

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, March 28, 2022, at 1:30 pm.

Present were Vice Chairman **Mr. Pete Clements**, General Contractor Appointee; **Mr. Karl Zimmermann**, Realtor Appointee; **Mr. David Myers II**, Businessman Appointee; **Mr. Joseph Petrulak**, Subcontractor Appointee; **Mr. James Kordiak**, Member-at-Large; **Mr. Terence Schlitt**, Engineer Appointee.

Chairwoman **Ms. Dana DiFrancesco** was absent.

Also, in attendance was Ms. Jennifer Peshke, Attorney for the Board; IRC staff: Mr. Andrew Sobczak, Assistant Community Development Director; Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning; Ms. Susan Prado, Assistant County Attorney; IRC Code Enforcement Officers: Ms. Daphne Driskell, Ms. Vanessa Carter Solomon, Ms. Tricia Johnson, Ms. Kelly Buck; Recording Secretary, Ms. Lisa Plesnarski, Commissioner Assistant.

Call to Order

Vice Chairman Pete Clements called the meeting to order and led all in the Pledge of Allegiance.

Approval of Minutes

ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to approve the meeting minutes of February 28, 2022, as presented.

Attorney's Overview of Board Purpose and Procedures

Ms. Jennifer Peshke read a brief overview of the Code Enforcement Board's procedures and purpose.

Agenda Additions or Deletions, Consent Items

Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning, reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension on the Consent Agenda.

Case #2021090135 was brought into compliance, Case #2021110054 was given an extension of 60 days until May 20, 2022, Case # 2022020064 was brought into compliance,

Case # 2021020054 was given a 90 day extension until June 24, 2022, Case # 2021080004 was given a 30 day extension until April 22, 2022, Case #2021090117 was given a 30 day extension until April 22, 2022, Case # 2021100077 was brought into compliance.

ON MOTION BY Joe Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to accept the Additions and Consent Items as presented.

Swearing in of Those Whom Will Testify

The secretary proceeded to administer the testimonial oath to those individuals who would testify at any hearing.

EVIDENTIARY HEARINGS

Case #2021100075 Cairns, John S. & Marlene A.

IRC Code Enforcement Officer Ms. Vanessa Solomon spoke regarding property located at 1060 6th Avenue, the location of Vero Fitness (formerly known as Jungle Club). Service was received March 16, 2022, via certified mail for a site plan nonconformance violation. In June 2016, Vero Fitness obtained site plan approval for after-the-fact improvements which included a new parking lot. The Department received a call in late 2021 regarding asphalt millings used in the parking lot. It was discovered that the previously approved site plan was expired, and Vero Fitness was subsequently informed they would need to apply for a new site plan. Mr. Solomon showed an aerial photo of the parking area displaying the improvements. Respondent John Cairns was informed there were code violations addressed in the 2016 site plan which needed to be included in the new site plan. Ms. Solomon said she recently discussed time frames with Mr. Cairns regarding plan submittal. Staff requested a 60 day extension, until approximately May 20, 2022, for the property to be brought into compliance by applying for site plan approval.

Mr. Cairns explained he is waiting for his engineer to complete work on the plan and that he felt like the 60 day time frame is reasonable.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (6-0) to accept staff's recommendation of a 60 day extension, until May 20, 2022, for Respondent to submit an application for site plan approval.

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

Case #2022020025 Newman, Christine

IRC Code Enforcement Officer Vanessa Solomon spoke regarding residential property at 1425 Corona Lane. The resident received notice via certified mail on March 17, 2022. The Department received a complaint about the property in September of 2021. The cited violations for a junk vehicle and for a fence constructed without a building permit have come into compliance. The other cited violations were for junk, trash and debris, overgrown weeds, and swimming pool maintenance. Ms. Solomon explained that there was an above ground pool with an apparent broken pump and that the owner indicated that the pump was on order. The owner explained that she had drained the pool, but that the pool was still not cleaned. Ms. Solomon showed photos taken earlier and said she walked the property with the home owner to discuss what was needed. The owner told Ms. Solomon she believed she could have the property brought into compliance within 30 days. Staff requested an extension of 30 days, until April 22, 2022, for the cited violations to be brought into compliance or be subject to a fine imposed in an amount up to \$250.00 per day.

ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (6-0) to accept staff's recommendation of an extension of 30 days, until April 22, 2022, for the cited violations to be brought into compliance or be subject to a fine imposed in an amount up to \$250.00 per day.

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

COMPLIANCE HEARING

Case # 2021110034 Palmer, Michael S. and Kelly L.

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a residential property at 1262 15th Avenue. Ms. Solomon discussed the history of the property, reminding the Board that the case was brought before them on February 28, 2022 at which time respondent was granted a 30 day extension to apply for building permits. Ms. Solomon explained that as of today respondent has not applied for permits and has installed more fencing on the north side of the property. Ms. Solomon noted the respondent came into the office a few times but an application has not been submitted. Staff is requesting a fine in the amount of \$250.00 per day be imposed beginning March 26, 2022. Mr. Kordiak asked why the fine amount was determined at \$250.00. Assistant County Attorney Ms. Susan Prado responded and explained that the language in their recommendations was changed to allow for a fine in an amount up to \$250.00 per day as allowed statutorily. Ms. Prado also noted that when determining the fine amount, the Board should take into consideration the gravity of the violation, actions taken by respondent to correct, and any previous violations. Ms. Prado reminded the Board that this respondent has come before them previously regarding several different violations and has not acted to remedy.

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (6-0) to accept staff's recommendation that a fine be imposed in the amount of \$250.00 per day beginning March 26, 2022.

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

LIEN RELEASE REQUESTS

Case #2021020009 Eilertsen, Kjell M. & Lori A.

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke about a property located at 430 38th Avenue. The cited violations were for junk, trash, and debris and overgrown weeds with hearings having been held in March and April of 2021. Ms. Guerra showed photos taken in 2021 and photos taken last week showing the property has been brought into compliance. A fine in the amount of \$100.00 per day was imposed beginning April 24, 2021. The property was brought into compliance March 23, 2022. There was a total of 333 days out of compliance totaling a fine in the amount of \$33,300.00. Administrative costs were \$1,700.00. The 2021 assessed value of the home is \$105,935.00. Staff's recommendation is for \$3,300.00 which is 10% of the total fine.

Mr. and Ms. Eilertsen spoke and explained that some health issues delayed their ability to clean up the property sooner, and that they are now looking to sell the property. Mr. Myers made a recommendation for administrative costs in the amount of \$1,700.00.

ON MOTION BY David Myers, SECONDED BY Joseph Petrulak. James Kordiak OPPOSED. The Board voted (5-1) to impose a fine in the amount of \$1,700.00.

Note for the record that Respondents Kjell and Lori Eilertsen **were** present for this hearing.

Case # 2020060069 Gutierrez, Daniel

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke regarding property located at 5655 38th Place. The violation was for construction without a building permit. Ms. Guerra explained that notice was given June 15, 2020, with hearings taking place January 25, 2021 and July 26, 2021. Ms. Guerra showed a photo of the fence constructed without permit, and noted that a building permit had since been obtained. Staff's recommendation was to impose a fine for administrative costs. There were two extensions given, which equated to \$2,300.00 in administrative costs. Ms. Guerra explained that the building permit was obtained, however, it was not finalized. It was staff's recommendation to impose a fine for administrative costs in the amount of \$2,300.00 on condition that the

respondent obtain final inspection within 60 days, or the fine would revert back to \$100.00 per day.

ON MOTION BY James Kordiak, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to accept staff's recommendation to impose a fine for administrative costs in the amount of \$2,300.00, and to require respondent to obtain final inspection within 60 days, or the fine will revert back to \$100.00 per day.

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

EVIDENTIARY HEARINGS

Case # 2021120016 Luna, Saul & Marisela and Alvarado, Alejandra

IRC Code Enforcement Officer Daphne Driskell spoke regarding property located at 14775 107th Street. The cited violations were for wetland alteration and stormwater violations. Notice was posted on March 16, 2022, after attempts at regular and certified mail were unsuccessful. Ms. Driskell showed a photo of the property and explained that a complaint was received from a neighbor about fill being brought into wetlands on the property. Ms. Susan Prado stated that a Type C permit was necessary in order to proceed with the County's permitting process.

Property owner Ms. Alejandra Alvarado explained that an environmental assessment had been done and they were waiting for their engineer to submit a permit application. Ms. Driskell explained that staff's recommendation was to give the respondent 30 days to provide proof of an engineer's contract and another 30 days to apply for the Type C permit. Ms. Prado asked Ms. Alvarado to have her environmental specialist's information sent to the Department's Environmental Planner, Steven Hitt. Mr. Myers made a motion to allow the respondent 30 days to submit proof of an engineering contract and an additional 30 days to come into compliance via a submission of a Type C permit application.

ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to accept staff's recommendation to give respondent 30 days to submit their contract and an additional 30 days to come into compliance with submission of the permit application, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case # 2021110026 Howard, Barbara Sue

IRC Code Enforcement Officer Daphne Driskell spoke regarding property located at 7560 131st Street where violations were for overgrown weeds and junk, trash, and debris. Notice was posted on March 16, 2022, after attempts at regular and certified mail were unsuccessful. Ms. Driskell displayed a photo taken on March 16, 2022, and a photo taken more recently showing the status as unchanged. Staff requested 30 days, or until April 22, 2022, for the property to be brought into compliance or be subject to a fine in an amount up to \$250.00 per day.

ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to accept staff's recommendation to give respondent 30 days to bring the property into compliance, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case # 2022010017 Osborne, Valerie A. & Arley J.

IRC Code Enforcement Officer Daphne Driskell spoke regarding property located at 7815 97th Avenue. The cited violations were for junk, trash, and debris, junk vehicles, and for a shed constructed without a building permit. Notice was posted on March 16, 2022, after attempts at regular and certified mail were unsuccessful. Ms. Driskell showed a photo taken in January, 2022 and a photo taken more recently. Ms. Driskell explained that some of the debris had been removed.

Mr. Adam Osborne spoke and explained that both owners were deceased and that he was their son. Mr. Osborne indicated that he was working with his roommates to move the vehicles. Mr. Osborne explained that he had not yet filed probate. Mr. Petrulak noted that the respondent would not be able to apply for permits as he was not yet the legal property owner. Discussion ensued with a suggestion made to remove the unpermitted shed noting that a demolition permit could still be required. Ms. Peshke interjected and opined that Mr. Osborne may need to open probate in order to be named as representative of the estate in order to apply for permitting. Staff's recommendation was to give the respondent 30 days to remove the junk, trash, and debris and junk vehicles and 90 days for the respondent to apply for a building or demolition permit to address the unpermitted shed. There was also discussion clarifying the code restrictions of vehicle storage. Mr. Myers made a motion to accept staff's recommendations.

ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to accept staff's recommendation to give respondent 30 days for the removal of junk, trash, and debris and

junk vehicles and 90 days to apply for a building or demolition permit for the unpermitted shed or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case # 2021100003 Vargas, Francisco & Raquel

IRC Code Enforcement Officer Daphne Driskell spoke about a property located at 9100 106th Ave. and explained the department received a complaint about the building being used as a church. Violations cited are use established without site plan approval and no building permit. Service was received March 7, 2022 and Notice also was posted on the property March 16, 2022. Ms. Driskell showed photos of the inside of the building. Respondents Raquel and Francisco Vargas were present and explained they were told the building was permitted as a garage when they purchased the property and just now became aware of this issue. They explained the building is currently being used for a recreational area for social gathering. Assistant County Attorney Susan Prado informed respondents that going forward, they may or may not need a site plan depending upon how the use is intended. Vice Chairman Pete Clements asked respondents if they understood what is required to apply for the building permit and how much time they thought they would need to obtain. Ms. Vargas estimated 90 days. Mr. Kordiak raised the issue of whether or not there were utilities to the building such as air conditioning, restroom facility ...etc. Respondents replied the building does have air conditioning but does not have a restroom and that the restroom in the separate residence is used by guests. Mr. Sobczak clarified the building is a separate detached garage on a five acre agricultural zoned property. Mr. Sobczak explained that previously contractors have tried to permit the structure but that the addition does not meet setbacks and it could be a lengthy process. Ms. Vargas said they have hired a contractor whom they intend to work with going forward. Mr. Clements proposed a motion to give respondent 30 days to submit documentation that they have obtained a contractor, and 90 days to submit either a building or demolition permit application.

ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (6-0) to give respondent 30 days to submit documentation that they have hired a contractor, and 90 days to submit either a building or demolition permit application.

Note for the record that Respondents Raquel and Francisco Vargas were present for this hearing.

Case # 2022010028 Whitaker, James R. II

IRC Code Enforcement Officer Daphne Driskell spoke about a property located at 8295 133rd Place. The cited violation is for no building permit for a shed on property. Service was received March 15, 2022 and also posted on the property March 16, 2022. Ms. Driskell showed a photo and explained the status of the property is unchanged. Staff is recommending 60 days, or until May 20, 2022, for the property to come into compliance by obtaining a permit and final inspection, or to obtain permit and final inspection for demolition of the structure.

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (6-0) to give respondent 60 days, or until May 20, 2022 for the property to come into compliance by obtaining a permit and final inspection, or to obtain permit and final inspection for demolition of the structure.

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

COMPLIANCE HEARINGS

Case # 2020040025 Copher, Richard and Sharon

IRC Code Enforcement Officer Daphne Driskell spoke about a no building permit violation at a property located at 8315 102nd Court. Ms. Driskell explained the case was originally brought before the Board March 22, 2021 and noted there have been five extensions granted. Ms. Driskell showed photos taken in February 2021 and photos taken this morning showing the status is the same and explained it is the shed that needs to be permitted. Respondent Richard Copher explained they have hired a contractor, that there is currently an open permit and they are waiting for plan drawings. Mr. Copher explained their intent is to remove the existing shed and construct a new one and said the process is taking longer than expected. Mr. Clements asked for a recommendation from staff.

Chief of Code Enforcement and Environmental Planning Rebeca Guerra said the department would be willing to give the respondent an extension of 90 days, or until June 24, 2022, to obtain a demolition permit and demolish the existing shed with final inspection.

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann. Joseph Petrulak OPPOSED. The Board voted (5-1) to give respondent 90 days, or until June 24, 2022, to obtain a demolition permit and have the existing shed demolished with final inspection.

Note for the record that Respondents Richard and Sharon Copher **were** present for this hearing.

Case # 2022010006 Deschryver, Paul M.

Assistant County Attorney Susan Prado spoke regarding property located at 8415 103rd Ave. and explained the case related to a repeat junk vehicle violation. Ms. Prado explained that the case originally came before the Board on November 23, 2020. The case was set to be heard the previous month, but the respondent obtained counsel and their attorney asked for some additional time to review the case. Ms. Prado showed photos taken earlier showing the status of the property as unchanged. Ms. Prado spoke about the history of the property, explaining that the case was a repeat violation and that there was a previous Order in 2018 regarding junk vehicles. Ms. Prado noted there were still numerous junk vehicles on the property and reviewed the County Code, including the definition of junk and unserviceable vehicles. Ms. Prado spoke about the timeline and about the persistence of the violation at this property noting it was a repeat violation, and that as such, there was no statutory requirement to give the respondent an extension of time to comply with or remedy the violation. Ms. Prado explained that as per FL Statute 162.09, the respondent could be fined an amount up to \$500.00 per day for a repeat violation from the date the Code inspector found the repeat violation to have occurred. Ms. Prado asserted that the evidence demonstrated there was an existing Code violation in regard to junk vehicles on the property and asked that the repeat violation be upheld.

Mr. Clements asked if the fence seen in the photos was a permissible fence. Ms. Guerra responded that it was not one which was prohibited by Code. There was further commentary from the Board that it was very unattractive. Mr. Myers asked staff if they had an aerial photo of the property, noting in an image found online that there appeared to be about fourteen vehicles in the yard. Mr. Sobczak showed an aerial photo taken in January / February of 2022. IRC Code Enforcement Officer Daphne Driskell stated she had been on the property and estimated there were at least ten junk vehicles. Mr. Clements asked whether or not this constituted a commercial operation in a residential neighborhood. Ms. Prado indicated that the property had not been cited as such, but if the activity continued, it may be cited as a separate issue as the Respondent fixed the vehicles to sell them.

Ms. Doreen Regent, counsel for Paul Deschryver, spoke and explained she was retained in February. Ms. Regent said the property owner did not run a business on the property, but that this activity was his hobby and he intended to restore one or two vehicles per year to sell. Ms. Regent requested an extension of 30 or 60 days for the respondent to either find a place to store the vehicles or to improve the existing fencing.

Chief of Code Enforcement and Environmental Planning Rebeca Guerra clarified the County's definition of a junk vehicle and what was allowable in regard to vehicle storage at a residential property. Ms. Prado added that the vehicles at this property do not meet the definition of "recreational vehicle." There was discussion regarding the feasibility of garage storage. Mr. Myers asked a question about hurricane shutters covering the windows shown in the photos. Ms. Driskell clarified that the hurricane shutters needed to be taken down. Ms. Prado indicated that staff's recommendation was for a fine in an amount of \$250.00 per day to be imposed beginning March 26, 2022.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted (6-0) to approve staff's recommendation that a fine in the amount of \$250.00 per day be imposed beginning March 26, 2022.

Note for the record that counsel for Respondent, Doreen Regent was present for this hearing.

Case # 2021080033 CF KL Assets 2019-2 LLC

IRC Code Enforcement Officer Daphne Driskell spoke regarding property located at 8415 102nd Avenue. Ms. Driskell reviewed the history of the case and explained it was originally heard before the Board on September 27, 2021. An evidentiary hearing was held on November 22, 2021 where the respondents were found to be in violation and were required to either obtain a demolition permit or make repairs to the property. Ms. Guerra displayed photos taken earlier showing the status is unchanged. Ms. Driskell reviewed what occurred at the last hearing on February 28, 2022. The respondent was asked to submit a change of contractor form, or letter regarding the same, which had not yet been submitted. An alteration of building permit application was submitted on March 11, 2022, however. A safety assessment from a structural engineer was also required, but had not been submitted. Ms. Prado reviewed the options that were presented to respondent at the last hearing and noted what was still outstanding.

Mr. Bill Hamant spoke and explained that he was the new contractor. The specificity of timing and permits were discussed. Mr. Clements asked for staff's recommendation. Ms. Guerra stated that staff's recommendation was that a fine in the amount of \$250.00 per day be imposed beginning March 26, 2022, and that the respondent be required to submit requested documentation, particularly the safety assessment, to the Building Department. James Kordiak made a motion to the Board for staff's recommendation.

ON MOTION BY James Kordiak, SECONDED BY Joseph Petrulak. OPPOSED by David Myers, Terrence Schlitt and Karl Zimmermann. The motion failed for lack of a quorum.

Mr. Schlitt proposed that the fine in the amount of \$250.00 per day be imposed beginning April 4, 2022, unless the requested documentation was received by the Building Department before that date.

ON MOTION BY Terence Schlitt, SECONDED BY David Myers. OPPOSED by James Kordiak and Joseph Petrulak. The Board voted (4-2) to approve staff's recommendation that a fine in the amount of \$250.00 per day be imposed beginning April 4, 2022

unless the requested documentation was received by the Building Department before that date.

Note for the record that Respondent's representative, Bill Hamant, was present for this hearing.

A five minute recess was taken at this time (1:53pm).

EVIDENTIARY HEARINGS

Case # 2022010036 Mulanax, Sean B.

IRC Code Enforcement Officer Tricia Johnson spoke regarding property located at 2020 5th Avenue, SE where the cited violations were for illegal recreational vehicle use and storage of an RV in the yard and in the driveway. Ms. Johnson indicated that she had posted Notice on the property on March 18, 2022. Ms. Johnson showed photos taken January, 2022, and photos taken later showing that the status remained unchanged.

Respondent Shawn Mulanax explained that no one had been living in the RV and that he had already disconnected the power. He stated that the second trailer would be removed by the end of the week. Ms. Johnson clarified that it was permissible for the RV to be parked in the driveway, but that the RV could not be lived in. Ms. Johnson noted that it appeared it was being used because the RV's push-out component was extended. Mr. Mulanax explained that the slider was stuck, and that he would close it manually. Ms. Johnson indicated that it was staff's recommendation for an extension of 30 days, or until April 22, 2022, for the property to be brought into compliance or be subject to a fine imposed in an amount of up to \$250.00 per day.

ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted (6-0) to approve staff's recommendation for a 30 day extension, or until April 22, 2022 for the property to be brought into compliance, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case # 2022010029 Trumble, Brian Timothy and Ashley Nicole

IRC Code Enforcement Officer Tricia Johnson spoke regarding property located at 1255 16th Avenue, SW where the cited violation was for a front deck constructed without building permits. Service was obtained via certified mail and Notice was posted on the property on March 18, 2022. Ms. Johnson displayed photos showing that the status was unchanged.

Mr. Brian Trumble was in attendance to represent the Trumble family and stated that they intended to fully comply with what was needed. There was some discussion about the specificity of the required permit. Mr. Clements suggested that Mr. Trumble meet with the Building Department to determine exactly what type of permit was needed. Mr. Trumble spoke about issues with neighbors and requested that anyone who came to inspect the property attest they were not a personal friend of the neighboring families.

Ms. Johnson reviewed staff's recommendation of 60 days, or until May 20, 2022, for the structure to be permitted with final inspection or the structure be removed, or be subject to a fine imposed in an amount up to \$250.00 per day. Mr. Clements expressed concern about the timeframe. Ms. Guerra explained what was needed and proposed 90 days, instead.

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted (6-0) to approve staff's recommendation for 90 days to obtain a building permit for the front deck and complete final inspection, or demolish the front deck, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case # 2022010002 Edgerly, Roger W. and Barbara J.

IRC Code Enforcement Officer Tricia Johnson spoke regarding property located at 960 32nd Avenue, SW where the violation of overgrown weeds was cited on February 28, 2022. Ms. Johnson showed photos taken earlier verifying that the status remained unchanged. Staff's recommendation was to impose a fine in the amount of \$100.00 per day beginning March 26, 2022.

ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted (6-0) to approve staff's recommendation that a fine in the amount of \$100.00 per day be imposed beginning March 26, 2022.

Note for the record that Respondents were **not** present for this hearing.

EVIDENTIARY HEARINGS

Case # 2022020010 Cavalier, Diackamann

IRC Code Enforcement Officer Kelly Buck spoke about a property located at 4230 20th Ave. where violations were cited for commercial vehicles at a residential property and zoning district use violation. Notice was posted on March 16, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Buck explained there is an open Code Enforcement

case on this property for overgrown weeds and unsecured structure. Ms. Buck showed a photo taken March 8, 2022 of the vacant structure and explained she recently noticed two unregistered commercial vehicles parked at the property. Ms. Buck showed photos taken this morning showing the vehicles are still on the property. Staff's recommendation is for 30 days, or until April 22, 2022, for the property to be brought into compliance by removing the commercial vehicles or be subject to a fine imposed in an amount up to \$250.00 per day.

ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted (6-0) to approve staff's recommendation for 30 days, or until April 22, 2022 for the property to come into compliance by removing the commercial vehicles, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case # 2022020011 Pinnock, Lorrel

IRC Code Enforcement Officer Kelly Buck spoke about a property located at 4140 48th St. where cited violations are for commercial vehicle at a residential property and zoning district use violation. Service was received March 17, 2022. Ms. Buck showed a photo taken March 8th showing several commercial vehicles on a vacant lot owned by Mr. Pinnock. Ms. Buck explained some of the equipment was removed from the property and some remains. Ms. Buck has been in communication with Mr. Pinnock and he has indicated he needs some more time to complete the removal process.

Mr. Pinnock explained he was working on the property but was in an accident and could not proceed as planned. Mr. Clements asked Mr. Pinnock how much time was need to come into compliance. Mr. Pinnock said that 90 days should be sufficient.

Mr. Myers proposed a motion that respondent be given 90 days to come into compliance by removing all commercial vehicles and cease using the vacant lot for storage.

ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted (6-0) to approve staff's recommendation for 90 days, or until June 24, 2022 for the property to come into compliance by removing the commercial vehicles and cease using the vacant lot for storage, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Authorization for Notices to Appear

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to authorize Notices to Appear.

Other Board Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 3:44pm.