removal of all untagged vehicles and debris on the property.

**ON MOTION BY Mr. Schacht, 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.

**LIEN RELEASE REQUEST**

**Case #2005100131 – Whispering Palms Mobile Home Community, LLC**

Mr. DeBlois reported this was a request for setting a fine on a case that began as an Evidentiary hearing on November 28, 2005 having to do with landscape maintenance and site plan nonconformance violations. He continued a number of extensions were granted by the Board until ultimately, on June 24, 2006, there was a Compliance hearing at which time the Respondent was still not in compliance. The Board entered an Order Imposing Fine on that date that had been accruing since then related to the existing landscape contrary to the approved site plan.

Mr. DeBlois related staff acknowledged compliance as of August 18, 2006 and based on the Order Imposing Fine calculated at \$100 per day, the total fine would be \$5,500. He recommended the Board acknowledge compliance and set the fine at \$5,500.

Ms. Barbara Collier, property manager representing Whispering Palms Mobile Home Park, stated she became the property manager effective April 1, 2006 replacing the previous property manager, who had left in January, 2006. The Respondent related the series of events in obtaining an irrigation system including the installation of a well, problems with Florida Power and Light to energize the system, and the planting of landscaping that did not meet the requirements and had to be removed. Ms. Collier did not realize they were under a fine until the middle of July, 2006. She apologized for the delay and noted they had been working continuously to remedy the violations.

Inspector Davis testified the Respondent was not required to put the irrigation system in, but they were losing landscaping because of the lack of irrigation. She realized the problems they had with getting contractors in to do the work correctly, and it was unfortunate that the Respondent had the chain of poor results in their attempts to correct the violations.

Discussion ensued on the extensions issued to this Respondent.

Mr. DeBlois stated the administrative costs were approximately \$2,100 and he felt there should also be a penalty charged. He noted that although staff recommended the total fine of \$5,500 be imposed, if it were to be reduced by circumstances, he would not grant anything lower than the administrative costs of \$2,100 plus a punitive amount.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the Respondent in compliance and to set the fine at \$5,500.**

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

**Case #2005030160 – Martha Tarver and Mary Louis**

Mr. DeBlois recapped this was a case that initially came before the Board as an Evidentiary hearing dating back to May 23, 2005 dealing with overgrown weeds,



general junk, trash and debris on the subject property. The Board granted a period of time for the resolution of the violations and ultimately imposed a fine for noncompliance. Mr. DeBlois explained there had been difficulty in serving notice to the listed owners so the notice had been served by posting the property.

Inspector Kelly Zedek, IRC Code Enforcement Officer, testified a fine had been imposed on the property. Mr. and Mrs. Willie C. Reagan had contacted her in July, 2006, because they were interested in buying the property and found out there was a lien.

Mr. Willie C. Reagan and his wife, Don Reagan, purchasers of the property, reported they bought the property August 8, 2006 and by August 9, 2006 it was brought into compliance.

Mr. DeBlois stated from the time the property was fined, and the Reagan's cleaned up the violations, 354 days had passed at \$100 per day, the total fine would be \$35,400. Since the new owners immediately cleared the property, he felt it was appropriate to consider a substantial reduction in the fine.

Mr. Reagan reported he had bought the adjoining property in 1989 and the property being discussed at this hearing when it went up for auction because both Mrs. Martha Tarver and Mrs. Mary Louis were deceased.

Mr. DeBlois related based on the testimony received, he recommended finding the property in compliance and rescinding the fine.

**ON MOTION BY Mr. Schacht, SECONDED BY Mr. Suthard, the Board voted (3-3), causing the motion to fail, to approve staff's recommendation. Mr. Petrulak, Mr. Owens and Chairman Zimmermann opposed.**

Chairman Zimmermann questioned the Respondent further and found the house located on the property before the CEB was actually located partially on his original property. The reason he bought this property was to acquire the additional 41-feet containing the house that straddled both properties.

**ON MOTION BY Mr. Schacht, SECONDED BY Mr. Suthard, the Board voted (5-1) to approve staff's recommendation. Mr. Petrulak opposed.**

It is noted for the record the Respondents were present.

### **Case #9708373 – William & Carol Boswell**

Mr. Frank Dejoia, representing the Respondent, was sworn in by the secretary.

Mr. DeBlois recapped this case dated back to an Evidentiary hearing held in July 28, 1997 concerning an accessory shed structure on property without proper permits or approvals. It had been determined the shed was not grandfathered and was not within the required yard setbacks. The conclusion was the Respondent needed to comply by removing the shed, or getting the necessary permits to relocate it.

Mr. DeBlois reported after 4 extensions, on February 7, 1998, the Board entered into an Order Imposing Fine for lack of compliance. He reviewed the summaries of the imposed orders, copies of which are on file in the Commission Office. Mr. DeBlois stated recently Mr. Boswell decided to bring the property into compliance after several years, the necessary permit, and moved the shed, bringing the property into compliance. The date the case was brought into compliance was August 16, 2006 and the fine based on 3,112 days on the flat fine of \$100 per day, totaled \$311,200.

Mr. Dejoia, representing the Respondent, stated Mr. Boswell was a good friend and had a nice mobile home located in Indian River Shores. Mr. Boswell did not feel the County would continue with the fine since the property was appraised at \$62,000. Mr. Dejoia requested some consideration be given to the large amount of the fine and lower it to an amount the Respondent could afford.

Mr. DeBlois stated staff could support a substantial reduction in the fine, but it was clearly a case where there should be some punitive fine amount as well as administrative costs. He recommended setting the fine at \$5,000.

**ON MOTION BY Mr. Suthard, 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.

### **Case #2005020048 – Josie R. & Carl Keifner**

Mr. DeBlois recapped this case was a property that was currently not in compliance. There was a potential buyer, Mr. Robert Gartrell, and his mother, Mrs. Shirley Gartrell, who had requested they be permitted to acquire the property, clean it up, and resolve the violations with a reduction in the fines.

Mr. DeBlois related this case came before the Board on May 25, 2005, for junk, trash and debris, along with public health and safety issues. This was a home damaged by the 2004 hurricanes and never repaired. An Order Imposing Fine was issued June 25, 2005, and the home has sat in disrepair since that time.

Inspector Clifford testified the owners were not able to be contacted so all notices were done by posting of the property.

Mr. DeBlois recommended due to the lack of response from the previous owner, staff could support an arrangement to reduce the fines if the property was brought into compliance within a specified time.

The Respondent, Mr. Robert Gartrell, and his mother, Mrs. Shirley Gartrell, stated they would bring the house into compliance immediately and requested the fine be reduced to make the purchase of the property affordable.

Mr. DeBlois stated the fine calculated from June 25, 2005, would total \$42,900. He could support a fine reduced to nothing less than \$5,000, if the property was brought into compliance within 30 days, and if the property was not brought into compliance, the total original fine would be reinstated.

**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 purchasers were present for this hearing.

Chairman Zimmermann called for a break at 4:47 p.m. and the meeting reconvened at 4:53 p.m.

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

Mr. DeBlois recapped this was a Compliance hearing relating to a subdivision with a violation issue dating back to November 28, 2005. The Board ordered the Respondents to obtain approval of a partial split and reconfiguration of the earlier

frontage requirements.

Inspector Davis testified after contacting the IRC Planner, Mark Zans, handling this case, she found the Respondent had not complied with the requirements.

Chairman Zimmermann stated he represented the Respondent as a realtor listing the subject property, and asked to be recused from voting. He completed a Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, which is on file in the Commission Office.

Mr. DeBlois recapped this case had been granted four extensions thus far, no recent progress had been noted but the main issue was the property had been split with road frontage issues that had not been resolved. He recommended a fine be imposed to get the Respondent's attention.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve staff's recommendation. Chairman Zimmermann was recused from voting.**

It is noted for the record the Respondents were not present for this hearing.

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

Mr. DeBlois recapped this case included a pool enclosure issue as well as junk, trash and debris, and junk vehicles. He noted the Respondent had been non-responsive and they were given a short time period to bring the pool into compliance. The property had been posted, with no response so he recommended a fine be imposed.

**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 #2006060003 – Marianne Crist**

Mr. DeBlois recapped this case related to a junk vehicle violation and the Respondent was given until July 21, 2006 to bring the violation into compliance. Inspector Teague testified she had to post the property last month since she could not get in contact with the Respondent.

Mr. DeBlois stated since there had been no attempt to bring the property into compliance, he recommended imposing a fine.

**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 #2005120010 – Isola Gunder Clayton**

Inspector Davis testified there had been no service because the Respondent had passed away and she had been unable to get in contact with any family members. Mr. DeBlois recommended rescinding the order with an explanation.

**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 #2004120104 – Linda Jackson**

Inspector Davis testified this case had been posted for the July 24, 2006 hearing and the damaged recreational vehicle on the Respondent's property had not been removed.

Mr. DeBlois recommended the fine be imposed based on Inspector Davis' testimony.

**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 #2006060061 – Arthur Lee Jones**

Inspector Zedek testified notice was served on August 21, 2006 and the Respondent still had emus on his property. Mr. DeBlois added not only were emus

and ostriches on residential property, there was a fence installed without permits. Inspector Zedek noted the junk vehicles and illegal vehicle parking in the right-of-way had been corrected.

Mr. DeBlois recommended finding the Respondent in violation of having livestock in a residential area and violation of erecting a fence without the required permit. He suggested allowing 30 days 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 #2006060062 – Arthur Lee Jones**

Mr. DeBlois related this was adjacent to the previous property cited, but was a distinct separate tax parcel. The issues were illegal vehicle parking in the right-of-way and junk vehicles. He recommended a 30 day time frame for compliance of those issues.

**ON MOTION BY Mr. Schacht, 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 #2006060050 – Danny Chu**

Inspector Zedek reported there had been no service on this case.

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

Mr. DeBlois recapped service was received on August 21, 2006 and related to health and safety issues existing from a dilapidated building. Inspector Clifford noted she had been unable to contact anyone from the company.

Mr. DeBlois recommended granting a 60 day time frame giving the Respondent an opportunity to obtain permits for repair.

**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 #200670031 – Bert & Geraldine A. Newton**

Inspector Davis reported there had been no service on this case.

**Case #2006070017 – Christopher Kelly & Doreen Stone**

Inspector Teague reported service was received on this case on August 11, 2006 and related to overgrown weeds, junk, trash and debris. No contact had been made by the Respondent.

Mr. DeBlois recommended granting 30 days to allow the Respondent to bring the property into 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 #2006060123 – Bryan Baclaski & Richard Harper**

Inspector Teague reported she posted this property August 11, 2006 and the Respondent was cited for having junk, trash and debris, and overgrown weeds. She had no contact with the Respondent.

Mr. DeBlois recommended granting the Respondent 30 days to bring the property into compliance.

**ON MOTION BY Mr. Schacht, SECONDED BY Mr. Stetser, 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 #2006070029 – Tracey W. Scarborough & Terry W. Ball**

Inspector Clifford reported service was received August 15, 2006. Mr. DeBlois related this was an issue of running a landscaping business from a residential property. He added there was a level of outside storage and traffic that was not allowed under a Home Occupations Permit.

Inspector Clifford stated the Respondent had applied for a Home Occupations Permit in 1996 for the home across the street from this case and that address was the Respondent's home address. He was applying for a second Home Occupations Permit for the subject property which was not his residence.

Inspector Clifford related several of the surrounding neighbors had complained about the number of commercial vehicles parked on the property. Mr. DeBlois stated based on the testimony, he would recommend the Board conclude there was an illegal business at the subject property, and would grant the Respondent 30 days to cease the business and remove any related materials and vehicles.

**ON MOTION BY Mr. Suthard, 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 #2006040063 – Gary Kelly**

Inspector Davis reported there had been no service on this case.

**Case #2006060026 – Robin Glen Davis**

Mr. DeBlois recapped service was received on August 12, 2006 for the issues of junk, trash, and debris, and an unsafe building. He recommended granting the Respondent 30 days to bring the property into compliance.

**ON MOTION BY Mr. Schacht, 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 #2006020009 – Michael Ciccotto**

Inspector Ken Oristaglio, IRC Senior Planner, Code Enforcement, testified he had posted the property August 10, 2006.

Mr. DeBlois reported this riverfront property with a dock which was installed by the owner without permits, may be encroaching on a neighbor's property. Inspector Oristaglio noted the Respondent had obtained state permits for some version of the dock but the dock was not built in compliance with the permit.

Inspector Oristaglio explained he had contact with the Respondent and had been told on several occasions a survey would be done and the dock would be brought into compliance. To date, nothing has been done. The house was up for sale and the Respondent was moving to Costa Rica.

Mr. DeBlois recommended the Board find the dock in violation and grant the Respondent 30 days to obtain the necessary permits and bring the dock into compliance.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation and if there was a way to notify potential buyers of the situation, to put that method in place.**

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

## **Authorization for Notices to Appear**

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

## **Other Matters**

There being no further business, the meeting was adjourned at 5:21 p.m.