

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 22, 2011 at 1:30 p.m.

Present were Chairman **Keith Hedin**, Businessman Appointee; Vice Chairman **Joe Petrulak**, Subcontractor Appointee; **Karl Zimmermann**, Realtor Appointee; **Joe Garone**, General Contractor Appointee, **Cliff Suthard**, Member-at-Large Appointee and **John Owens**, (arrived at 1:40 p.m.) Engineer Appointee.

Let the record show there is a vacancy for an Architect Appointee.

Also in attendance was IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Betty Davis, Vanessa Carter Solomon, Rose Jefferson and Kelly Buck, Code Enforcement Officers. Attorney David Hancock, Attorney for the Board; and Darcy Vasilas, Commissioner Assistant District 3, Recording Secretary.

11:34:06 **Call to Order**

Chairman Hedin called the meeting to order and led all in the Pledge of Allegiance. The secretary called the roll, establishing that a quorum was present.

11:35:00 **Approval of Minutes of July 25, 2011**

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve the minutes of July 25, 2011 as presented.

11:35:16 **Attorney's Overview of Board Purpose and Procedures**

Attorney David Hancock, Attorney for the Board, gave a brief overview of the procedures and purpose of the Code Enforcement Board.

Mr. Owens arrived at 1:40 p.m.

11:43:10 **Agenda Additions or Deletions, Consent Items**

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief,
CEB- Approved 1 August 22, 2011
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reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda. Cases #2011030053, #2010020075, #2010120013, #2010120014, #2010110050, #2011050023, #2011030142, #2011050034, #2011050207, #2011050062, and #2011050259 - 30 day extension until September 23, 2011. Cases #2010110014, #2011010031, #2010040126, #2011040199, and #2010100153 - 60 day extension until October 21, 2011. Cases #2011030001, #2011060077, #2011050196, #2011040210, and #2011060238 were rescheduled.

In compliance were Cases #2011050105, #2011060147, #2011060148, #2011060149, #2011060152, #2011060060, #2011060178, #2011060078, #2011060061, #2011070031, #2011060208, #2011060216, #2011070099, #2011070149, #2011070158, #2011060215, #2011060232, #2011060233, #2011070090, #2011020089, #2011020019, #2011030210, #2011040145, #2011040180, #2011050004, #2011060045, #2011060105, #2011030054, and #2011050109.

Mr. DeBlois announced there were two Lien Release Requests which he recommended be heard at a time certain of 2:30 p.m. He also reported at the last Board of County Commission meeting on August 16, 2011, Respondent Susan Krol, Case #2010090085, went before the Board to request a reduction in her Code Board imposed fine. He will update the members on the outcome of her request later in the meeting.

11:51:49

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

11:52:12 **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.

EVIDENTIARY HEARINGS

11:53:26 **Case #2011020100 – Andrew J. Ekonomou**

Mr. DeBlois recapped this case involved an illegal vehicle parking in the right-of-way; junk vehicle violation; an illegal structure in the County right-of-way (a

dumpster); and a use established without site plan approval.

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, testified this particular site has an approved site plan from 1978 and under that approved site plan, there was an air conditioner repair business. The current tenant repairs patio furniture and there is not enough room on site to store everything they were working on so they are using the entire site for outside storage. She did mention the junk vehicle violation had been resolved as well as the illegal vehicle parking in the right-of-way. The remaining issues were the dumpster in the right-of-way and the use established without site plan approval, the outside storage.

Inspector Solomon stated she spoke with the Respondent a couple of months ago regarding modifying the site plan to allow some of the outside storage. To date, there has been no submittal of a revised site plan and the outside storage was the same as when they were initially cited. Two photographs and a site plan dated 1978 were submitted into evidence.

Mr. DeBlois reported staff recommended granting the Respondent 90 days, until November 25, 2011, to resolve the remaining issues which would be to either comply with the current approved site plan or to apply for and obtain modification to the site plan which would allow outdoor storage and to address the location of the dumpster.

Mr. Ben Pace, tenant of the property, related he spent most of the morning pouring a concrete slab to move the dumpster out of the right-of-way to inside the gate and he could not justify \$200 to submit a site plan change that may or may not occur.

Mr. DeBlois asked Mr. Pace if he had obtained a permit for the concrete slab. Mr. Pace responded he had not because it was less than 10-foot by 10-foot so no permit was necessary.

Mr. DeBlois asked if the slab was poured in the same location indicated on the existing site plan. Mr. Pace replied it was not and felt it was impractical to have anything on the location depicted on the site plan.

Inspector Solomon explained even if the location of the dumpster was changed, it would require administrative approval so he couldn't just pour a slab without prior approval to change the location of the dumpster. She recommended Mr. Pace meeting with the staff in IRC Planning to see if approval could be obtained.

Mr. DeBlois reiterated his recommendation of granting 90 days, until November 25, 2011 to allow Mr. Pace to resolve the remaining issues. If Mr. Pace chose not to comply with the current approved site plan or apply for and obtain modification to the site plan, after the 90 days a \$100 per day fine would be imposed.

12:02:44

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to grant 90 days, until November 25, 2011, to bring the property into compliance.

The Respondent's tenant was present for this hearing.

12:03:45 **Case #2011050226 – Kimchi Hoang**

Mr. DeBlois related a Notice of Hearing was sent to the owner of the property by certified mail on July 14, 2011 and was subsequently returned as unclaimed or refused. An Affidavit of Service was submitted into evidence which was posted on the property and at the entrance of the Indian River County Administration Building on August 12, 2011 for a violation of constructing a fence without a permit.

Ms. Rose Jefferson, IRC Code Enforcement Officer testified she spoke with the Respondent about a month ago and she was unaware her tenant had installed a fence. The Respondent was to get with her tenant to either obtain a permit for the fence or remove the fence. She submitted two photographs into evidence and explained she had been unable to find any indication of a permit being pulled for the fence.

Mr. DeBlois stated based on the evidence provided, there was a fence erected without a required County permit. Staff recommended the tenant be granted 30 days, until September 23, 2011, to resolve the issue by obtaining an after-the-fact permit.

Mr. Jody Amacher, tenant of the subject property agreed to obtain the after-the-fact fence permit.

12:09:36

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

30 days, until September 23, 2011 to obtain an after-the-fact fence permit.

The Respondent's tenant was present for this hearing.

12:10:30 **Case #2011070074 – Diane & John Tomaszewicz**

Mr. DeBlois recapped a Notice of Hearing was issued to the Respondent relating to the installation of a fence without a permit.

Inspector Solomon testified several complaints from neighbors had been received about a fence that had been put up. She showed pictures provided by the Respondent which showed fence sections that were installed for privacy and landscape.

Mr. Tomaszewicz stated on August 11, 2011, they went to the IRC Planner of the Day and were told the fence panels were a landscape feature and a permit was not necessary.

Mr. DeBlois stated since the Respondents came to the County and spoke with the Planner of the Day and were told the fence panels were considered a landscape feature, he was not comfortable making a determination at this time. He asked to withdraw the case and reschedule to verify with IRC Planning staff in order to provide a consistent ruling on whether the structure was considered a fence or a landscape feature.

12:18:24

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to table this case.

The Respondents were present for this hearing.

12:20:12 **Case #2011070080 – Angela & Brian Mull**

Mr. DeBlois recapped this case related to junk, trash, and debris, and health and safety hazard/public nuisance.

Inspector Solomon testified the residence has been vacant for quite awhile and the bank has been maintaining the property. However, there is a tree that is

dead and the branches break off and fly all over the yard so the lawn maintenance company just stacks them up under the tree. The neighbors were concerned about the branches becoming flying missiles during any type of wind event. She submitted two photographs into evidence along with an Affidavit of Service dated August 11, 2011.

Mr. DeBlois stated although staff acknowledges the property was in foreclosure and the bank was not currently the owner, the bank was sent notice of this issue. Staff recommended the issue be resolved by removing the dead hazardous tree within a 30 day timeframe, by September 23, 2011.

Attorney Frank Albear, representing the firm of Marshall Watson, stated they had an interest in the property as they were a first mortgage holder and the foreclosure had not ended and they did not have a Certificate of Title. He said he would try to do what needed to be done to have the tree removed.

12:24:39

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011 to have the hazardous tree removed.

The first mortgage holder representative was present for this hearing.

LIEN RELEASE REQUESTS

12:27:51 **Case #2011010064 – Cecial Dale Clark**

Mr. DeBlois explained this relates to a lien and a fine that was imposed by the Board which began May 21, 2011 and the property is now currently in compliance. This case initially came before the Board at an Evidentiary Hearing on February 28, 2011. The Respondent was present for the hearing and the Board found violations of overgrown weeds, unsecured vacant structure and debris around the structure. The Respondent was given until May 20, 2011 to resolve the issues by mowing and maintaining the weeds and also to secure the openings of the structure and resolve the accumulation of debris.

Mr. DeBlois continued on May 23, 2011 at the Compliance Hearing, staff reported the issues had not been resolved and as a result the Board entered a fine of \$100 per day with a start date of May 21, 2011.

Ms. Kelly Buck, IRC Code Enforcement Officer, testified she went to the site this morning and it was currently in compliance. On July 11, 2011, she was in the area working on other properties and she noticed the property had been mowed, the building was secured and all the debris was removed. She submitted four photographs into evidence.

Mr. DeBlois asked Inspector Buck if the Respondent had contacted her to let her know when the property was brought into compliance. She responded he had not.

Mr. DeBlois calculated approximately 50 days had passed until July 11, 2011 with the property in noncompliance based on a flat fine of \$100 per day which totaled \$5,000.

Mr. Cecial Clark testified he lived in Orlando and came down on the weekends to clear the property. He opined it was a couple of weekends after the May 21, 2011 fine date that he completed the work.

Inspector Buck said one of the four pictures she submitted into evidence was dated June 29, 2011 which showed a dumpster filled with debris from where the roof had been removed from the house.

Mr. Petrulak asked the Respondent if he had started working on the property before the May 21, 2011 fine date. He replied he had to obtain financing first and had started to clear the debris.

Inspector Buck testified she had visited the site before the May 23, 2011 meeting and the property was in the same condition as it was when the Respondent was first cited.

Mr. Suthard felt the Respondent had made an effort and had good intentions. He recommended just setting the fine for administrative costs only.

Mr. DeBlois interjected since there were no extensions granted in this case, he would support \$1,500 for administrative costs.

12:37:18

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted (5-1) to set the fine at

\$1,500 for administrative costs. Chairman Hedin opposed.

The Respondent was present for this hearing.

12:40:51 **Case #2010060023 – John Lloyd Builders, Inc.**

Mr. DeBlois stated he had been contacted by a bank representative to have a Lien Release Request for this case but there was no one present. He explained this case originally came before the Board in July, 2010 for a residential property with an overgrown weeds violation. The Board granted until September 24, 2010 for the weeds to be cut. At the September 27, 2010 Compliance Hearing the weeds had not been resolved and the fine was imposed of \$100 per day beginning September 25, 2010. The bank representative had sent him a copy of the Certificate of Title showing possession effective March 31, 2011. The property was mowed, and had continued to be mowed, since that date.

Inspector Solomon testified the property was currently being maintained. She stated it was correct the bank had obtained possession of the property March 31, 2011, but she was still receiving calls from neighbors in May, 2011 because the property still had not been mowed.

Mr. DeBlois opined based on Inspector Solomon's testimony, he would recommend setting the fine at \$2,500.

12:45:27

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted (4-2) to approve staff's recommendation of setting the fine at \$2,500. Mr. Petrulak and Mr. Suthard opposed.

The Respondent was not present for this hearing.

Chairman Hedin called for a break at 2:43 p.m. and the meeting resumed at 2:54 p.m.

EVIDENTIARY HEARINGS

12:46:30 **Case #2011050078 – Shari Phillips**

Inspector Jefferson related this property was posted on August 12, 2011 and service on the bank was on July 15, 2011 with the cited violations of health and safety hazard/public nuisance due to an unsecured structure and overgrown weeds. Four photographs and an Affidavit of Service were submitted into evidence. She noted there had been no contact from the bank. Staff recommended granting 30 days, until September 23, 2011 to resolve the violations.

12:48:10

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

12:48:18 **Case #2011050026 – Robert & Gladys Jean Williams**

Mr. DeBlois recapped this was a residentially zoned property with two issues; structures built without permits and construction in the right-of-way. The property had received approvals for a daycare and while the Respondents had gone through the process to put a portion of the driveway in the right-of-way they never pulled the building permit for the driveway.

Inspector Jefferson testified Mr. Williams was in the IRC Building Department this morning where he was trying to obtain permits and a final inspection for the driveway that was poured. She submitted two photographs and a letter dated August 25, 2010 from Stan Boling, IRC Planning Director concerning the Special Exception Approval, into evidence

Mr. DeBlois recommended the issue was just the building permit for the driveway and the Respondents should be granted 30 days, until September 23, 2011 to resolve that issue.

12:50:30

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011 to obtain the permit and final inspections for the existing driveway.

The Respondent was not present for this hearing.

21:50:38 **Case #2011060160 – CVS EGL 7894 FL, LLC**

Ms. Betty Davis, IRC Code Enforcement Officer, testified this CVS Pharmacy was located in Wabasso. Their irrigation system seized and they have not been able to irrigate their landscape. Service was received on this case on August 11, 2011 and seven photographs were submitted into evidence.

Inspector Davis also noted in addition to the landscape violations, there were signs placed on the property that were site plan noncompliance violations. She recommended granting 60 days, until October 21, 2011 to bring the property into compliance.

12:52:00

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to grant 60 days, until October 21, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

12:52:24 **Case #2011040010 – Tanglewood Village Co-op**

Mr. DeBlois recapped this case had to do with a deck that was built onto the clubhouse without permits.

Inspector Jefferson testified she received service on August 1, 2011. She spoke with the property manager and they requested 30 days, until September 23, 2011, to obtain an after-the-fact permit and inspections. Two photographs were submitted into evidence.

12:53:31

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011 to obtain an after-the-fact permit and final inspection for the deck.

The Respondent was not present for this hearing.

12:53:40 **Case #2011040107 – Creative Choice Homes XVI, LTD. (Preserve at Oslo)**

Mr. DeBlois reported this was a violation of landscape maintenance.

Inspector Jefferson testified she had service on July 14, 2011 to Creative Choice Homes and July 31, 2011 to the Preserve at Oslo. She spoke with the property manager regarding the dead and missing landscape and submitted two photographs and a landscape plan into evidence. Staff recommended granting 60 days, until October 21, 2011 to resolve the landscape violations.

12:26:20

ON MOTION BY Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to grant 60 days, until October 21, 2011 to resolve the landscape violations.

The Respondent was not present for this hearing.

12:56:26 **Case #2011060074 - US Bank National Association (TRS)**

Inspector Solomon received service on this property August 11, 2011. It was a vacant home with cited violations of overgrown weeds and swimming pool maintenance. In June, 2011, when the property was initially cited, she received a call from a realtor representing the bank stating they were in the process of evicting the previous homeowners and they would resolve the violations shortly.

Inspector Solomon confirmed the property was vacant and the bank had not done anything to clear the violations. She submitted three photographs into evidence. The pool was enclosed and secured but dirty and the weeds were extremely high. Staff recommended granting 30 days, until September 23, 2011 for the cited violations to be corrected.

12:58:03

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011 for the cited violations to be cleared.

The Respondent was not present for this hearing.

12:58:11 **Case #2011060051 – Kevan Chisholm**

Inspector Solomon testified she received service on this property on August 10, 2011 with a cited violation of overgrown weeds. Staff is acknowledging the property is now in compliance, however, they requested a Continuing Order because the Respondent only mows the property when a letter is sent once the grass is well over six inches in height and the neighbors complain.

12:59:04

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation to find the property currently in compliance but to impose a Continuing Order on the property.

The Respondent was not present for this hearing.

12:59:27 **Case #2011070012 – John & Alice Smith**

Inspector Jefferson related this property had a cited violation of overgrown weeds and submitted two photographs into evidence along with Affidavit of Service dated August 12, 2011 for when the property was posted. There had been no service to the property owner. Staff recommended granting 30 days, until September 23, 2011 to resolve the overgrown weeds violation.

01:01:02

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011 to resolve the overgrown weeds violation.

The Respondent was not present for this hearing.

01:01:17 **Case #2011050097 – Mattie C. Singleton**

Inspector Buck testified she received service on this property on August 16, 2011 on Valerie Andrews who is the Respondent's granddaughter and Power of Attorney. The violations are structures built with no building permits; recreational

vehicle illegal use; commercial vehicles at residence location; junk vehicle violation; junk, trash, and debris; non-commercial kennel or animal boarding violation; and recreational vehicle storage violation.

Inspector Buck submitted eight photographs into evidence that were taken May 12, 2011. There were two recreational vehicles on the subject property that appeared to have individuals living in them and an accumulation of junk, trash, and debris. A kennel on the site had seven dogs and there was a large structure built that served as a screened patio barbeque area. There was a temporary power pole to which the two trailers were attached.

When Inspector Buck visited the property on June 9, 2011, a fence had been erected along the back of the property so it could no longer be accessed. Ms. Andrews had stated the number of dogs had been reduced to four; the large screened patio barbeque area had been removed; the trash had been cleared from the property; one of the recreational vehicles was gone; the commercial vehicle was removed and she had pulled a fence permit on July 20, 2011. Inspections from Florida Power & Light for the temporary power pole were scheduled and once that was completed she will call Inspector Buck who will coordinate with the Building Department for a follow-up inspection. Staff recommended granting 60 days, until October 21, 2011 for compliance.

Attorney Hancock questioned the date of service, August 16, 2011. Inspector Buck noted there were previous dates of service for the same violations on July 21, 2011, and the Notice of Code Violation was served on May 10, 2011.

01:06:15

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to grant 60 days, until October 21, 2011, to bring the property into compliance.

The Respondent was not present for this hearing.

01:06:24 **Case #2011050047 – Kenneth Holmes**

Inspector Buck testified she posted this property on August 9, 2011 and received service on the Respondent on August 11, 2011. The violations were no building permit for a shed on the property; boat/trailer storage violation; and a zoning district use violation.

Mr. DeBlois interjected this case was tabled from the July 25, 2011 Code Enforcement Board meeting because of the inability to determine if the boat/trailer storage and shed were located on the subject property or on the adjacent property. At this point, staff has determined the shed and the boat were being stored accessory to this subject property.

Inspector Buck submitted a photograph into evidence and an Affidavit of Service dated August 12, 2011. The photograph shows the shed and two trailers. She spoke with the tenant, Mr. K.D. Smith, who said he would be pulling a permit for the shed as soon as the Respondent returned to town to sign the permit application. The tenant was informed he would need to remove the two trailers and he indicated he would take care of that issue. Staff recommended granting 60 days, until October 21, 2011 to bring the property into compliance.

01:08:39

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant 60 days, until October 21, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

01:08:42 **Case #2011070162 – Thomas Lumpkin, Jr. & Thomas Lumpkins**

Inspector Buck related this property was a vacant structure and was posted on August 9, 2011. Two photographs and an Affidavit of Service were submitted into evidence with a violation of overgrown weeds. Staff recommended granting 30 days, until September 23, 2011 for compliance.

01:09:25

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011 for compliance.

The Respondent was not present for this hearing.

01:09:35 **Case #2011070089 – Carlos O. & Magda A. Sandoval**

Inspector Solomon testified this property was posted on August 11, 2011 after

attempts at certified and first class mail were unsuccessful. Service was received from U.S. Bank on August 11, 2011. This is a vacant residence with violations of overgrown weeds; junk, trash, and debris; and a health and safety hazard due to a large dead tree in the front yard. The home has been in foreclosure for quite awhile. There is a final judgment; however, the sale keeps being cancelled. At one point the bank was maintaining the yard, but have now ceased and the grass exceeds the 12-inch height requirement. There is also a lot of yard debris and the large dead tree remains in the front yard which threatens a neighbor's home in the event of a storm. Several attempts to contact the attorney representing the bank have resulted in being told the issues would be taken care of, but to date, nothing had been done. Staff recommended granting 30 days, until September 23, 2011 for the cited violations to be corrected.

01:11:24

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011 to clear the violations.

The Respondent was not present for this hearing.

01:11:38 **Case #2011070093 – Trevor Elrik Spicer**

Inspector Solomon stated this property was posted on August 11, 2011 after attempts at certified and first class mail were unsuccessful. She submitted a photograph and Affidavit of Service into evidence and noted the vacant property was cited with a swimming pool maintenance violation. Staff recommended granting 30 days, until September 23, 2011 for the cited violation to be brought into compliance.

01:12:30

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011 for the swimming pool maintenance violation to be brought into compliance.

The Respondent was not present for this hearing.

01:12:37 **Case #2011070144 – Judith A. & Larry Vail**

Inspector Solomon related this property was posted August 11, 2011 after attempts at certified and first class mail were unsuccessful. Service was received on August 11, 2011 from Deutsche Bank National Trust Company. She submitted two photographs and an Affidavit of Service into evidence and noted this was a vacant property with a cited violation of overgrown weeds. No response had been received from either the property owner or the bank so staff recommended granting 30 days, until September 23, 2011 for the cited violation to be brought into compliance.

01:13:41

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011 to clear the overgrown weed violation.

The Respondent was not present for this hearing.

01:13:43 **Case #2011060234 – Priscilla D. & Michael D. Baker**

Mr. DeBlois recapped this property had violations of yard encroachment and no building permit related to a fence in a rear easement without approval.

Inspector Davis testified service was obtained August 5, 2011 and submitted a photograph into evidence. The Respondent had requested a 60 day timeframe, until October 21, 2011 to resolve the issue because when they bought the property they had Title Insurance and they want to see if that company would pay to have the fence removed.

01:15:36

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to grant 60 days, until October 21, 2011 to clear the violations.

The Respondent was not present for this hearing.

01:15:43 **Case #2011060236 – Richard J. & Patricia Donovan**

Inspector Davis recapped this was a vacant home with an overgrown weeds violation; junk, trash, and/or debris; and boat/trailer storage in a residential area. Service was made on the owners on August 6, 2011. She submitted two photographs into evidence and explained the house was in the process of being sold

and had been due to close in July, 2011, but the closing had not yet gone through. Staff recommended granting 30 days, until September 23, 2011 for compliance.

01:17:19

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

01:17:19 **Case #2011060210 – Justin & Vanessa Hines**

Inspector Jefferson testified this was a vacant property in foreclosure with an overgrown weeds violation. She posted the property on August 12, 2011 and service from the bank, Federal Home Loan Mortgage, was on August 10, 2011. She submitted an Affidavit of Service dated August 12, 2011 and two photographs into evidence. Staff recommended granting 30 days, until September 23, 2011, to clear the violation.

01:19:10

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011, to clear the violation.

The Respondent was not present for this hearing.

COMPLIANCE HEARINGS

01:19:11 **Case #2010030109 – Christopher N. & Ishiko Kirrie**

Mr. DeBlois recapped the Respondent's attorney, Rich Stringer, had filed an Appeal in Circuit Court of the Board's Order issued May 23, 2011. Staff felt it important the Board enter a motion for stay pending appeal. A copy of the Notice of Appeal receipt dated July 7, 2011 was submitted into evidence.

01:19:59

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to enter a

motion for stay pending appeal as recommended by staff.

The Respondent was not present for this hearing.

01:20:04 **Case #2010110072 – Skyline Scaffold, Inc.**

Mr. DeBlois related this case had to do with a multi-family residentially zoned property with a grandfathered use for the Respondent to conduct other commercial activities on the property. The Respondent's contention was that some welding and auto repair had always occurred on the property so it should also be grandfathered. He met with the Respondent's attorney and the IRC Community and Planning Directors and went through the use issues and they basically agreed certain uses could be allowed and continue to occur.

Mr. DeBlois submitted a Stipulation Agreement into evidence which spells out the allowances and limitations that staff and the Respondent's attorney agreed to which will bring the property into compliance. Staff recommended the Board approve the stipulation with the modification that it be revised so the Board would sign off in approving the stipulation but would to be an agreement between the Respondents and the County.

01:26:59

ON MOTION BY Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve the stipulation reached between the County and the property owner setting parameters of allowable uses and any future activity that was not in compliance with the stipulations could be brought back to the Board as a violation.

01:38:42 **Case #2011070102 – Craig Jerome & Tim Daughtrey**

Inspector Solomon testified this property was posted on August 11, 2011 after attempts at certified and first class mail were unsuccessful. Service was received on Deutsche Bank National Trust on August 3, 2011. This was a vacant residence with a property maintenance violation which was a repeat violation of a Board Order from October 25, 2010. The bank started to maintain the property but have ceased. Staff recommended granting 30 days, until September 23, 2011 for the cited violation to be corrected or a \$100 per day fine be imposed. She submitted two photographs

and an Affidavit of Service into evidence.

01:30:16

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011 for the cited violation to be corrected or a \$100 per day fine be imposed.

The Respondent was not present for this hearing.

01:31:02 **Case #2011040134 – Scott & Sharon Partin**

Mr. DeBlois recapped this case involved junk vehicles; overgrown weeds; and junk, trash, and debris violations. The junk, trash, and debris violation had been cleared but the other two violations remain. The case initially came before the Board in an Evidentiary Hearing on June 27, 2011 and the Board gave until July 22, 2011 to resolve the issues.

Inspector Jefferson testified she inspected the property this morning and submitted three photographs into evidence showing the remaining junk vehicle and overgrown weeds. She received certified service on July 9, 2011. Staff recommended the fine of \$100 per day be imposed effective August 20, 2011.

01:33:10

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to impose the fine of \$100 per day beginning August 20, 2011.

The Respondent was not present for this hearing.

01:31:01 **Case #2011050251 – BAC Home Loans Servicing, LP**

Inspector Davis reported this was a house in foreclosure that had been taken over by the bank. The case was initially started in May, 2011 and she submitted a photograph into evidence showing the cited violation of overgrown weeds. Staff recommended the fine in the amount of \$100 per day be imposed beginning August 20, 2011 because no action had been taken by the date given by the Board to comply which was August 19, 2011.

01:34:30

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to impose a fine of \$100 per day beginning August 20, 2011.

The Respondent was not present for this hearing.

01:34:52 **Case #2011040203 - Albino & Sandra Chapa**

Inspector Davis related this was an abandoned home that was not in foreclosure. The case was initially brought to the Board in April, 2011 with a violation of overgrown weeds. She submitted a photograph into evidence and recommended the fine of \$100 per day be imposed beginning August 20, 2011 because the Respondent had not complied by clearing the violation by the deadline of August 19, 2011.

01:35:27

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to impose a fine of \$100 per day beginning August 20, 2011.

The Respondent was not present for this hearing.

01:35:35 **Case #2011080028 – William & Earlean Jones**

Inspector Solomon testified this property was posted on August 11, 2011 after attempts at certified and first class mail were unsuccessful. This was a vacant residence going through a lengthy foreclosure with an overgrown weeds violation which was a repeat violation of a Board Order dated January 25, 2010. Staff recommended granting 30 days, until September 23, 2011 for the violation to be corrected. She submitted two photographs along with an Affidavit of Service into evidence.

01:36:34

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant 30 days, until September 23, 2011 to bring the property into compliance.

