

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, 1801 27th Street, Building "A", Vero Beach, Florida on Monday, August 25, 2008 at 1:30 p.m.

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

Absent was **Joe Garone**, General Contractor Appointee (excused).

Also in attendance was IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Don Wixon, Code Enforcement Coordinator; Betty Davis, Debbie Clifford, Vanessa Carter Solomon and Rose Jefferson, Code Enforcement Officers. Others present: Attorney Suzanne Vitunac, Attorney for the Board and Reta Smith, Recording Secretary.

12:49:02 Call to Order

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

12:49:33 Approval of Minutes of July 28, 2008

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve the minutes of July 28, 2008 as presented.

12:49:46 Attorney's Overview of Board Purpose and Procedures

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

12:53:42: Agenda Additions or Deletions, Consent Items

Mr. Don Wixon, Code Enforcement Coordinator, reported the following cases

had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda: Cases #2008030056, #2008050049, #2007120030, #2007120040, #2008050162, #2008020052, #2008040068, #2007120026, #2008040182, #2008040191, 2008050010, #2008050130, #2008040054, #2008050085, #2008060065 and #2008040132 - 30 day extension until September 19, 2008. Cases #2008040188, #2008040141, #2007110074 and #2008040166 - 60 day extension until October 24, 2008. Cases #2008070168, #2008060138, #2008070016, #2007060120 and #2007110117 were rescheduled.

In compliance were Cases: #2008040174, #2008040176, #2008040208, #2008050025, #2008050084, #2008010057, #2008050064, #2008070342, #2008060026, #2008060112, #2008070188, #2008070087, #2008070226, #2008070101, #2008070220, #2008070089, #2008070094, #2008070095, #2008060133, #2008070002, #2008070084, #2008070076, #2008070244, #2008070194, #2008070304, #2008070284, 2008080048, #2008040072, #2008050208, #2008060020, #2008020083, #J2008040199, #2008030172, #2008050002, #2008020136, #2008040159, #2008040150, #2008040026, #2008060012 and #2008040056..

Mr. Wixon requested the Board hear Case #2007120086, Ronald & Rose Rigby, at the beginning of today's meeting.

Chairman Petrulak advised if anyone present had heard their name or case number called for a Consent item and wanted their case to be heard, they should get with their Code Enforcement Officer and the Board would accommodate their request.

1:05:48

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to accept the Consent Agenda with the revisions and recommendation.

1:06:25 **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.

1:07:02 **Case #2007120086 – Ronald & Rose Rigby**

Mr. DeBlois, IRC Environmental and Code Enforcement Chief, related this

was a Lien Release Request having to do with a case that originally came to the Board in January, 2008 involving a mobile home pulled on to a property without any permits, overgrown weeds and junk, trash and debris. He recalled this ultimately came back for a Compliance hearing on March 24, 2008, at which time the mobile home and junk, trash and debris were still on the property and the Board entered an Order Imposing Fine. Mr. DeBlois confirmed the property was ultimately brought into compliance on May 29, 2008, which would be a fine of \$6,800. He submitted a letter from Respondent Mr. Ronald Rigby dated August 4, 2008 into evidence, a copy of which is on file in the Commission Office.

Respondent Ronald Rigby said he had never given authorization for a mobile home to be placed on his property and Mr. Darryl Gerald, who was the owner of the mobile home, had told him everything had been taken care of. He did not feel he should be penalized because of somebody else's actions and asked the Board for leniency.

Mr. DeBlois noted Mr. Ronald Rigby had been cited as the land owner and Mr. William Rigby was cited as the tenant who was involved with initially bringing the trailer onto the property, and one option would be to release the lien as it applied to Mr. Ronald Rigby and keep it against Mr. William Rigby.

1:20:33

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted (5-1) to reduce the fine to administrative fees of \$1,800, to be assessed between William and Ronald Rigby equally at \$900 each. Mr. Hedin in opposition.

It is noted for the record Respondents Ronald and William Rigby were present for this hearing.

1:23:36 **Case #2008060099 – Elaine Zimmer**

Inspector Rose Jefferson, IRC Code Enforcement Officer, submitted a photograph and an Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office. She summarized she had received complaints about an unpermitted fence, adding the junk, trash and debris violation was in compliance.

The Respondent's sister, Ms. Tyissa Oliveria, said the property was in

2:19:00 **Case #2008050114 – Dwanika Drisdorn**

Inspector Debbie Clifford, IRC Code Enforcement Officer, submitted a photograph and an Affidavit of Service dated August 12, 2008 into evidence, which are on file in the Commission Office, and described overgrown weeds and junk, trash and debris.

Mr. Wixon recommended the Board find a violation and grant a 30 day extension, until September 19, 2008, for compliance. He advised the Respondent the windows and doors also needed to be boarded up and the house secured.

2:21:41

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 was present for this hearing.

2:22:15 **Case #2008080051 – Michael & Sheila Norcia**

Inspector Davis advised this case was in compliance.

2:23:56 **Case #2007090125 – Daniel Presley**

Mr. Wixon recapped this Compliance hearing had to do with a case that came before the Board on February 25, 2008, at which time the Respondent received an extension of 60 days to obtain an after-the-fact building permit for an illegal shed, with subsequent extension being granted. Inspector Zedek confirmed the shed was still on the property; however the junk vehicle and junk, trash and debris violations were in compliance.

The Respondent said he had decided to tear down the shed and asked for a further extension of time. Mr. Wixon recommended 30 days, until September 19, 2008, to remove the shed and all debris from the property.

2:25:59

ON MOTION BY Mr. Hedin, 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.

2:26:24 **Case #2007060047 – Thomas S. Parker**

Mr. DeBlois recounted the Board originally heard this case on October 22, 2007 for no building permits for a barn structure in a residential district, with a number of extensions thereafter.

The Respondent testified he had received his administrative approval (AA) and other approvals and had hired an engineer in May, 2008; however due to necessary changes the work had been held up. He recognized he still had to get an after-the-fact building permit, but could not do so until he got the engineer's approval on the plan. The Respondent apologized for the delay and asked for more time.

Mr. DeBlois said staff could support one more extension of 60 days, until October 24, 2008.

2:31:43

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

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

Chairman Petrulak called a recess at 3:15 p.m. and reconvened the meeting at 3:24 p.m.

2:32:21 **Case #2008010054 – Audrey Ledford**

Mr. Wixon related this Compliance hearing was for illegal use of a recreational vehicle (RV) as living quarters. Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and stated the RV was still on the property.

Attorney Vitunac noted Respondent Audrey Ledford was not at the initial hearing, and asked Respondent Mr. John J. Murphy if Respondent Audrey Ledford knew he was here as her representative. Respondent Murphy replied in the affirmative and stated he was the caretaker of the property, adding the RV had been sold and the new owners would be picking it up next week.

Inspector Jefferson submitted into evidence a Quit Claim Deed for the subject

property dated January, 2003 from Mr. Dale Ledford to Mr. John Murphy, a copy of which is on file in the Commission Office. Mr. DeBlois asked Respondent Murphy what the relationship of Mr. Dale Ledford was to Respondent Audrey Ledford. Respondent Murphy said Respondent Audrey Ledford was deceased and Mr. Dale Ledford was her son.

Mr. Hedin asked Respondent Murphy to tell the Board the truth. Mr. DeBlois advised if a lien was imposed it would be against the subject property and whoever ultimately owned it would be the one penalized. He noted the Quit Claim Deed was not reflected on the IRC Property Appraiser's record for the property; however if the RV was to be removed staff would support a one week extension.

Discussion followed.

2:42:30

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

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

2:45:14 **Case #2008060057 – Toma Fettig**

Mr. Wixon summarized this Compliance hearing had originally been before the Board on July 28, 2008 when the Board granted 30 days to remove the RVs, boats, pickup trucks and utility trailers from a vacant residential lot. Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and confirmed one vehicle had been removed but there were some remaining on the site.

The Respondent testified he was going to remove the vehicles but the property was under water due to Tropical Storm Fay. He promised to remove the vehicles as soon as the lot drained.

Mr. Wixon recommended an extension of 30 days, until September 19, 2008, for compliance.

2:47:57

ON MOTION BY Mr. Hedin, 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.

2:48:10 **Case #2008050017 – Toma Fettig**

Mr. Wixon recapped this case had first come to the Board on July 28, 2008 and an extension of 30 days was granted for the Respondent to mow the overgrown weeds. Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and confirmed nothing had been done. Mr. DeBlois clarified only the portion of the property that had been previously cleared was being cited.

2:50:07

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to grant an extension of 30 days, until September 19, 2008, for compliance.

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

LIEN RELEASE REQUESTS

2:50:30 **Case #2007090010 – Marcia Nettles**

Mr. DeBlois summarized this case involving overgrown weeds and junk, trash and debris originally came to the Board in February, 2008 when an extension was given until April 25, 2008. After a finding of noncompliance the Board had entered an Order Imposing Fine starting on April 26, 2008 and nine days later on May 5, 2008 it was confirmed the property had come into compliance, for a flat fine amount of \$900.

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office. She testified the Respondent had to wait for her son to come from out of town to assist in cleaning up the property because she could not physically do it by herself.

The Respondent stated she had not been well and had tried her best to come into compliance in a timely manner.

2:56:16

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to acknowledge compliance and rescind the fine.

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

2:57:16 **Case #2007110044 – Christina Shwed (Wells Fargo)**

Mr. DeBlois related this was a foreclosure case for an overgrown weeds violation that initially came to the Board in February, 2008, and after some extensions the fine was ultimately imposed in May, 2008: He explained the recorded lien against Wells Fargo had been picked up by a title company during the potential sale of another property involving Wells Fargo, and the potential buyer had mowed the subject property on August 18, 2008 in order to try and clear title on the property he wished to purchase. Mr. DeBlois noted the start date of the fine against Wells Fargo was May 17, 2008, for a total of 93 days or \$9,300.

Mr. DeBlois added there were actually two separate individuals who had requested release of liens on property owned by Wells Fargo. He recommended setting the fine against Wells Fargo at \$9,300 with a partial release of lien for the two properties the potential buyers wanted to purchase, in order for closings to take place.

Attorney Vitunac noted the lien was against not only the property in violation but any and all real and personal property of Wells Fargo, so all of their properties would be encumbered by the code enforcement lien until it was paid. Mr. Zimmermann noted there seemed to be no movement by Wells Fargo to resolve the issues and this would keep happening as more of their properties were to be sold.

Mr. DeBlois recommended the Board support the partial release for property at 8055 101st Avenue for Mr. Wayne Wolke, the individual who took the initiative to resolve the violation by mowing the grass on the subject property, and acknowledge compliance and set the fine on Case #2007110044 at \$9,300.

2:03:39

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted (5-1) to approve staff's recommendation. Mr. Hedin in opposition.

Mr. Zimmermann noted Wells Fargo had a lot of property in the County that

would be falling under this same scenario, and it was sure to create problems.

Mr. DeBlois felt the violation had been resolved and the buyer who took the initiative to resolve it was being rewarded; however Wells Fargo would still be stuck with it until the fine was paid. He added there were cases where some banks had actually started to clean up properties, but Wells Fargo was not one of them. Mr. DeBlois stated after today's Board action he would not recommend there be any lien releases in the future until the fine was paid either by the bank or whoever was trying to buy a property.

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

3:07:07 **Case #2008060098 – Otis Lee Butler**

Inspector Jefferson submitted a photograph and an Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office, and described an unpermitted fence and sheds on the property. She noted the junk, trash and debris violations had been resolved.

Mr. Wixon recommended an extension of 60 days, until October 24, 2008.

3:08:15

ON MOTION BY Mr. Zimmermann, 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.

3:08:34 **Case #2008060091 – Frank L. Jr. & Teresa E. Watkins**

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

3:08:49 **Case #2008060090 – Desiree Girouard**

Inspector Zedek explained the Respondent had made submission for a Declaration of Covenant for an unpermitted fence erected on the property, and was working on getting necessary after-the-fact permits. Mr. Wixon recommended a 60 day extension, until October 24, 2008.

3:09:33

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, 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.

3:09:43 **Case #2008050156 – William & Joan Warnock**

Inspector Clifford submitted a photograph into evidence, which is on file in the Commission Office. She advised the junk vehicle was in compliance but there were still two boats on the property. Mr. Wixon recommended a 30 day extension, until September 19, 2008.

3:10:42

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, 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.

3:10:45 **Case #2008040223 – Joyce Viesta (Tr)**

Inspector Zedek explained this had to do with an automotive repair shop renting U-Hauls on the subject property without site plan approval. She confirmed on May 15, 2008 they had submitted for an AA and the IRC Planning Department had sent out discrepancy letters on June 3 and July 15, 2008, and since then nothing had been done. Mr. Wixon recommended a 60 day extension, until October 24, 2008, for the Respondent to obtain AA and comply or cease the operation.

3:12:08

ON MOTION BY Mr. Zimmermann, 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. .

3:12:33 **Case #2008050137 – John Swearingen**

Inspector Clifford submitted a photograph into evidence, which is on file in the Commission Office. Mr. Wixon recommended a 30 day extension, until September

19, 2008, to resolve the overgrown weeds violation.

3:13:03

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, 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.

3:13:11 **Case #2008040201 – Bill & Verna Pryor**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and related City Mortgage was now the owner of the property and she had received service on them. Mr. Wixon recommended a 30 day extension, until September 19, 2008, to resolve the junk, trash and debris and overgrown weeds violations.

3:14:03

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, 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.

3:14:11 **Case #2008060084 – Michael & Amanda Zaniewski**

Inspector Jefferson submitted a photograph and an Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office. She related the case involved overgrown weeds, junk, trash and debris and an unpermitted fence. Mr. Wixon recommended a 30 day extension, until September 19, 2008, for compliance.

3:14:57

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, 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.

3:15:05 **Case #2008040197 – Silver Shores Holding LLC**

Inspector Carter Solomon submitted photographs and an Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office. She advised the overgrown weeds and junk, trash and debris violation were in compliance, but the house was still not secured. Mr. Wixon recommended a 30 day extension, until September 19, 2008, to allow the Respondent to secure the structure.

3:16:14

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, 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.

3:16:18 **Case #2008060035 – Floyd Ray Taylor**

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office, and noted the property was in foreclosure and she had not heard from the Respondent or the bank. Mr. Wixon recommended a 60 day extension, until September 19, 2008, to resolve the overgrown weeds violation.

3:17:15

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, 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.

3:17:26 **Case #2008040183 – Sandra Wetzler**

Inspector Zedek submitted photographs and a survey into evidence, which are on file in the Commission Office. She advised the Respondent had applied for permits for an addition on the back of her property but there were problems with it running into the easement. Mr. Wixon recommended a 60 day extension, until October 24, 2008, for the Respondent to resolve the issues with IRC Engineering Department.

3:19:11

ON MOTION BY Mr. Zimmermann, 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.

3:19:21 **Case #2008070122 – Odalvis & Odalis Furones**

Inspector Jefferson submitted a photograph and an Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office. She commented this appeared to be an abandoned home that was in foreclosure and involved overgrown weeds. Mr. Wixon recommended a 30 day extension, until September 19, 2008.

3:19:54

ON MOTION BY Mr. Hedin, 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.

3:20:03 **Case #2008070123 – Matthew & Lisa Perakes**

Inspector Jefferson submitted a photograph and an Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office, and described overgrown weeds on the property. Mr. Wixon recommended a 30 day extension, until September 19, 2008.

3:20:42

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 was not present for this hearing.

3:20:53 **Case #2008060031 – Noe & Neptali Cendejas**

Inspector Davis advised this case was in compliance.

3:21:17 **Case #2008060114 – Firefox Properties LLC**

Inspector Davis submitted photographs into evidence, which are on file in the Commission Office. She related the Respondent had incorrectly restriped the parking lot and deleted some of the handicapped spaces. She added there were also illegal signs and minor landscape violations. Mr. DeBlois recommended a 30 day extension, until September 19, 2008, for compliance.

3:22:12

ON MOTION BY Mr. Owens, SECONDED BY Mr. Zimmermann, 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.

3:22:29 **Case #2008060115 – Noe & Esther Larios**

Inspector Davis advised this case was in compliance.

3:23:55 **Case #2008060116 – Ginger Engle**

Inspector Davis confirmed this case had complied.

3:24:05 **Case #2008060117 – Carl Richard Keifner**

Inspector Davis submitted a photograph and an Affidavit of Service dated August 25, 2008 into evidence, which are on file in the Commission Office. Mr. Wixon recommended a 60 day extension, until October 24, 2008, to resolve the junk vehicle and junk, trash and debris violations.

3:24:17

ON MOTION BY Mr. Zimmermann, 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.

3:24:32 **Case 2008060157 – Leal & Lidia Martin**

Inspector Davis submitted a photograph and an Affidavit of Service dated August 25, 2008 into evidence, which are on file in the Commission Office, and related the home was abandoned with overgrown weeds. Mr. Wixon recommended a 30 day extension, until September 19, 2008.

3:25:01

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, 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.

3:25:09 **Case #2008060160 – Barnett Bank of Indian River County**

Inspector Davis submitted a photograph into evidence, which is on file in the Commission Office, and outlined there was an irrigation problem and part of the hedge had died. Mr. Wixon recommended a 30 day extension, until September 19, 2008, to resolve the site plan nonconformance and landscape maintenance violations.

3:25:34

ON MOTION BY Mr. Owens, SECONDED BY Mr. Zimmermann, 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.

3:25:41 **Case #2008070120 – David Unversaw**

Inspector Davis stated this was a case of a commercial vehicle at a residence, adding the overgrown weeds violation was in compliance. She submitted a photograph into evidence, which is on file in the Commission Office.

3:26:38

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to find a violation and grant 30 days, until September 19, 2008, for compliance of the commercial vehicle violation.

3:30:36

ON MOTION BY Mr. Hedin, 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.

3:30:40 **Case #2008070159 – George & Waltermae Dix**

Inspector Jefferson submitted a photograph and an Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office, and stated she had received complaints about a commercial vehicle being parked in the right-of-way. Mr. Wixon recommended a 30 day extension, until September 19, 2008.

3:31:25

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, 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.

3:31:30 **Case #2008070171 – Sixto Alejandro Diaz**

Inspector Jefferson submitted a photograph and Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office, and related the case involved overgrown weeds. Mr. Wixon recommended a 30 day extension, until September 19, 2008.

3:32:14

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, 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.

3:32:19 **Case #2008070216 – Rodolfo Jesus Carrillo Fernandez**

Mr. DeBlois decided to reschedule this case.

3:34:13 **Case #2008070350 – Jesse & Maria Amelia Zuniga**

Attorney Vitunac advised this case should be rescheduled because of an issue regarding service.

3:34:40 **Cases #2008070093 – Gifford Gardens LLC**

Inspector Zedek submitted a photograph and an Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office. She described an unsecured structure and junk, trash and debris on the subject property, and said she had been told by the Respondent's representative it would be taken care of by the end of the week. Mr. Wixon recommended a 30 day extension, until September 19, 2008.

3:35:29

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, 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.

3:35:38 **Case #2008070326 – Woodside Timberlake LLC**

Inspector Clifford advised this case was in compliance but she wanted a Continuing Order on the overgrown weeds violation.

3:36:23

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to enter a Continuing Order on the overgrown weeds.

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

3:36:31 **Case #2008070085 – Esquire Ventures LLC**

Inspector Clifford submitted a photograph into evidence, which is on file in the Commission Office. She stated the Respondent's temporary use permit for its sales office had run out and needed to be renewed. Mr. Wixon recommended a 30 day extension, until September 19, 2008, to either renew the permit or remove the model.

3:37:19

ON MOTION BY Mr. Zimmermann, 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.

3:37:26 **Cass #2008060119 – Nathan & Kristi Shellen**

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office. She stated this was for overgrown weeds and the Respondents had contacted her and promised to mow the yard within the next five days. .

3:38:22

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously to grant a 30 day extension, until September 19, 2008, for compliance.

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

3:38:26 **Case #2008060132 – Marie Dawn Marchiano**

Inspector Carter Solomon submitted photographs and an Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office. She stated the Respondent called and said she would get the weeds mown within the next two weeks. Mr. Wixon recommended a 30 day extension, until September 19, 2008.

3:39:07

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, 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.

3:39:16 **Case #2008070015 – Richard Blanton**

Inspector Carter Solomon submitted photographs and an Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office. She advised the junk, trash and debris violation was in compliance but there were still overgrown weeds in the rear yard. Mr. Wixon recommended a 30 day extension, until September 19, 2008.

3:40:04

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, 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.

3:40:14 **Case #2008070034 – Robert Wallis**

Inspector Carter Solomon submitted photographs and an Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office, and related this was for overgrown weeds and a commercial vehicle at a residence.

3:41:01

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to find the violations and set 30 days, until September 19, 2008, for compliance.

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

3:41:07 **Case #2008070040 – Thomas Hart**

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office. She confirmed the boat/trailer storage and RV illegal use were in compliance; however there was junk, trash and debris on the property and an unpermitted shed. Mr. Wixon recommended a 30 day extension, until September 19, 2008.

easement without a permit, and the Respondent was working with the IRC Engineering Department to resolve the issue. Mr. Wixon recommended a 60 day extension, until October 24, 2008.

3:52:49

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, 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.

3:52:57 **Case #2007100207 - Charles & Beverly Savoree**

Mr. Wixon recapped this case had been before the Board on May 19, 2008, at which time a 90 day extension was granted. Inspector Zedek advised the overgrown weeds violation was in compliance and the only issue remaining was a garage enclosed without permits. She added the property was in foreclosure but a final judgment had not been made.

3:53:43

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to find noncompliance and impose the fine.

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

3:53:52 **Case #2007120088 – Kenny Holmes**

Inspector Zedek noted the junk vehicle and zoning district use violations were in compliance but no permit had been obtained for a garage enclosed without permits. Mr. Wixon summarized the case had first come to the Board on May 19, 2008 when an extension was granted, and he recommended the fine be imposed.

3:54:34

ON MOTION BY Mr. Hedin, 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.

3:54:45 **Case #2008030109 – James & Diane Hersh**

Inspector Carter Solomon recalled this case had been before the Board on June 23, 2008 for an illegal shed, and the Respondents had obtained a permit but had not called for an inspection. Mr. Wixon recommended the fine be imposed.

3:55:36

ON MOTION BY Mr. Hedin, 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.

3:55:38 **Case #2008030107 – Reina Pellicer**

Inspector Davis related the Board initially heard this case in April, 2008 for a home that had burned and been boarded up, but part of the roof was caved in. Mr. DeBlois noted a 60 day extension had been granted after the initial Order and an investigation was being conducted by the insurance company. He recommended an extension of 30 days be granted, until September 19, 2008.

Discussion followed.

4:01:02

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted (4-2) to approve staff's recommendation. Mr. Hedin and Mr. Suthard in opposition.

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

4:01:26 **Case #2008050177 – Jose Sibilly**

Inspector Carter Solomon stated this case was before the Board on July 28, 2008 and the Board had granted a 30 day extension for overgrown weeds. She noted it was a foreclosure with a final judgment given to the Bank of New York in May, 2008, but the weeds had not been mowed. She submitted a photograph into

ON MOTION BY Mr. Hedin, 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.

4:05:06 **Case #2008060021 – Amber Taylor**

Inspector Carter Solomon advised this was a foreclosure with the Bank of New York being the mortgage holder and she had received service from both parties, but had no response from either one. She related a portion of the screen enclosure around the swimming pool had been ripped out, making access possible. Mr. Wixon recommended the Board impose the fine.

4:05:54

ON MOTION BY Mr. Hedin, 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.

4:07:14 **Case #2008040094 – Bryan Baclaski**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office. Mr. Wixon recapped this case had first been before the Board on June 23, 2008 when the Board granted 30 days for the Respondent to restore the burnt structure and obtain all required permits for repairs or remove the structure, with a subsequent 30 day extension being granted. He recommended the fine be imposed and requested a determination be made that the structure was a public nuisance warranting County abatement.

4:0:19

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, 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.

4:09:41 **Case #2008070042 – Laura Michelle Turner**

Board had granted ten days to resolve the pool enclosure violation, and 30 days for junk, trash and debris and overgrown weeds. She confirmed the grass had been mowed but nothing had been done to the pool enclosure and there was still junk, trash and debris in the rear yard. Mr. DeBlois recommended the fine be imposed.

4:14:08

ON MOTION BY Mr. Hedin, 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.

4:14:20 **Case #2008010015 – Kimberly Hubbard**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and reported the overgrown weeds had not been mowed. Mr. Wixon recommended the Board impose the fine.

4:14:42

ON MOTION BY Mr. Hedin, 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.

4:14:51 **Case #2008050158 – Tommy Lee Lewis**

Mr. Wixon recapped this case was before the Board on July 28, 2008 when 30 days was granted for the Respondent to board up the structure, but nothing had been done. He recommended one more 30 day extension, until September 19, 2008, for the Respondent to resolve the structure exterior maintenance violation and the health and safety hazard.

4:16:51

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to find noncompliance and impose the fine.

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

