

04:55:21 **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 #2010120013, #2010120014, #2009120074, #2010110018, #2010110129, #2010110050, #2010120077, #2011010112, #2011020144, #2011020019, #2011020080, #2011020162, #2011030108, 2011020103, #2011030235, #2011030105, #2010110030, and #2011010032 - 30 day extension until June 24, 2011. Cases #2010050020, #2010100153, #2010110128, #2011010082, and #2010120054 - 60 day extension until July 22, 2011. Cases #2011030110, #2011020039, #2011040156, and #2011040090 were rescheduled.

In compliance were Cases #2011020101, #2011020155, #2011020065, #2011030090, #2011030018, #2011030066, #2011030223, #2011010063, #2011040154, #2011040114, #2011040045, #2011030267, #2011030132, #2011040021, #2011040024, #2011040189, #20100060216, #2011010077, #2011020027, #2011030111, #2011030117, #2011040111, #2011010071, #2010080075, and #2010120082.

Mr. DeBlois announced there was one case he was requesting to be heard at the beginning of the meeting due to the need for other County staff to be in attendance to testify. He noted there was also an added Compliance Hearing, #2011020178, which he recommended a 30 day extension, until June 30, 2011. The Lien Release Requests were scheduled for a time certain of 3:00 p.m.

05:06:35

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

Chairman Hedin 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.

05:06:54 **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.

Mr. DeBlois noted this was an Evidentiary Hearing involving a property with a zoning designation of Rose-4 (Residential zoning with a mixed allowance of mobile homes and single family residences). When the Rose-4 district was established in the late 1980's there was an action by the Board of County Commissioners (BCC) to officially recognize, acknowledge, and allow certain existing businesses. This particular property had an existing commercial business that was one of the businesses in the late 1980's that was acknowledged as a grandfathered non-conforming business that was allowed to continue.

The issue brought before the Board concerned an issue of site plan non-conformance of the footprint square footage of an existing warehouse exceeding 3,200 square feet which was a specific limitation when the site plan for this warehouse was approved.

Mr. DeBlois reminded the Board a couple of years ago this case was before the Board on the warehouse of this business and the focus of that action was the development of a mezzanine or second floor of the warehouse. Ultimately the Board decided the mezzanine second floor structure was interior to the warehouse and the volume of the warehouse where the footprint was not expanded, therefore the mezzanine did not exceed the square foot limit of 3,200 square feet. The Board did find there was no building permit issued for the construction of the mezzanine and the Respondent had to obtain an after-the-fact building permit for the mezzanine structure, which they did, and therefore came into compliance.

A new complaint was received that the footprint of the warehouse was now in excess of the 3,200 square feet. Staff investigated that in fact, the warehouse, albeit now with a mezzanine, was bigger than 3,200 square feet. He submitted exhibits into evidence including approved site plans, showing how the determination was made. There were initially three separate buildings on the property but it now appears that additions had been made, without building permits, to combine two of the three buildings into one large structure larger than 3,200 total square feet which was indicated on Exhibit E, the Indian River County Property Appraiser's parcel information, as 4,000 square feet.

Mr. Jose Gaunch, IRC Building Official, testified he had searched for building permits for the subject property and found there was an initial permit for the warehouse in 1991 and a more recent permit for a mezzanine. According to aerials

submitted by Mr. DeBlois, particularly between 1995 and 1998, there appeared to be some modifications to the warehouse and there were no permit records.

Under questioning by Mr. DeBlois, Mr. Gaunch testified during inspections on the mezzanine permit, the inspectors would be limited to looking at the interior of the building and anything related to the mezzanine, as far as stairways, columns, and floor. Most likely the inspector would not be taking note of the measurements of the entire exterior of the building; it would be limited to just the mezzanine.

Mr. Gaunch testified if an after-the-fact permit were to be applied for concerning the additional "gap" structure, it would need to be determined if the "gap" was classified as a residential or commercial portion of the building. In either case there was a separation as far as fire resistant construction required between the actual residence and the parking area and a separation required between the parking area and the remainder of the warehouse. He added typically when additions were made, they would look at current code requirements as opposed to the codes in place when the warehouse was originally constructed.

Attorney Rich Stringer, representative for the Respondent, asked Mr. DeBlois why there was a site plan required for this property. Mr. DeBlois responded any commercial project that is initially built or modified requires site plan approval.

Attorney Stringer asked Mr. DeBlois if in the Rose-4 zoning there were some grandfathered commercial activities with some commercial structures along with residential. Mr. DeBlois responded in the affirmative.

Attorney Stringer asked if someone were to make a modification to their residence would that violate the site plan. Mr. DeBlois responded if the building were a stand-alone residential property with no commercial buildings, it would most likely not violate the site plan. However, if the building was a residence on a site which has commercial buildings and there were plans to expand the residence, then modifications would violate the site plan.

Attorney Stringer asked if in the 1970's there was a carport located on the property. Mr. DeBlois showed the 1984 aerial photo on the overhead projector and indicated there appeared to be either structures or semi-trailers to the north of the existing building, but it was indistinguishable. He found an aerial photograph Mr. Kirrie had submitted to him labeled as "1974 aerial" but it had not been verified.

Discussion was held regarding the complainant, Mr. Fred Mensing, a copy of

the letter received was shown and submitted into evidence. The letter was dated June 5, 2006 which prompted the mezzanine case. Mr. Springer pointed out the letter also listed the complaint about the "gap" connector, indicating the work was ten years old. He questioned why when the initial contact was made with the Respondent concerning the mezzanine case why the "gap" connector issue was not dealt with until 2010. Mr. DeBlois responded the second floor mezzanine addition was evident; at the time of the initial complaint in 2006, the "gap" was being called a breezeway and there was no evidence of a breezeway upon inspection.

Attorney Stringer asked if the reason for today's meeting was for a site plan violation for having a warehouse building in excess of 3,200 square feet. Mr. DeBlois responded in the affirmative.

Chairman Hedin asked Attorney Stringer if the warehouse was 80 ft. x 40 ft. or 100 ft. x 40 ft. Attorney Stringer replied there was a building that was 80 ft. x 40 ft.; one building 80 ft. x 20 ft.; and a third building that was 60 ft. x 30 ft. The buildings were all connected for aesthetic reasons.

Attorney Stringer testified he had only observed the use of recreational vehicle storage in the addition connecting the buildings. He submitted Respondent's Exhibit A into evidence, and Affidavit of Christopher N. Kirrie, stating that in or around 1996 the Respondent constructed over the "gap" areas between the two buildings for aesthetic reasons, having the roof and wall lines integrated into both pre-existing buildings. The "gap" structure was not part of the warehouse building approved under the 1988 BCC action and subsequent site plan, nor had the gap structure ever been used for warehouse operations. The Respondent also stated he utilizes the "gap" structure as a garage/carport for his personal recreational vehicle as shown in the attached submitted photographs, noting the structure had mostly been empty since the 2004 hurricanes due to a persistent roof leak.

Chairman Hedin asked Bob Keating, IRC Community Development Director, if the Building Department always looked at the slab of a building to confirm measurements; not uses of the building, or interior walls, but the actual slab of the building. Mr. Keating responded what is looked at during inspections was if what was built, and on the ground conforms to what the plans indicate.

Mr. DeBlois pointed out one of the problems was there were never any permits or plans submitted for that addition to the warehouse so there were no inspections made to determine whether or not the warehouse was continued.

Mr. Suthard opined no determination could be made until an actual permit application was received with a site plan for the review and approval process.

Attorney Stringer stated he agreed that at the minimum the Respondent should be charged with constructing without a building permit and at most, building without an approved site plan but he did not violate the 1988 site plan by having more than 3,200 square feet. He submitted photographs and tried to show there were no doorways connecting the three separate sections of the building.

Mr. DeBlois recommended the Board find there was site plan non-conformance and grant the Respondent 90 days, until August 19, 2011, to obtain after-the-fact permitting with site plan administrative approval for the additions.

06:25:24

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

The Respondent's representative was present for this hearing.

LIEN RELEASE REQUESTS

06:28:02 **Case #2009060074 – HSBC Bank USA, NA (TRS)**

Mr. DeBlois related this case involved an overgrown weeds violation with a fine imposed October 24, 2009. Recently staff was contacted to review the property to verify compliance had been achieved. Staff did in fact verify the property as of March 23, 2011 had come into compliance.

Ms. Rose Jefferson, IRC Code Enforcement Officer, testified she was at the site on March 23, 2011 and observed the property had been mowed.

Mr. DeBlois stated there were 515 days of noncompliance and with a flat fine accrual the fine would be \$51,500.

Ms. Sue King, Title Agent for Bank of New York, related the bank had not taken Certificate of Title until February 21, 2011 and sometime between then and March 23, 2011 the property had been brought into compliance but she had been unable to receive confirmation from the listing agent. She requested the fine be reduced as it was a bank owned foreclosure with an amount owed of \$137,000 and

was going to be sold for \$34,200.

Chairman Hedin expressed frustration that the house sat for 515 days with overgrown weeds. Mr. Zimmermann added his frustration came with the bank, even though they did not yet have the Certificate of Title, had not taken the initiative to go in mow the yard until they had a chance to sell the property.

Mr. DeBlois stated he could support reducing the fine to 10-percent of the sale price, \$3,400.

06:36:35

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the members voted (4-2) to reduce the fine to \$3,400. Chairman Hedin and Mr. Suthard opposed.

The bank representative was present for this hearing.

06:37:29 **Case #2011010028 – Christina O’Keefe**

Mr. DeBlois recapped this case originally came to the Board January 24, 2011 and involved violations of overgrown weeds; accumulation of junk, trash, and debris; and an unsecured vacant structure. When the case came back for a Compliance Hearing February 28, 2011, staff testified the property was still overgrown; there were still some yard debris and an unsecured structure so a fine was imposed. Recently staff was contacted and upon inspection, the property was found to be in compliance as of March 21, 2011. This amounted to 23 days, or \$2,300 and staff would support setting the fine at \$2,300.

06:39:11

ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to set the fine at \$2,300.

The Respondent was not present for this hearing.

06:39:21 **Case #2009100083 – Mark D. & Helen K. Enstrom**

Mr. DeBlois explained this property involved overgrown weeds and on December 29, 2009 the fine was imposed as the weeds had not been mowed. Compliance was confirmed on March 26, 2011. The total days of noncompliance

were 452 with a flat fine of \$45,200.

Ms. Christina Ripple, representing Billero & Billero Realtors, stated the foreclosure sale date of the property was March 16, 2011 and the property was cleaned up by March 26, 2011. The home was currently under contract for \$29,900.

Mr. DeBlois stated staff would support setting the fine at \$2,900.

06:44:10

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the members voted (4-2) to set the fine at \$2,900. Chairman Hedin and Mr. Petrulak opposed.

The realtor representative was present for this hearing.

06:44:40 **Case #2009070145 – Rickwood W. & Rita P. Samson**

Mr. DeBlois recapped this case involved an overgrown weeds violation that had a fine imposed on December 29, 2009. Staff verified compliance had been achieved as of March 13, 2010 with 74 days of non-compliance totaling \$7,400.

Ms. Georgann Schreiber, Dale Sorenson Realty, stated this property was not in foreclosure. Rita Samson, the owner of the house passed away and the bank at that time, Guarantee Bank, was bought out by another bank and then it took awhile for the paperwork regarding the Code violations to be passed on and finally reviewed. The new bank did not get the paperwork until mid-February and the property was brought into compliance within 13 days.

Inspector Jefferson testified she had spoke with Ms. Samson's son who lived up north and provided him with a list of landscapers in early 2010 and that was how the yard was finally brought into compliance. She visited the site again this week and it was overgrown.

Ms. Schreiber stated the house was sold to someone else and the money was escrowed for the fine. She asked for a reduction in the fine.

Mr. DeBlois stated staff could support a fine of \$1,800.

06:50:41

ON MOTION BY Mr. Zimmermann, SECOND BY Mr.

Petrulak, the members voted unanimously (6-0) to set the fine at \$1,800.

The realtor representative was present for this hearing.

06:51:23 **Case #2007100188 – Elroy & Kristan Thiel**

Mr. DeBlois recapped this case involved an overgrown weed violation with the fine imposed effective April 26, 2008.

Inspector Jefferson submitted photographs into evidence and stated the overall property had been mowed except for in the swale so depending on how the Board wanted to judge the case, compliance could be considered achieved as of today even though the swale was still not mowed.

Ms. Luciana Ugarte, of Shapiro & Fishman Attorneys, stated her firm was representing Chase Home Finance and the foreclosure action for this property was handled by a previous law firm and they did not handle the code violation at all. The client was not notified of the code violation when the property was taken over by the bank in November 2009 and when they received the Certificate of Title and found the violation, they cured the violation within five days. She was not aware of if the property was currently under contract for sale or the price.

Mr. DeBlois stated the property appeared to be in compliance and the case had been on the agenda several times but staff had trouble lining up a representative to be present so it had to be rescheduled. He also felt the most recent owner that acquired the property in 2009 thought they were in compliance when the property was mowed. He suggested setting the fine at \$1,800 for administrative costs.

06:59:44

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the members voted unanimously (4-2) to set the fine at \$1,800. Chairman Hedin and Mr. Suthard opposed.

The law firm representing this property was present for this hearing.

Ms. Elizabeth Jackson testified the original foreclosure on her parent's property began November 13, 2007 and has been dragging on for over four years. She had been out of town for several months recovering from an illness and dealing with the grief over the death of her husband. She continued she had been fighting a legal battle with Nationstar Mortgage for four years and there was no reason why the foreclosure should not have been completed. There was over \$100,000 in insurance money in escrow and six months ago the bank had an appraisal done on the property.

Mr. DeBlois explained while he understood the frustration expressed by Ms. Jackson, there was a public nuisance and serious threat to health and safety specific to the pool cover condition and accessibility due to a portion of unfenced yard. He recommended the Board find the pool as a public nuisance and a health and safety hazard warranting county abatement and in turn go to the BCC for mobilization to correct the immediate health and safety issue. The costs for such action would be assessed against the property as a lien on top of the current accruing fine.

07:19:22

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to approve staff's recommendation and allow a 30 day delay, until June 24, 2011, to allow the Respondent or the bank to clear the issues first.

The Respondent was present for this hearing.

07:22:24 **Case #2011030236 – Maria Kovachev**

Mr. DeBlois related this case had to do with issues involving swimming pool maintenance; junk, trash, and debris; and an unsecured vacant structure.

Inspector Solomon testified the unsecured vacant structure violation had been complied with; the back yard was fenced on all sides but the swimming pool was not being maintained; there was a television left in the front of the house and some miscellaneous trash and yard debris on the property. She spoke with the Respondent in April, 2011 because the property was set for sale as it was in foreclosure. That sale fell through so the case was now on the agenda as an Evidentiary hearing. She added the house has again been scheduled for sale on May 25, 2011; but that was not certain.

07:38:13

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

The Respondent was present for this hearing.

07:39:47 **Case #2011040065 – David G. Conran**

Mr. DeBlois noted this case was noticed as a Repeat Violation and involved junk vehicle violations and junk, trash and debris. The case came before the Board previously for the same issues on the same property in September, 2008 at which time the Board entered an order for junk vehicles and junk, trash, and debris violations. The property did come into compliance at that time but there was now a recurrence.

Inspector Solomon testified while investigating some other complaints in the area, she observed the Respondent had started to bring in vehicles again; some of them were wrecked, some without tags, and there was miscellaneous trash around the property. The Respondent called her last week and said he was in the process of moving out some of the vehicles but he said if he did not get it completed by today he would be requesting some extra time to move the vehicles out and clean up the property.

Inspector Solomon submitted photographs into evidence and stated there had been some progress made by the Respondent in removing the vehicles but there were still more to be removed.

Mr. David Conran stated he did not realize there was a repeat violation because he thought he had cleared the original violation. When he returned from being out of town he saw the posting and began clearing the property immediately. He had recently had open heart surgery and asked for a couple of weeks to have the remaining vehicles removed.

Mr. DeBlois asked for a violation to be found and the Respondent had been responsive once notified, so staff would recommend granting 30 days, until June 24, 2011 to finalize the cleanup.

07:43:27

ON MOTION BY Mr. Suthard, SECONDED by Mr.

The Respondent was not present for this hearing.

07:46:31 **Case #2011030222 – Walmart Stores East LP**

Ms. Betty Davis, IRC Code Enforcement Officer, testified this was a landscape maintenance violation and a site plan nonconformance violation. She submitted photographs into evidence and pointed out the dead trees and bushes, improper plantings, and the excessive garbage throughout the site. The representatives of the business had asked for 30 days, until June 24, 2011 to bring the property into compliance.

07:47:48

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve granting 30 days, until June 24, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

07:47:59 **Case #2011030187 – Walter & Ruth Davison**

Inspector Jefferson recapped this property was posted for an overgrown weeds violation. She recommended granting 30 days, June 24, 2011, to bring the property into compliance.

07:48:59

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

The Respondent was not present for this hearing.

07:49:07 **Case #2011030201 – Luis R. Mercado**

Inspector Jefferson submitted photographs into evidence and related the case involved an overgrown weeds violation. She had not been able to contact the Respondent and posted the property. Staff recommended granting 30 days, until June 24, 2011, to allow the Respondent or the realtor overseeing the property, to

Inspector Solomon related this property was posted after attempts to contact with the Respondent were unsuccessful. Service was received on Chase Home Finance. The cited violation was a swimming pool maintenance violation. The home had been in foreclosure for a long time. Staff recommended granting 30 days, until June 24, 2011, to bring the property into compliance.

07:52:47

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

The Respondent was not present for this hearing.

07:52:58 **Case #2011040113 – JHC LLC**

Inspector Solomon testified this case involved a vacant residence with an overgrown weeds violation. The house was not in foreclosure but had been vacant for a long time. Staff recommended granting 30 days, until June 24, 2011, for the violation to be resolved.

07:53:32

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

The Respondent was not present for this hearing.

07:53:45 **Case #2011040031 – Brian, Harry, Barbara and Elaine Dale**

Inspector Solomon related this complaint came through the IRC Building Department during routine inspections. On this property a garage was enclosed and made into a living area. A walkway was also poured with concrete and no permits were pulled. Staff recommended granting 60 days, until July 22, 2011, to allow the Respondents to apply for after-the-fact permits.

07:55:07

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve

staff's recommendation.

The Respondent was not present for this hearing.

07:56:08 **Case #2011040037 – Elisha C. Lofton, Jr.**

Ms. Kelly Buck, IRC Code Enforcement Officer, recapped this case involved large accumulations of junk, trash, and debris. The Respondent had made an attempt to clean up the property and staff would recommend granting 30 days, until June 24, 2011, to allow the Respondent to bring the property into compliance.

07:57:18

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

The Respondent was not present for this hearing.

07:57:36 **Case #2011030250 – James J. Bradley, Jr.**

Inspector Buck testified this case came from a neighbor complaining of the Respondent having multiple commercial vehicles and employees at his residence. She did observe 5 to 10 personal vehicles on the site when she has inspected the property. She submitted photographs into evidence showing untagged commercial vehicles. The Respondent had been cited for not having a Home Occupation Permit to operate the business from his property.

Mr. DeBlois related the Respondent was allowed to have a certain level of home business, however, some of the limitations were in an agriculturally zoned area which this is, they were allowed to have one commercial vehicle beyond what is allowed in a residential area, but they appeared to be beyond that. There was also the issue of what appeared to be employees using the property as a home base. There were issues of a zoning use, a commercial business on agriculturally zoned property, home occupation going beyond the limits of a Home Occupation Permit, and commercial vehicles beyond the allowance. The remedy would be for the Respondent to obtain a Home Occupation Permit, but they would have to have no more than one commercial vehicle on the property to meet the requirements. If that were to take place, the zoning district use violation would also be resolved. Staff recommended allowing 30 days, until June 24, 2011, to bring the property into compliance.

08:00:33

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

The Respondent was not present for this hearing.

08:01:02 **Case #2011030183 – Paradise Central Corp.**

Inspector Davis recapped this case involved a Mobil station with site plan nonconformance and landscape maintenance violations. She submitted photographs into evidence and stated the Respondent reported he would have the violations cleared by planting hedges and a tree within 30 days.

8:01:29

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant the Respondent 30 days, until June 24, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

08:01:41 **Case #2011030205 – William D. Lain (TR)**

Inspector Davis testified this was Royal Oak Mobile Home Park with complaints of residents with junk vehicle violations, and junk, trash and debris. The Respondent stated he could have the violations cleared within 30 days, by June 24, 2011.

08:02:49

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant 30 days, until June 24, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

08:03:02 **Case #2011030210 – Trust of Peter & Christia Funston (Dec).
(Calico Corners)**

Inspector Davis related this case involved the Calico Corners business with landscape and site plan nonconformance violations due to irrigation issues. The Respondent was in the process of having the irrigation system repaired and they were replacing several hedges on both ends of the property. She submitted photographs into evidence and recommended granting 30 days, until June 24, 2011, to bring the property into compliance.

08:03:47

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

The Respondent was not present for this hearing.

08:04:04 **Case #2011040023 – Cleatus Heavrin & Veda Seibert**

Inspector Davis testified the Respondent had a leak around a window in her mobile home addition and a neighbor turned her in for doing work without a permit. The Respondent has applied for an after-the-fact permit and has requested 30 days, until June 24, 2011.

08:05:20

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

The Respondent was not present for this hearing.

08:05:20 **Case #2011040084 – NAP Indian River II, LLC – (CVS Pharmacy)**

Inspector Davis related this was a CVS Pharmacy with landscape and site plan violations due to irrigation issues. She submitted photographs into evidence and explained the Property Owner's Association takes care of the perimeter property around the three parcels located in this shopping center and CVS takes care of their landscaping around the building. This particular case involved just CVS Pharmacy. Staff recommended granting 30 days, until June 24, 2011, to bring the property into

08:10:54

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

The Respondent was not present for this hearing.

08:11:04 **Case #2011030074 – CRF Panther IX LLC**

Inspector Davis recapped this case involved the Century Town Shopping Center behind the Olive Garden Restaurant. The violations involved landscape and site plan nonconformance violations due to landscaping that had died because of irrigation issues. She submitted photographs into evidence and recommended granting 60 days, until July 22, 2011, to allow the Respondent to bring the property into compliance.

08:12:28

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

The Respondent was not present for this hearing.

COMPLIANCE HEARINGS

08:12:42 **Case #2011010064 – Cecial Dale Clark**

Inspector Buck recapped this case involved an abandoned, unsecured vacant structure with overgrown weeds, junk, trash and debris. The Respondent at the Evidentiary Hearing had asked for time to allow him to work with his nephew to repair the house but no work had been done.

08:13:17

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

08:25:10 **Case #2011010114 – Gifford Gardens, LLC**

Inspector Buck testified this property involved a shed that was torn down and left on the property. She had no contact with the Respondent.

08:25:52

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

The Respondent was not present for this hearing.

08:26:02 **Case #2011030126 – George & Ruth Fogarty**

Inspector Solomon related this was a vacant residence with violations of junk, trash, and debris; overgrown weeds; and an unsecured vacant structure. When she inspected the property this morning, there had been no attempts taken to bring the property into compliance. Staff recommended the fine be imposed.

08:27:01

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

The Respondent was not present for this hearing.

08:27:22 **Case #2011030134 – Fogarty Enterprises, Inc.**

Inspector Solomon testified this was a vacant residence with an overgrown weeds violation. The property had still not been mowed and staff recommended the fine be imposed.

08:28:05

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

The Respondent was not present for this hearing.

08:29:10 **Case #2011030085 – Mary Rice**

The Respondent was not present for this hearing.

Authorization for Notices to Appear

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to authorize the Notices to Appear for cases leading up to the June 27, 2011 meeting.

There being no further business, the meeting was adjourned at 5:08 p.m.