

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, January 25, 2021, at 1:30 p.m. There was sufficient room within the chambers to satisfy recommended social distance measures due to the coronavirus pandemic.

Present were Chairperson **Mr. David Myers II**, Businessman Appointee; Vice-Chairperson **Mr. Stephen Boehning**, Engineer Appointee; **Mr. Joe Petrulak**, Subcontractor Appointee; **Mr. Pete Clements**, General Contractor Appointee; **Ms. Dana DiFrancesco**, Alternate Appointee, **Mr. James Kordiak**, Member-At-Large Appointee; and **Mr. Karl Zimmermann**, Realtor Appointee.

Let the record show that the vacancy for the Architect Appointee has been filled by Ms. Dana DiFrancesco.

Also, in attendance was Ms. Jennifer Peshke, Attorney for the Board; Ryne Hartt, Esq. IRC staff: Mr. Andy Sobczak, Environmental Planning and Code Enforcement Chief, Phil Matson, Community and Development Director, David Checchi, IRC Contractor Licensing Investigator, Susan Prado, Assistant County Attorney, Mr. Thomas Allred, Ms. Kelly Buck, Ms. Daphne Driskell, Ms. Vanessa Carter Solomon, Code Enforcement Officers, and Ms. Vanessa Desnoyers, Recording Secretary.

00:01:08 **Call to Order**

Chairperson Mr. David Myers II called the meeting to order and led all in the Pledge of Allegiance. The secretary called the roll, establishing that a quorum was present.

00:02:06 **Approval of Minutes**

00:02:13

ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Pete Clements, the Board voted unanimously (7-0) to approve the minutes of November 23, 2020, as presented.

00:02:23 **Election of Chairman and Vice Chairman**

00:02:30

ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Karl Zimmermann, the Board voted unanimously (7-0) to elect Mr. Joe Petrulak as Chairman of Code Enforcement Board for the year 2021.

00:03:00

ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (7-0) to elect Mr. Karl Zimmermann as Vice-Chairman of Code Enforcement Board for the year 2021.

00:03:48

Introduction of New Board Member

00:04:00

Attorney's Overview of Board Purpose and Procedures

Ms. Jennifer Peshke, Attorney for the Board, gave a brief overview of the Code Enforcement Board's procedures and purpose.

00:09:09

Agenda Additions or Deletions, Consent Items

Mr. Andy Sobczak reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda and advised the Board that there is an addendum to be heard sequentially under Code Officer Thomas Allred, to which the Board agreed.

Cases #2020100074, #2020100083, #2020060033 have been given a **thirty-day extension, until February 19, 2021**. Cases #2020100094, #2020030089, #2020080088, #2019110041, #2020050065, #2020020028, 2019100098, #2019080110 have been given a **sixty-day extension until March 19, 2021**. Cases #2020040107, #2020030032, #2020020027, #2019050048 have been given a **ninety-day extension until April 23, 2021** In **compliance** were cases #2020090022, #2020050095, #2020120003, #2020090068, #2020110059, #2020120006, #2020120060, #2020070094, #2020080094, #2019100111, #2020080062, #2020060085. Cases #2020080054, #2020110018, #2019110025, #2020050067, #2019080022, #2020100101, **have been rescheduled**.

00:18:28

ON MOTION BY Mr. Karl Zimmermann SECONDED BY Mr. David Myers, the Board voted unanimously (7-0) to accept the Consent Agenda as presented. The motion passes.

00:18:40

Swearing in of Those Whom Will Testify

The secretary proceeded to administer the testimonial oath to everyone who would be testifying at today's hearings.

ADMINISTRATIVE HEARINGS

00:19:25 **Case #2020080143 – Christine & Maurizio Giuliani**

Mr. Michael Collins, Licensing and Contractor Investigator, described this case related to unlicensed contracting violation, and willfully and deliberately engaging in type or class of contracting which is not licensed at multiple addresses (5525 West 1st SQ, 5530 West 1st SQ, and 5529 West 1st SQ). On September 14, 2020 and August 22, 2020, citations and notices were sent out after attempts at first-class and certified mail were unsuccessful. There has been no response from the Respondent. Mr. Collins stated that there were two air-conditioning units installed, and one that was paid for. Two of the homeowners have obtained after-the-fact permits and have come into the compliance.

00:22:43

**ON MOTION BY Mr. Pete Clements, SECONDED
BY Mr. David Myers the Board voted unanimously
(7-0) to uphold citation (#0963) and the fine of
\$1,000.00 The motion passes.**

Note for the record that the Respondent **was not** present for this hearing.

EVIDENTIARY HEARINGS

00:23:52 **Case #2020060069 – Daniel Gutierrez**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, entered four photographs and an Affidavit of Posting into evidence and described this case related to unpermitted fence structure. The property was posted on January 14, 2021 after attempts at first-class and certified mail were unsuccessful. The original owner of the home had a building permit for a chain-link fence that expired. Mr. Gutierrez, has been cited on multiple occasions for the unpermitted fence, because he has submitted permit applications and allowed them to expire with no progress. Building has reinstated Mr. Gutierrez's building permit and staff recommended a sixty-day extension **until March 19, 2021**, for the property to be brought into compliance or be subject to a \$100 per day fine.

00:28:26

**ON MOTION BY Mr. Pete Clements, SECONDED
BY Mr. Karl Zimmermann, the Board voted
unanimously (7-0) to find the violation and grant an
extension of sixty days, until March 19, 2021, for
compliance or a \$100 per day fine would be imposed.
The motion passes.**

Note for the record that the Respondent **was not** present for this hearing.

00:28:40 **Case #2019070059 – Robert J & Lynn B Lindsey**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, entered seven photographs and an Affidavit of Posting into evidence and described this case related to use established without a site plan approval and sign violation. On January 14, 2021, the property was posted after attempts at first-class and certified mail were unsuccessful. The sign violation has come into compliance. The business seals and repairs scooters. The tenants brought in sheds to sell on property and were cited by Code, and informed that it was an allowable use if they go through the site plan approval process. The Respondent did apply for administrative approval, received staff comments, but did not move forward with application. The owner has decided not pursuing the use of selling the sheds and requested time to remove them from the property. Staff recommended a ninety-day extension, **until April 23, 2021**, for property to be brought into compliance or be subject to a \$100 per day fine.

00:30:07

ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. James Kordiak, the Board voted unanimously (7-0) to find the violation and grant an extension of ninety-days, until April 23, 2021, for compliance or a \$100 per day fine would be imposed. The motion passes.

Note for the record that the Respondent was not present for this hearing.

00:30:20 **Case #2020090010 – Tatiana Grigorieva & Irina Alexandrovna Perova**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, entered eleven photographs and an Affidavit of Posting into evidence and described this case related to zoning district use violation, junk vehicle, and junk trash and debris. On January 14, 2021, the property was posted after attempts at first-class and certified mail were unsuccessful. Ms. Solomon stated that this site was previously cited in September of 2020 and the Respondent stated that he would get rid of the junk vehicles. There has been no further contact and Staff recommended a thirty-day extension, **until February, 2021**, for property to be brought into compliance or be subject to a \$100 per day fine.

00:31:41

ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Stephen Boehning, the Board voted unanimously (7-0) to find the violation and grant an extension of thirty days, until February 19, 2021, for compliance or a \$100 per day fine would be imposed. The motion passes.

Note for the record that the Respondent **was not** present for this hearing.

00:31:53 **Case #2020080012 – Shuler W Massey Sr.**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, entered three photographs and an Affidavit of Posting into evidence and described this case related to improper zoning use violation due to a pig on-site. On January 14, 2021, the property was posted after attempts at first-class and certified mail were unsuccessful. Ms. Solomon spoke to the Respondent and he informed her that the pig would be removed within the week. Staff recommended a thirty-day extension, **until February 19, 2021**, for property to be brought into compliance or be subject to a \$100 per day fine.

00:33:00

**ON MOTION BY Mr. David Myers, SECONDED
BY Mr. Stephen Boehning, the Board vote
unanimously (7-0) to find the violation and grant an
extension of thirty days, until February 19, 2021, for
compliance or a \$100 per day fine would be imposed.
The motion passes.**

Note for the record that the Respondent was not present for this hearing.

COMPLIANCE HEARINGS

00:33:16 **Case #2020070038 – Eva Stuckey**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, entered four photographs into evidence and described this case related to junk, trash, and debris. Ms. Solomon informed the Board that this case was heard at the November 23, 2020 hearing and the Respondent was given a sixty-day extension to bring property into compliance. Ms. Solomon stated that she revisited the property and has not seen any progress. Staff recommended a \$100 per day fine be imposed **beginning January 22, 2021**, until compliance is achieved.

The Respondent Ms. Stuckey, addressed the Board and stated that she is actively working on achieving compliance but is having some difficulty. She is not currently living in the home; she has leased it to her son who has brought house out of compliance. She has attempted to get it cleaned up, but has been threatened on several occasions. The Respondent requested more time to clean property. Mr. Clements suggested that the Board consider giving Ms. Stuckey an extension to bring the property into compliance and made a recommendation for a thirty-day extension. Mr. Sobczak stated that Staff could support that, but they would need to see some progress.

00:41:02

ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. David Myers, the Board voted unanimously (7-0) to find a violation and grant an extension of thirty-days, until February 19, 2021 for compliance or a \$100 per day fine would be imposed. The motion passes.

Note for the record that the Respondent was present for this hearing.

LIEN RELEASE REQUESTS

00:41:54 **Case #2015040014– McCracken Enterprises, LLC**

Mr. Andy Sobczak entered two photographs into evidence and described this case related to overgrown weeds violation. The Board imposed a fine on June 20, 2015. The property came into compliance on November 25, 2020. The total fine amount is \$198,500. Staff recommended to fine the Respondent the administrative costs, which would be \$1,700.00. Mr. Petrulak questioned why the overgrown weeds violation took so long to come into compliance. Mr. Sobczak responded that there were multiple violations on the property and this was the last outstanding. The Board previously heard a related case of a pool maintenance violation. Mr. Sobczak stated that they were not notified of the overgrown weeds violation until a significant amount of time had passed. Mr. Zimmermann made a motion to set the fine at \$3000.00 to include the administrative costs.

00:45:19

ON MOTION BY Mr. Karl Zimmermann, SECONDED BY Mr. Stephen Boehning, the Board voted (6-1) to acknowledge compliance and reduce the fine to administrative costs of \$3000.00. The motion passes.

Note for the record that the Respondent was not present for this hearing.

00:45:50 **Case #2018040112– McCracken Enterprises, LLC**

Mr. Andy Sobczak, entered two photographs into evidence and described this case related to an expired air conditioner change out permit. The Board imposed a fine on August 25, 2018 The property came into compliance on November 25, 2020. The total fine amount is \$82,300.00. Staff recommended to fine the Respondent the administrative costs, which would be \$1,700.00. Mr. Kordiak stated that being out of compliance for 823 days is an extensive period of time and questioned why that happened. Mr. Allred clarified that the owner pulled the permit and had the A/C installed, but there were tenants living on the property that didn't allow the A/C company access for the Building Department to do final inspection.

Mr. Myers made a motion to set fine at 10% of the total fine cost which is \$8,230.00. Mr. Clements stated that the Respondent did the work correctly with a permit and just did not make the time to final out the permit with the Building Department. He stated that he will accept Staff's recommendation of administrative costs of \$1,700.00.

00:50:12

ON MOTION BY Mr. David Myers, SECONDED BY Mr. James Kordiak, the Board voted (2-5) to acknowledge compliance and reduce the fine to administrative costs of \$8,230.00. The motion fails.

00:54:12

ON MOTION BY Mr. Stephen Boehning, SECONDED BY Mr. Pete Clements, the Board voted (6-1) to acknowledge compliance and reduce the fine to administrative costs of \$2,100.00. The motion passes.

Note for the record that the Respondent was not present for this hearing.

00:54:45 **Case #2016120069– Jonathan E Harris**

Ms. Susan Prado described this case related to overgrown weeds, junk, trash and debris, junk vehicle, and junk vehicle violation. Ms. Prado stated that this case is more of a procedural issue. The Lien was recorded on March 22, 2017 with an order imposing fine for a repeat violation. Just before that on February 23, 2017, there was a notice of Lis Pendens on the property and due to it being recorded second in time, it does not withstand that. Staff recommended a Lien Release for the property located at 231 6th Drive SW St, Vero Beach, FL so that Staff may file the Lien Release with the recording department.

00:55:50

ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Karl Zimmermann, the Board voted unanimously (7-0) to grant a Lien Release on the property at 231 6th Drive SW, Vero Beach, FL.

Note for the record that the Respondent was not present for this hearing.

EVIDENTIARY HEARINGS

00:56:05 **Case #2020090102 – Mixnus, Inc.**

Inspector Thomas Allred entered one photograph into evidence. He described this case as related to alteration of right-of-way without valid permit. Mr. Allred has spoken to the owner and was assured that within 30 days the property will be in compliance. Staff recommended thirty-days **until February 19, 2021**, to come into compliance by fixing the access and to cease using the right-of-way or a \$100 per day fine will be imposed. Mr. Boehning questioned if the owner would need permits or special permission to correct County right-of-way. Mr. Allred clarified that the Respondent only needs to re-sod the access and cease uses the right-of-way, then Mr. Allred can inspect it and close the case.

00:58:30

ON MOTION BY Mr. Karl Zimmermann, SECONDED BY, Mr. James Kordiak the Board voted unanimously (7-0) to find the violation and grant an extension of thirty-days, until February 19, 2021, to come into compliance by re-sodding the R.O.W and to cease using the County R.O.W for personal access, or a \$100 per day fine will be imposed. The motion passes.

Note for the record that the Respondent **was not** present for this hearing.

00:58:41 **Case #2020080132 – David Schuyler Jr, and Emily Morgan Kipp**

Inspector Thomas Allred entered one photograph into evidence and described this case related to unpermitted structure for car port and shed. Mr. Allred cited another property of the Respondent's for the carport and he moved from that property to the current subject property. Mr. Allred has been in contact with the Respondent and was informed that the shed has been removed. There has been no application for permit for the carport structure. Staff recommended a thirty-day extension, **until February 19, 2021**, for property to be brought into compliance by obtaining an after-the-fact building permit, or be subject to a \$100 per day fine.

01:00:01

ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. David Myers, the Board voted unanimously (7-0) find the violation and grant an extension of thirty-days, until February 19, 2021, for compliance by obtaining an after-the-fact building permit, or a \$100 per day fine would be imposed. The motion passes.

Note for the record that the Respondent **was not** present for this hearing.

01:00:15 Case #2020080041 – Triple C and T Holdings, LLC

Inspector Thomas Allred entered two photographs into evidence. He described this case related to unpermitted structure for fence and sheds, junk vehicle, property maintenance, overgrown weeds, junk, trash, and debris, site plan nonconformance and commercial vehicle at residence. The only two outstanding violations are the unpermitted fence and the nonconforming site plan. Mr. Allred stated that a Planner from the County reviewed the site and informed the Respondent that it is not zoned for a commercial business. Staff recommended a thirty-day extension **until February 19, 2021** for property to be brought into compliance by obtaining an after-the-fact building permit, or be subject to a \$100 per day fine.

01:05:27

**ON MOTION BY Mr. Karl Zimmerman,
SECONDED BY Mr. Stephen Boehning, the Board
voted unanimously (7-0) find the violation and grant
an extension of thirty days, until February 19, 2021,
for compliance by obtaining building permit, or a
\$100 per day fine would be imposed. The motion
passes.**

Note for the record that the Respondent **was** present for this hearing.

01:05:30 Case #2020090076 – Larry C and Cheryl I Gerstner

Inspector Thomas Allred entered two photographs into evidence, a Notice of Violation and described this case related to an unpermitted sea wall structure. Mr. Allred stated that this case was forwarded to Code by Mr. David Checchi, Contractor Licensing Investigator.

Mr. David Knight of Knight of McGuire and Associates Engineering, a representative for the Respondent gave a brief history of the case. Mr. Knight stated that in October he was informed by the Respondent that there was a violation and the sea wall cap was placed on an existing sea wall without a permit. His firm did some research and discovered that sheet piling was placed ten years ago under permits from the County and DEP, but never finalized, and clarified that the sea wall cap is under violation, not the sea wall. Mr. Knight stated that he has worked with the County to get a letter of no objection to proceed with getting a permit from DEP on the existing sea wall and has made submittals to the DEP and are awaiting response within 90 days. Mr. Knight states that he has construction plans for the cap that he can submit to the Building Department, pending response from DEP.

Mr. Clements questioned Staff as to whether the construction of the seawall is complete. from a permitting aspect. Mr. Checchi stated that the picture presented only

shows a portion of the seawall and most of the seawall is just the sheet pilings steel in the ground without the concrete cap, which is structurally incomplete. Mr. Clements questioned how long the work would take to complete, Mr. Knight stated it could be anywhere from sixty to ninety days. Staff recommended a ninety-day extension, **until April 23, 2021**, for property to be brought into compliance or be subject to a \$100 per day fine.

Mr. Clements questioned if there were any repercussions for the contractor that is operating without a license. Mr. Checchi responded that the contractor has been cited \$500.00 and the homeowner was cited \$1,500.00 for not obtaining a permit, hiring an unlicensed contractor and unlawful continuance of a stop work order. Those citations have been paid and resolved.

01:13:30

ON MOTION BY Mr. David Myers, SECONDED by Mr. Karl Zimmermann, the Board voted unanimously (7-0) to find the violation and grant an extension of ninety-days, until April 23, 2021, for compliance or a \$100 per day fine would be imposed. The motion passes.

Note for the record that a Representative for the Respondent was present for this hearing.

01:14:03 **Case #2020100090– Mitchell D. Dudek**

The secretary proceeded to administer the testimonial oath to everyone who would be testifying at today's hearings.

Mr. Andy Sobczak entered five documents into evidence and described this case related to vacation rental license noise violation. This property had previous citations for a noise violation in 2019, on September 4, 2020 and October 9, 2020. The County issued an ordinance (Resolution 2016-056) that discusses stipulations and fines related to noise violations. After the first \$100.00 violation, the subsequent violations are set at \$300.00 per repeat violation. The total fine is set at \$600.00.

Ms. Prado informed the Board that this case was taken before the judge previously and there was an argument that the County Ordinance was unconstitutional and impending on the rights of the respondents to use their property and that time the Judge ruled in the County's favor. The Respondent filed an appeal and the County ordinance was upheld in the County's favor that the Ordinance is constitutional and the County can enforce the fines. Ms. Prado requested that the Board hold up the fines.

Mr. Mark Greene, and Mr. Barry Segal, of Barry Segal, P.A. Representatives for the Respondent gave a brief summary of case before the Board. Mr. Segal stated that the

home is 225 feet away from the complainant and the neighbor takes his cellular device and records music and sounds from the Respondents home and frequently calls the sheriff's department to file noise complaints. The Respondent states that he has no sound amplification devices and feels that the complainant has an agenda against the respondent.

Mr. Segal questioned Mr. Greene if there any speakers or amplified devices provided to tenants, Mr. Greene responded that there were not and that he provides an instruction manual that notates the ordinance regarding noise violations. Mr. Greene stated that he would find it difficult for the complainant to hear noise from his home with the hurricane rated glass, when the respondent can't hear the ocean noise from the subject property.

The Board reviewed and discussed the ordinance with Staff, previous violations and questioned if Staff had any evidence to present to the Board outside of a police report. Staff recommended upholding the two separate \$300.00 fines with a total amount of \$600.00. Mr. Boehning disagreed with Staff's recommendation. Ms. DiFrancesco questioned if there was an additional report from the sheriffs' office. Staff provided a phone call report, an additional report for the second violation was not provided. The Board questioned the sufficiency of evidence to enforce the ordinance. Mr. Myers made a motion to rescind both fines.

01:57:08

ON MOTION BY Mr. David Myers, SECONDED by Ms. Dana DiFrancesco, the Board voted (6-1) to rescind both fines of \$300.00. The motion passes.

Note for the record that a Representative for the Respondent **was** present for this hearing.

01:57:45 **Case #2020110077– Timothy L and Jodi L Velde**

Mr. Andy Sobczak entered two photographs into evidence and described this case related to zoning district use violation. He stated that the issue at hand is that this land is zoned agricultural and there is a landscape business as well as a tree nursery located in the site. The Respondent met with Staff and was informed that the off-site landscape business is allowed only as an accessory use to the tree nursery. Mr. Sobczak read the code pertaining to the plant nursery and stated to be in compliance the Respondent would have to expand the tree farm or the off-site landscaping business would need to be made smaller.

Ms. Prado questioned if Staff received a letter from the Respondent in response to the Notice of Violation. Mr. Sobczak responded that he had received it. Ms. Prado questioned if there was anything in the letter that indicated the nursery being the primary use. Mr. Sobczak responded that there was not. Ms. Prado questioned if Mr. Sobczak had looked at the Respondents website. He responded that he had and that looking at the website, it is primarily for the off-site landscaping business, there is no mention of the

wholesale nursery. Mr. Sobczak confirmed that the only evidence of the nursery is depicted on the aerial shown to the Board.

The Respondent, Mr. and Mrs. Velde, described the case to the Board and answered questions from Staff relating to proof of ownership. Mr. Sobczak informed the Respondent that they would need to demonstrate that the nursery is the primary use on the site, and that it meets the definition of what a principal use, which would justify the accessory use of the landscape business. Mr. Clements questioned if the storage units depicted are used to maintain the nursery. Ms. Velde responded that all the buildings hold materials and equipment used to maintain the nursery, and that the spaces aren't fairly represented and Ms. Verde verified locations on the presentation presented. The Board discussed the principal and accessory use in relation to the code. Staff recommended a sixty-day extension, **until March 19, 2021**, for property to be brought into compliance or be subject to a \$100 per day fine. Mr. Sobczak stated that before there were contact letters sent to the Respondent before a notice of violation, and there was no response. The Respondent responded that the wrong address was on file with the Tax Collector.

02:27:00

ON MOTION BY David Myers, SECONDED BY Mr. Stephen Boehning, the Board voted unanimously (7-0) to find the violation and grant an extension of sixty-days, until March 19, 2021 to bring property into compliance, or a \$100 per day fine would be imposed. The motion passes.

Note for the record that the Respondent was present for this hearing.

02:27:42 **Case #2020100084 Melissa and John Miller Sr.**

Inspector Thomas Allred entered two photographs into evidence and described this case related junk trash and debris, and an unpermitted shed structure. Staff recommended a thirty-day extension, **until February 19, 2021**, to for property to be brought into compliance by removing shed or obtaining an after-the-fact permit, and cleaning up the property, or be subject to a \$100 per day fine.

02:28:48

ON MOTION BY Mr. James Kodiak, SECONDED BY Mr. Stephen Boehning, the Board voted unanimously (7-0) to find violation and grant an extension of thirty days, until February 19, 2021, to bring property into compliance by removing shed, or obtaining an after-the-fact permit, and cleaning up the property, or a \$100 per day fine would be imposed. The motion passes.

Note for the record that the Respondent **was not** present for this hearing.

02:28:58 **Case #2020110049 – Eleanor Elaine Smith**

Inspector Thomas Allred entered two photographs into evidence and described this case related to junk vehicle, and vehicle parking/storage violation in residential area. Staff is recommending a thirty-day extension, **until February 19, 2021**, for the Respondent to come into compliance by removing vehicles and parking them on a stabilized driveway and obtaining tags and registration to demonstrate that vehicles are roadworthy.

02:29:49

ON MOTION BY Mr. David Myers, SECONDED BY Mr. Stephen Boehning, the Board voted unanimously (7-0) to find violation and grant an extension of thirty days, until February 19, 2021, to bring property into compliance by removing vehicles and parking them on a stabilized driveway and obtaining tags and registration, or a \$100 per day fine will be imposed.

Note for the record that the Respondent **was not** present for this hearing.

COMPLIANCE HEARINGS

02:30:09 **Case #2020100021 – Jesus Santiago Garcia & Maria Del Rosario Bautist**

Inspector Mr. Thomas Allred entered five photographs into evidence and provided details of this case related to an illegal vehicle parked in R.O.W., junk, trash, and debris, home occupation, and encroachment/obstruction in R.O.W. or easement. Mr. Allred stated that this gentleman consistently parks his vehicles in the easement. He has a roofing company and parks his vehicles in the yard. Mr. Allred stated that at one point he did come into compliance, and he applied for a home occupation permit, but after further investigation Staff discovered that the Respondent is not licensed in Indian River County, so he was unable to get the permit.

Staff recommended a \$500 per day fine be imposed, **beginning January 23, 2021** until compliance is achieved by removing the vehicles out of the County right-of-way, clean up all the roofing materials, park only on his designated driveway and restore any of the right-of-way damage that he has caused back to the original condition.

02:31:51

ON MOTION BY Mr. Karl Zimmermann, SECONDED BY Mr. Pete Clements, the Board voted unanimously (7-

0) to find the violation and impose a \$500.00 per day fine beginning January 23, 2021, until compliance is achieved by removing the vehicles out of the County right-of-way, cleaning up all the roofing materials, parking only on his designated driveway and restoring any of the right-of-way damage that he has caused back to the original condition. The motion passes.

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

02:32:38 **Case #2019100063 – Brattain Property of Indian River**

Inspector Thomas Allred entered eight photographs into evidence and provided details of this case use established without site plan approval. The case was first brought to the board on October 14, 2019. The Respondent has been granted many extensions, but no progress has been made.

The Representative for the Respondent, Ryan McLean of MBV Engineering, and gave background the case and provided a status update for the Board stating that they are working with planning staff to address comments before submitting site plans for review. Mr. McLean stated that they have been delayed due to the workload of some of the consultants within the County, and requested more time to submit major site plan application. The Board discussed time frame with Staff and Mr. McLean. Staff recommended an extension of thirty-days, **until February 19, 2021**, to cease use of property, or be subject to a \$100 per day fine.

02:52:42

ON MOTION BY Mr. James Kordiak, SECONDED BY Mr. Stephen Boehning, the Board voted unanimously (7-0) to find violation and grant an extension of thirty-days extension, until February 19, 2021, to bring the property into compliance or a \$100 per day fine would be imposed. The motion passes.

Note for the record that a Representative for the Respondent **was** present for this hearing.

Chairman Joe Petrulak, called for a short recess at 4:24pm and for the Board to return at 4:36pm

02:53:59 **Case #2016110043 – MCM5 Holdings Company, LLC**

Mr. Andy Sobczak described the case relating to use established without site plan approval and sign violation. The Board set an order conditionally setting fine back in 2018,

stating that the fine would be set at \$2600.00 contingent upon the site plan approval by the date of September 21, 2018. Site plan approval didn't occur until on May 21, 2020. The Board's fine was imposed on November 5, 2017, and the property came into compliance on May 21, 2020. The total fine amount of \$90,800.00 The administrative costs were \$2,600.00. Staff recommended to fine the Respondent the 5% of the overall fine which would be \$4,540.00.

The Respondent, Barbara Hooker, stated that she called an engineer and began to work towards compliance as soon as she received the notice and didn't realize that the fine was steadily accruing. Mr. Clements questioned Mr. McLean and asked him to provide a timeline of events to explain the process. Mr. Mclean gave a timeline and explained some of the difficulties working with the County and various departments the Respondent had bringing property into compliance.

02:59:58

**ON MOTION BY Mr. Karl Zimmermann,
SECONDED BY Mr. David Myers, the Board voted
unanimously (7-0) to acknowledge compliance and
reduce the fine to administrative costs of \$4,540.00.**

Note for the record that the Respondent **was** present for this hearing.

03:01:08 **Case #2020090093 – Wayne Estey Jr**

Inspector Ms. Daphne Driskell entered twelve photographs into evidence and described the case relating to overgrown weeds, unpermitted fence structure and property maintenance violation. The property was posted on January 13, 2021 after attempts at first-class and certified mail were unsuccessful. There has been no progress made on the property. Staff recommended a thirty-day extension **until February 19, 2021**, to bring the property into compliance, or a \$100 per day fine will be imposed.

03:02:35

**ON MOTION BY Mr. David Myers, SECONDED
BY Mr. Stephen Boehning, the Board voted
unanimously (7-0) to find violation and grant thirty-
day extension until February 19, 2021, to bring the
property into compliance, or a \$100 per day fine will
be imposed.**

Note for the record that the Respondent **was not** present for this hearing.

03:02:44 **Case #2020090094 – Michael Edward and Jennifer Lynn Brown**

Inspector Ms. Daphne Driskell entered seven photographs into evidence and described the case relating to an unpermitted fence structure. On January 13, 2021 the property was posted after attempts at first-class and certified mail were unsuccessful. Ms. Driskell spoke with the property owner and a building permit application was submitted on January 19, 2021. Staff recommended a sixty-day extension, **until March 19, 2021**, to obtain a an after-the-fact permit and final inspection, bringing the property into compliance or a \$100 per day fine would be imposed.

03:03:58

ON MOTION BY Mr. David Myers, SECONDED BY Mr. Pete Clements, the Board voted unanimously (7-0) to find the violation and grant an extension of sixty-days, until March 19, 2021, to obtain an after-the-fact permit and final inspection bringing the property into compliance or a \$100 per day fine would be imposed. The motion passes.

Note for the record that the Respondent **was not** present for this hearing.

03:04:10 **Case #2020100068 – PMIG 1026 LLC**

Inspector Ms. Daphne Driskell entered seven photographs into evidence and described the case relating to illegal use of commercial container. On January 13, 2021 the property was posted after attempts at first-class and certified mail were unsuccessful. There have been no changes to the property. Staff recommended a seven-day extension, **until February 1, 2021**, to bring property into compliance, or a \$100 per day fine would be imposed.

03:05:59

ON MOTION BY Mr. David Myers, SECONDED BY Mr. Karl Zimmermann, the Board voted unanimously (7-0) to find a violation and grant an extension of seven days, until February 1, 2021, to bring the property into compliance or a \$100 per day fine would be imposed. The motion passes.

Note for the record that the Respondent **was not** present for this hearing.

03:06:10 **Case #2020100011 – Stephen Zahn**

Inspector Ms. Daphne Driskell and Andy Sobczak entered eighteen photographs into evidence and described the case relating to an accessory structure or use violation, alteration of R.O.W. without valid permit, property maintenance violation, unpermitted structure, and overgrown weeds violation. Staff recommended a sixty-day extension, **until**

March 19, 2021, to obtain a building permit for the storage unit, return the R.O.W. to its previous condition and mow the weeds, bringing the property into compliance or a \$100 per day fine would be imposed.

03:08:20

ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. James Kordiak, the Board voted unanimously (7-0) to find violation and grant a thirty-day extension until March 19, 2021, to bring the property into compliance by obtaining a building permit for the storage unit, returning the R.O.W. to its previous condition and mowing the weeds, or a \$100 per day fine would be imposed. The motion passes.

Note for the record that the Respondent **was not** present for this hearing.

COMPLIANCE HEARINGS

03:08:32 **Case #2020040018 – Miguel Casteneda Zamarripa**

Inspector Ms. Daphne Driskell entered five photographs into evidence and described the case relating to an unpermitted shed structure, and junk, trash, and debris. There has been no building permit application to date, and the junk, trash and debris violation is in compliance. Staff recommended a \$100 per day fine be imposed **beginning January 23, 2021**, until compliance is achieved.

03:10:00

ON MOTION BY Mr. David Myers, SECONDED BY Ms. Dana DiFrancesco, the Board voted unanimously (7-0) find the violation and impose a \$100 per day fine, beginning January 23, 2021, until compliance is achieved. The motion passes.

Note for the record that the Respondent **was not** present for this hearing.

03:10:18 **Case #2020070047 – Jason Michael Roach**

Inspector Ms. Daphne Driskell entered twelve photographs into evidence and described the case relating to an overgrown weeds violation. There has been no progress made to the property. Staff recommended a \$100 per day fine be imposed **beginning January 23, 2021**, until compliance is achieved.

03:11:03

ON MOTION BY Mr. David Myers, SECONDED BY Mr. Karl Zimmermann, the Board voted unanimously (7-0) find the violation and impose a \$100 per day fine, beginning January 23, 2021, until compliance is achieved. The motion passes.

Note for the record that the Respondent **was not** present for this hearing.

03:11:15 **Case #2020050112 – William C. Minnis Sr**

Inspector Ms. Daphne Driskell entered three photographs into evidence and described the case relating to an overgrown weeds violation. There has been no progress made to the property, and there has been no contact with the owner. Ms. Driskell stated that it has been brought to her attention that the owner is deceased. Staff recommended a \$100 per day fine be imposed **beginning January 23, 2021**, until compliance is achieved.

03:12:06

ON MOTION BY Mr. David Myers, SECONDED BY Mr. Pete Clements, the Board voted unanimously (7-0) find the violation and impose a \$100 per day fine, beginning January 23, 2021, until compliance is achieved. The motion passes.

Note for the record that the Respondent **was not** present for this hearing.

03:12:15 **Case #2020080057 – Jaewon and Yunok Shim**

Inspector Ms. Daphne Driskell entered three photographs into evidence and described the case relating to an overgrown weeds violation and commercial vehicle at residence violation. There has been no progress made to the property. Staff recommended a \$100 per day fine be imposed **beginning January 23, 2021**, until compliance is achieved

03:12:47

ON MOTION BY Mr. Karl Zimmermann, SECONDED BY Mr. David Myers, the Board voted unanimously (7-0) find the violation and impose a \$100 per day fine, beginning January 23, 2021, until compliance is achieved. The motion passes.

Note for the record that the Respondent **was not** present for this hearing.

03:13:03 **Case #2019120079 – Angela Feeley and David Greenidge**

Inspector Ms. Daphne Driskell entered eleven photographs into evidence and described the case relating to an unpermitted structure, vehicle parking/storage violation, junk vehicle and recreational vehicle storage violation. This case has been before the Board previously and was ordered on to come into compliance by September 25, 2020. The Respondent was given an additional 30 days to come into compliance by obtaining an after-the-fact building permit and final inspection for the unpermitted shed, or to remove the shed from the property. The unpermitted shed is the only outstanding violation. Staff recommended a \$100 per day fine be imposed **beginning January 23, 2021**, until compliance is achieved.

The Respondent, Mr. Greenridge, stated that he did agree to get a permit for the shed and he filled the paperwork out, but has yet to determine whether he requires an engineer. He states that if he needs to get an engineer, he will demo the shed. He also stated that the Board previously discussed waiving the after-the-fact building permit with him. He stated that he hasn't received a response to confirm this, and is waiting to turn in the paperwork. Ms. Prado pulled that last hearing minutes and read them for the record, and discussed referenced codes, confirming that the engineering issue was already discussed with Mr. Greenridge and that an engineer was required to obtain permit for the shed structure.

03:23:58

ON MOTION BY Mr. David Myers to find the violation and impose a \$100 per day fine, beginning January 23, 2021, until compliance is achieved.

No SECOND Motion fails.

03:26:58

ON MOTION BY Ms. DiFrancesco, SECONDED BY Mr. David Myers, the Board voted unanimously (7-0) to find violation and grant 14-day extension, until February 8, 2021, to bring property into compliance by obtaining a demo building permit and removing structure, or a \$100 per day fine will be imposed. The motion passes.

Note for the record that the Respondent was present for this hearing.

EVIDENTIARY HEARINGS

03:28:18 **Case #2020090014 – Cyneatha A. Brown**

Inspector Kelly Buck entered three photographs and an Affidavit of Service into evidence and described case relating to home occupation violation and junk, trash, and

debris. The property was posted on January 15, 2021 after attempts at first-class and certified mail were unsuccessful. The complaint that was brought to Code was that the Respondent was running a junk business out of the home. Ms. Buck spoke to the son of the property owner who resides at the subject property, and he informed her that he does not run the business from the home and has a commercial location and will provide documentation of that. The Respondent's son brings his trailer home daily and has items for personal use that he stores on site, but informed Ms. Buck that he will be obtaining a permit for a shed to store his materials. Staff recommended a sixty-day extension, **until March 19, 2021**, to clean up property and to obtain building permits for the shed bringing the property into compliance or a \$100 per day fine would be imposed.

03:30:20

ON MOTION BY Mr. Karl Zimmermann, SECONDED BY Ms. Dana DiFrancesco, the Board voted unanimously (7-0) to find violation and grant sixty-day extension, until March 19, 2021 to bring property into compliance by to cleaning up property and to obtaining building permits for the shed or a \$100 per say fine will be imposed. The motion passes.

Note for the record that the Respondent **was not** present for this hearing.

03:30:33 **Case #2020100102 – Estate of Odessa Clark**

Inspector Kelly Buck entered four photographs into evidence and described case relating to junk, trash, and debris violation. The property was posted on January 15, 2021 after attempts at first-class and certified mail were unsuccessful. The lot is vacant, but the neighbors that live to the west have begun to loiter on the empty lot and leave trash and debris. Ms. Buck spoke with the granddaughter of the property owner and her plans are to clear the lot and is she is requesting more time to do so. Staff recommended a sixty-day extension, **until March 19, 2021**, to bring property into compliance or a \$100 per day fine will be imposed.

03:32:13

ON MOTION BY Mr. Stephen Boehning, SECONDED BY Mr. Pete Clements, the Board voted unanimously (7-0) to find violation and grant sixty-day extension, until March 19, 2021 to bring property into compliance, or a \$100 per say fine will be imposed. The motion passes.

Note for the record that the Respondent **was not** present for this hearing.

3:22:08 **Authorization for Notices to Appear**

**ON MOTION BY Mr. Karl Zimmermann,
SECONDED BY Mr. David Myers, the Board voted
unanimously (7-0) to authorize the Notices to Appear
for cases leading up to the February 22, 2021 meeting.**

03:33:10 **Adjournment**

There being no further business, the meeting was adjourned at 5:15pm.