

## **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, May 23, 2022 at 1:30 pm.

Present were Chairwoman **Ms. Dana DiFrancesco**; 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. Carlos L. Flores Blancaneaux**, Architect Appointee; **Mr. James Kordiak**, Member-at-Large.

Mr. Terence Schlitt, Engineer Appointee was absent.

Also, in attendance was Ms. Jennifer Peshke, Attorney for the Board; IRC staff: Ms. Susan Prado, Assistant County Attorney; Mr. Andrew Sobczak, Assistant Community Development Director; Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning; 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**

Chairwoman Dana DiFrancesco called the meeting to order. The secretary called role establishing a quorum was present. Ms. DiFrancesco led all in the Pledge of Allegiance.

### **Approval of Minutes**

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to approve the meeting minutes of April 25, 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 #2022030037 has been brought into compliance. The following cases have been given a 30-day extension until June 24, 2022: Case #2022030009; Case #2021110054; Case #2022010028; Case #2021010056; Case #2021100064, Case #2022010029, Case #2021080004.

**ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (7-0) to accept the Agenda Additions, Deletions and Consent Items as presented.**

### **Introduction and Code Enforcement Board Proceedings Overview:**

Assistant County Attorney Susan Prado introduced and welcomed the newest member of the Code Enforcement Board, Carlos L. Flores Blancaneaux who is filling the architect position on the Board.

In regard to Board voting procedure, Ms. Prado explained that when there is a full Board present, Ms. DiFrancesco, as an “Alternate Member”, would have to abstain from voting. The secretary will note this at any applicable hearing. Ms. Prado explained that Ms. DiFrancesco can vote at today’s hearing because Mr. Schlitt is absent.

### **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 #2022030027 Gilbert, Matthew & Gilbert, Andrew**

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a single family home located at 2585 88<sup>th</sup> Court in the Paradise Park subdivision. Notice was posted on May 12, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Solomon said the cited violations for overgrown weeds, junk, trash and debris, and trailer storage have been brought into compliance. Ms. Solomon explained the property was mostly in compliance, but that a junk vehicle violation remains as she recently observed an unregistered vehicle on the property.

Respondent Mr. Andrew Gilbert was present and explained that the unregistered vehicle Ms. Solomon observed would be removed the next day.

Ms. Solomon concluded by recommending an extension of 30 days, until June 24, 2022, for the property to be brought into compliance by removing the junk vehicle from the property and ceasing the unenclosed storage of more than one trailer, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY David Myers, SECONDED BY Joseph Petrulak the Board voted (7-0) to accept staff's recommendation of a 30 day extension, until June 24, 2022, for Respondent 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 Andrew Gilbert **was** present for this hearing.

**Case #2022030049 QSR 4, LLC / Popeye's**

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a business located at 1120 US Highway 1 where violations were cited for site plan nonconformance, health and safety hazard/public nuisance, no building permit, and no certificate of occupancy. Ms. Solomon said that Notice was posted on May 12, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Solomon explained this complaint came from the Traffic Department where they reported a guardrail down at the Popeye's on Route 1 due to an accident. Staff ascertained it was not the responsibility of DOT and Ms. Solomon said she explained to the owner the guardrail was part of their site plan and would need to be repaired. Ms. Solomon explained that upon researching the property she discovered multiple building permits had expired and that the 90-day temporary certificate of occupancy given at the initial opening was not completed. Ms. Solomon said the status was unchanged and that as of this morning, no permits had been renewed. Ms. Solomon noted that a contractor needs to renew the permits and that the original contractor for the project was out of state. The specifics of the permitting requirements were discussed. Ms. Solomon explained that Popeye's restaurant is operating without a certificate of occupancy.

Mr. Myers asked if the business was still allowed to operate without a valid certificate of occupancy. Ms. Solomon responded that would be a decision made by the Building Department. Mr. Clements questioned whether or not an extension of time would be possible. Ms. Prado said that in a recent meeting the Building Department indicated an extension of the temporary certificate of occupancy was not possible, however, she deferred to the Building Department for specifics. Chief of Code Enforcement and Environmental Planning Rebeca Guerra explained to the Board that the Building Department would be issuing a Notice of Violation parallel to this case consistent with the Code Enforcement Board's decision and that their recommendations are based upon communication with the Building Department to ensure the dates for both cases run concurrently.

Mr. Scott McAdam of the Building Department was present to answer questions. Ms. Prado referred to their recent meeting and asked Mr. McAdam if the business was allowed to operate without a certificate of occupancy. Mr. McAdam responded there is a possibility that without a certificate of occupancy they could take steps to close the business but also noted there was room for agreement in order to resolve the issues.

Representative of the Respondent, District Manager Mr. Odeny Sagett was present and explained that he initially thought their insurance company was going to pursue the guardrail repair. Mr. Sagett said he is currently working on the issue of guardrail repair and

expected it to be completed soon. Mr. Sagett went on to explain the company headquarters is located in Texas and he is working with them to see about getting a new contractor to resolve the permit issues. Ms. Solomon informed Mr. Sagett he would need a building permit for the guardrail repair and referred him to the Building Department. Mr. McAdam reviewed a couple of options for how to make repairs and obtain required permits. Mr. Petrulak reminded the Respondent he would need to have a contractor that is licensed and insured.

Ms. Solomon gave staff's recommendation that the Respondent be given 14 days to renew required permits and repair the guardrail, and 30 days to complete the final inspection and obtain a certificate of occupancy, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to accept staff's recommendation that the Respondent be given 14 days to renew required permits and repair the guardrail, and 30 days to complete the final inspection and obtain a certificate of occupancy, or be subject to a fine imposed in an amount up to \$250.00 per day.**

Note for the record that representative of the Respondent, Mr. Odeny Sagett was present for this hearing.

**Case #2022040146 Gill, Tonya A.**

IRC Code Enforcement Officer Vanessa Solomon spoke regarding property located at 6196 7<sup>th</sup> Street a single family home in the Pine Tree Park subdivision and reviewed the cited violations as follows: junk vehicle (s); vehicle parking/storage; junk, trash and debris; illegal parking in a right-of-way; trailer storage; no building permit; and zoning district use. Service was obtained May 9, 2022. Ms. Solomon noted the no building permit violation was for a fence permit that has since been obtained. Ms. Solomon explained she has cited this property several times over the years and that historically they clean it up and then the problem reoccurs. Ms. Solomon showed a photo taken April 27, 2022 and a photo taken May 17, 2022 which demonstrated progress. Ms. Solomon explained that she visited the property this morning and it is currently in compliance and that today she is requesting a Continuing Order as an incentive to maintain compliance because the violations have been known to reoccur.

Property owner Tonya Gill spoke and said she feels she is being unfairly profiled because of past violations with the request for a Continuing Order. Ms. Gill said there are neighboring properties with violations where the conditions are not cited or remedied. Ms. Solomon clarified that several properties in the development were cited for violations. Ms. Prado noted that a fine can be imposed even after a property is brought into compliance, as is allowed under Florida statute, and pointed out that the Respondent is not being fined at this time. Ms. Gill's fiancé Richard Turnble spoke and said he is a retired mechanic and that

he collects miscellaneous materials and that he is in the process of working on them. Mr. Turnble also said he sold the scrap material that he kept on the property for short amounts of time. Ms. DiFrancesco reminded Mr. Turnble those activities are not allowed on a residential property. Ms. Gill contended the photos Ms. Solomon showed were outdated. Ms. Solomon showed an aerial photo taken January 3, 2022 and noted she has cited the property five times since 2017 and met with the Respondent on site several times. In response to a Board member question, Mr. Andy Sobczak, Assistant Community Development Director, gave some further information about the stipulations of a Continuing Order.

Ms. Gill asked Ms. Solomon for clarification that the condition of the property, as currently seen, is acceptable and asked for reassurance that as long as it remained the same it would be considered compliant. Ms. Solomon affirmed the property is currently in compliance. Mr. Turnble said that the owner of a neighboring vacant lot gave him permission to use the lot for parking and asked if that was allowed. Ms. Solomon explained to Mr. Turnble the vacant lot could not be used for vehicle parking and storage.

**ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to accept staff's recommendation to adopt a Continuing Order to impose a fine if a violation of the cited code section(s) reoccurs.**

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

### **COMPLIANCE HEARINGS**

#### **Case #2021080049 Guch, Jose**

IRC Code Enforcement Officer Ms. Vanessa Solomon spoke regarding a property located at 515 27<sup>th</sup> Avenue. Ms. Solomon explained the case originally came before the Board on February 28, 2022 for cited violations of junk vehicles; junk, trash and debris; property and swimming pool maintenance violations; and construction without a building permit. The swimming pool maintenance violation was brought into compliance. Ms. Solomon explained the property is zoned residential, but has historically been used as, and is recognized as, a multi-family development.

A complaint was initially received from a tenant regarding an overflowing garbage dumpster. Ms. Solomon explained that during her initial site visit she noticed there was construction taking place without permits and since that time the Building Department issued a stop work order. Ms. Solomon noted building permit applications had not been submitted. Ms. Solomon said that all of the garbage had been removed at one time, but has now started to accumulate again and junk vehicles remain. Ms. Solomon showed a photo taken this morning demonstrating the property is still not in compliance. Ms. Solomon said she did hear from Respondent who indicated he wanted to sell the property because the issues were

too overwhelming. Ms. Solomon said she explained to him that the issues still need to be resolved and he would have a duty to inform any potential buyers of the violations.

Ms. Solomon concluded by giving staff's recommendation that a fine in the amount of \$100.00 per day be imposed beginning May 21, 2022.

**ON MOTION BY Pete Clements, SECONDED BY Joseph Petrulak, the Board voted (7-0) to accept staff's recommendation that a fine in the amount of \$100.00 per day be imposed beginning May 21, 2022 until the property is brought into compliance.**

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

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

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a site plan nonconformance violation at 1060 6<sup>th</sup> Ave., the location of Vero Fitness Center. Ms. Solomon reminded the Board that at the hearing on March 28, 2022, the Respondent was given 60 days to submit a site plan for approval. Ms. Solomon said that the Respondent keeps submitting an incomplete application. Ms. Solomon noted some of the violations are health and safety related and that the Respondent has been cited and fined for the same violations previously, therefore, staff's recommendation is that a fine in the amount of \$500.00 per day be imposed beginning May 21, 2022.

**ON MOTION BY David Myers, SECONDED BY Joseph Petrulak. The Board voted (7-0) to accept staff's recommendation that a fine in the amount of \$500.00 per day be imposed beginning May 21, 2022 until the property is brought into compliance.**

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

**EVIDENTIARY HEARINGS**

**Case #2022040010 Norris, Tracy L.**

IRC Code Enforcement Officer Kelly Buck spoke regarding residential property at 4355 23<sup>rd</sup> Court where cited violations were for recreational use and storage, junk vehicle and illegal parking in the right-of-way. Ms. Buck displayed an aerial photo of the property taken January 4, 2022 which showed three RV's on the property and inoperable recreational vehicles stored across the street. Ms. Buck said she spoke to Mr. Norris about the RV's and he told her people were living in them. Ms. Buck showed a photo taken this morning showing the status remains unchanged.

Mr. Norris was present and said he had been in contact with Ms. Buck but a death in his family caused some delay in addressing the issues. Ms. DiFrancesco asked Mr. Norris if he understood that not only could he not have people living in the RV's on his property, but that storage of the RV's is also not allowed. Mr. Clements asked Mr. Norris how much time he though her needed to remedy the violations. Mr. Norris responded he will try to resolve in 30 days. Mr. Petrulak asked if electricity and sewer were provided for the people living in the RV's. Mr. Norris responded that electric was run and the people used the residence for their hygienic needs. Ms. Buck noted the Health Department had separately inspected the property. Ms. Buck gave staff's recommendation that the Respondent cease using the RV's as living quarters, and remove all junk vehicles within 30 days, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (7-0) to accept staff's recommendation that Respondent cease using the RV's as living quarters, and remove all junk vehicles within 30 days, or be subject to a fine imposed in an amount up to \$250.00 per day.**

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

**Case #2022040023 Norris, Tracy Lerone**

IRC Code Enforcement Officer Kelly Buck spoke regarding residential property at 4365 23<sup>rd</sup> Court where cited violations were for junk vehicle (s) and illegal parking in a right-of-way. Ms. Buck showed an aerial photo taken January 4, 2022 demonstrating the violations, and a photo taken this morning showing the status remained unchanged. Respondent Tracy Norris was present and explained one of the vehicles is registered and that he will remove the untagged inoperable vehicles.

Ms. Buck gave staff's recommendation that the Respondent cease using the RV's as living quarters, and remove all junk vehicles from the property and right-of-way within 30 days, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (7-0) to accept staff's recommendation that Respondent cease using the RV's as living quarters, and remove all junk vehicles from the property and right-of-way within 30 days, or be subject to a fine imposed in an amount up to \$250.00 per day.**

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

## COMPLIANCE HEARINGS

### Case #2022020025 Newman, Christine

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a property located at 1425 Corona Lane. Ms. Solomon reminded the Board the original hearing date was on March 28, 2022 and a compliance hearing held April 25, 2022. Ms. Solomon said she met with the Respondent the previous week and showed the Board photos taken at that time. Ms. Solomon said when she was at the property there were pallets that were loaded on a trailer but that she later received a photo of the pallets unloaded in the yard. The Respondent, Ms. Christine Newman was present and said the pallets would be moved. Ms. Solomon asked Ms. Newman about the pool pump because, although she said it was working, the pool didn't appear to be working properly. Ms. Solomon explained to the Board that she didn't know where the disconnect in understanding is happening because the requirements were laid out specifically at the last hearing and she has also walked the property with the Respondent three separate times.

Mr. Meyers noted the photos Ms. Solomon showed which indicate the property is still in violation. Ms. Solomon explained there have been ongoing numerous complaints about the condition of this property received by their Department and the County Commissioners and noted the situation and time spent were excessive. Ms. Solomon reminded the Board that at the last compliance hearing, Ms. Newman was given 14 days to bring the property into compliance.

Respondent Christine Newman was present and said she had made some improvements and was in touch with Ms. Solomon. Ms. Newman contended the grass was not overgrown and that the pool pump was working. Mr. Myers explained to Ms. Newman that the fine of \$100.00 per day with a start date of May 10, 2022 has already accrued a fine in the amount of \$1,300.00 and will continue to accrue until the Code Enforcement Department determines the property is in compliance.

Ms. Solomon gave staff's recommendation that a fine in the amount of \$100.00 per day be imposed, beginning May 10, 2022, until all violations are brought into compliance.

**ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (7-0) to accept staff's recommendation that a fine in the amount of \$100.00 per day be imposed beginning May 10, 2022 until all violations are brought into compliance.**

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

## EVIDENTIARY HEARINGS

### Case # 2022040014 Essick, John R. & Patricia



IRC Code Enforcement Officer Daphne Driskell spoke about a property located at 1951 W. Sand Dollar Lane where there was a vacation rental license violation cited. Notice was posted May 11, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Driskell explained that the status is the same, the rental had a documented stay and is still being advertised. Ms. Driskell showed a photo which demonstrated the property being advertised as a vacation rental. Ms. Driskell gave staff's recommendation that the Respondent obtain a vacation rental license, or document that they have ceased advertising and using the property as a vacation rental within 30 days, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Pete Clements, SECONDED BY Joseph Petrulak, the Board voted unanimously (7-0) to accept staff's recommendation that Respondent obtain a vacation rental license, or document they have ceased advertising and using the property as a vacation rental within 30 days, or be subject to a fine imposed in an amount up to \$250.00 per day.**

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

**Case #2022040015 Hoffman, Steven & Noli, Suzanne**

IRC Code Enforcement Officer Daphne Driskell spoke about a property located at 9575 Periwinkle Dr. where there was a vacation rental license violation cited. Service was obtained and Notice posted May 11, 2022. Ms. Driskell explained that the status is the same, and that the rental has had a documented stay. Ms. Driskell showed a photo which demonstrated the property being advertised as a vacation rental.

Respondent Suzanne Noli was present and said that she intends to comply and just needs to be educated on the process. Ms. Driskell gave staff's recommendation that the Respondent obtain a vacation rental license, or document that they have ceased advertising and using the property as a vacation rental within 30 days, 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 (7-0) to accept staff's recommendation that Respondent obtain a vacation rental license, or document they have ceased advertising and using the property as a vacation rental within 30 days, or be subject to a fine imposed in an amount up to \$250.00 per day.**

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

**COMPLIANCE HEARING**

**Case # 2022020001 Gomez, Felipe and Elena; SLP Tractor Service**

IRC Code Enforcement Officer Daphne Driskell spoke regarding property located at 12376 91<sup>st</sup> Street and explained cited violations were for an illegal business on residential property and use established without site plan approval. Ms. Driskell noted the original hearing date was April 25, 2022 and that the status is unchanged. Ms. Driskell clarified the zoning of the property is A1 agricultural.

Representative of the Respondent Marisela Una was present and said they bought the property and are working with the city on a site plan. Ms. Una explained she has not been given a time frame but that after the site plan is approved they hope to be able to park their vehicles on the property.

Ms. Susan Prado noted the Respondents have only had a preliminary conversation with the city and that the approval process could potentially take a very long time. Ms. Prado asked the Respondent if there was another place where they could store their commercial vehicles. Ms. Prado reminded the Respondent that there is currently a fine accruing on the property and that it had been recommended for foreclosure proceedings. Ms. Prado clarified the original case is against the property owner and that the compliance hearing is for the business. Ms. Rebeca Guerra offered some further details and discussed the egregiousness of the violation and the long time it has been occurring. Ms. Guerra also noted continuous complaints by neighbors.

Ms. Prado gave staff's recommendation that a fine in the amount of \$250.00 per day be imposed beginning May 21, 2022 until the property is brought into compliance.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann. OPPOSED BY Pete Clements and Dana DiFrancesco. The Board voted (5-2) to accept staff's recommendation that a fine in the amount of \$250.00 be imposed, beginning May 21, 2022, until the Respondent ceases commercial activity and removes all commercial vehicles from the property.**

Note for the record that Respondent's representative Marisela Una was present for this hearing.

**EVIDENTIARY HEARINGS**

**Case # 2022040031 Sanctuary Services & Holdings, LLC.; Randi Mangra**

IRC Code Enforcement Kelly Buck spoke about a property located at 4606 32<sup>nd</sup> Avenue where junk, trash and debris, and land clearing debris stockpile violations were cited. Notice was posted May 6, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Buck showed an aerial photo taken Jan. 4, 2022 and a photo taken this

morning which showed a large pile of land clearing debris which also contained miscellaneous trash.

Respondent Randi Mangra was present and explained she is in a legal dispute with the property owners to the South regarding a fence. Ms. Mangra explained that herself, her family, and hired contractors have been harassed and threatened by the neighbors while on the property and that due to these problems she has had difficulty retaining a land clearing contractor. Ms. Buck noted the land clearing contractor should be removing the cleared debris the same day it is cleared and suggested Ms. Mangra have that conversation with her contractor.

Mr. Myers clarified that the fence at the south side property line did not need to come down in order to move the debris pile at issue and suggested video documenting the problem with the neighbors. Mr. Clements suggested perhaps having a law enforcement deputy present when at the property if the Respondent felt there was a threat of violence. Ms. Mangra said bringing the property into compliance isn't a financial problem, but that she is having a problem finding a contractor to do the needed work. Ms. Mangra explained that her intention is to address the problem and she requested an extension of time. Mr. Myers asked Ms. Mangra how long she thought it would take to get the land cleared once a contractor is obtained. Ms. Mangra responded she did not know and that she has not heard back from the latest contractor she contacted.

Ms. Buck gave staff's recommendation that Respondent be given 30 days to bring the property into compliance, or be subject to a fine imposed in an amount of up to \$250.00 per day.

**ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (7-0) to accept staff's recommendation that the Respondent be given an extension of 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 Randi Mangra **was** present for this hearing.

**Case # 2021110002 Frenezzy, Elsie**

IRC Code Enforcement Officer Kelly Buck spoke about a property located at 4590 32<sup>nd</sup> Avenue where violations were cited for zoning district use; junk, trash, and debris; property maintenance; and junk vehicle(s). Notice was posted May 6, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Buck showed an aerial photo taken Jan. 4, 2022 which demonstrated the violations. Ms. Buck explained that the property owner died and the property ownership is in contention among family members. Ms. Buck said that as of this morning, 2 junk RV's remain on the property as well as a commercial vehicle, and that overgrown weeds and miscellaneous junk, trash, and debris remain. Ms. Buck also noted complaints received of loitering and mechanical work taking place on the property.

Ms. Buck gave staff's recommendation that Respondent be given 90 days, or until August 19, 2022, to bring the property into compliance, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to accept staff's recommendation to give Respondent 90 days, until August 19, 2022, 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.

*A five minute break was taken at this time (3:36pm).*

### **LIEN RELEASE REQUESTS**

#### **Case # 2003090089 Compton, Gary Dean**

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke about a property located at 1286 17<sup>th</sup> Place Southwest. Ms. Guerra reviewed the history of violations and showed photos taken which demonstrated the property out of compliance, as well as photos taken more recently showing the property in compliance.

Ms. Guerra explained that a fine in the amount of \$100.00 per day was imposed beginning August 21, 2004 and the property came into compliance May 16, 2022. There was a total of 6,477 days out of compliance resulting in a total fine of \$647,700.00. Administrative costs were \$1,700.00. For reference, the 2021 assessed value of the home is \$66,345.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$6,477.00 which represents 1% of the total costs.

Ms. Buck gave some further information and explained the Code Enforcement Department was not contacted to reinspect after the fine was set. The Department later learned Mr. Compton had died and his son was now trying to clean up the property. Ms. Guerra noted the property has come in and out of compliance several times over the years due to overgrown weeds.

Mr. Shaun Compton was present and said that he intended to maintain the property in compliance.

**ON MOTION BY Karl Zimmermann, SECONDED BY David Myers. OPPOSED BY Dana DiFrancesco. The Board voted (6-1) to acknowledge compliance and approve staff's recommendation that a fine be imposed in the amount of \$6,477.00, which represents 1% of the total costs.**

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

**Case # 2020100101 Warren, Barbara A.**

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke about a property located at 4550 41<sup>st</sup> Avenue where violations were cited for overgrown weeds and junk, trash and debris. Ms. Guerra showed photos taken which demonstrated the violations and a photo taken May 20, 2022 which shows the property in compliance. Ms. Guerra discussed the history of complaints at this property and explained there have been numerous complaints received about bags of trash accumulated outside the back door. Ms. Guerra explained that the property has changed ownership a few times due to death in the family and that historically the property is brought into compliance but then the violations reoccur.

Ms. Guerra explained that a fine in the amount of \$100.00 per day was imposed beginning March 20, 2021 and the property came into compliance May 9, 2022. There was a total of 415 days out of compliance resulting in a total fine of \$41,500.00. Administrative costs were \$1,700.00. For reference, the 2021 assessed value of the home is \$46,500.00. Ms. Guerra explained that due to the nature and occurrence of repeat violations, staff's recommendation is to impose a fine in the amount of \$4,150.00 which represents 10% of the total costs.

Representative of the property Brenda Warren, Barbara Warren's sister, was present and said that she is managing the property and if she had been aware of the violations she would have taken care of the problems. Ms. DiFrancesco asked Ms. Warren if she has had the same tenant at this property. Ms. Warren responded yes, that it is her daughter residing at the property. Ms. DiFrancesco inquired about how such a large amount of trash accumulates and asked whether or not the residence had weekly trash pickup from waste management. Ms. Warren responded by saying her daughter is hardly ever there and noted she has picked up her garbage quite a few times. Mr. Myers asked for clarification that somebody lived in the home. Ms. Warren responded yes, her daughter lives there but is hardly ever present onsite. Mr. Meyers inquired about how so much garbage accumulated if her daughter is hardly ever at the property. Ms. Warren responded that she didn't know because she herself didn't live there.

**ON MOTION BY David Myers, SECONDED BY Pete Clements, the Board voted unanimously (7-0) to acknowledge compliance and approve staff's recommendation that a fine be imposed in the amount of \$4,150.00 which represents 10% of the total costs.**

Note for the record that Respondent's representative Brenda Warren **was** present for this hearing.

**ADMINISTRATIVE HEARINGS**

**Case #2016080073 Almanza, Elias & Angel**

Assistant County Attorney Susan Prado spoke about a property located at 13498 99<sup>th</sup> Street by giving a brief history of the case beginning in 2016 and reviewed the cited violations of junk, trash and debris, and junk vehicle(s). Ms. Prado showed a photo taken today by IRC Code Enforcement Officer Daphne Driskell showing the property is still not in compliance. Ms. Prado said it was discovered the property is currently titled to a minor, and that her office is looking into that issue. Ms. Prado explained that today's request is for the Board to approve the initiation of foreclosure proceedings. Ms. Driskell had indicated some progress in cleaning up the property but noted it is still out of compliance.

Pablo and Pedro Almanza were present and said they are trying to make progress. Mr. Petrulak noted the long amount of time in violation and asked why it was taking so long to bring the property into compliance. Mr. Almanza responded that he has had problems with the tenant and that the junk vehicles belong to them. Mr. Almanza said he has told the tenants the junk vehicles need to be removed.

Ms. Prado again explained the process of the foreclosure initiation and gave an estimated timeline of how the case would proceed. Ms. Prado noted the Respondent would have the opportunity to defend himself in a foreclosure action and that if the property was brought into compliance, the action would be abated.

Mr. Petrulak made a motion to approve staff's request to initiate foreclosure proceedings.

**ON MOTION BY Joseph Petrulak, SECONDED BY James Kordiak. OPPOSED BY Pete Clements and David Myers. The Board voted (5-2) to approve staff's request to initiate foreclosure proceedings.**

Note for the record that the Respondents representatives Pablo and Pedro Almanza were present for this hearing.

**Case #2017120119 Almanza, Pablo**

Assistant County Attorney Susan Prado spoke to the Board and said that today's request is for the Board to approve the initiation of foreclosure proceedings on property located at 12865 S. 89<sup>th</sup> Street. Ms. Prado gave some history of violations at the site beginning in December 2017 and showed a photo taken by Ms. Driskell this morning demonstrating the property is still not in compliance. Ms. Prado said that Ms. Driskell noted some progress had been made but that it is still not in compliance.

Ms. DiFrancesco asked the Respondent if he applied for a building permit for the unpermitted structure. Mr. Almanza responded "no", and that the building had been there for 30-40 years. Ms. Prado clarified that an after-the-fact permit needs to be obtained because a permit is required. Mr. Andy Sobczak, IRC Assistant Community Development Director, confirmed the storage area shown in the photo is the subject unpermitted structure. Mr. Sobczak clarified that an application had not been submitted and that the structure either

needs to be permitted or removed. Mr. Clements suggested the Respondent do some research to find out when exactly the structure was erected.

Mr. Petrulak proposed a motion to approve the initiation of foreclosure proceedings.

**ON MOTION BY Joseph Petrulak, SECONDED BY James Kordiak. OPPOSED BY David Myers. The Board voted (6-1) to approve staff's request to initiate foreclosure proceedings.**

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

**Case #2019070113 Watts, Gloria J. (Estate of)**

Assistant County Attorney Susan Prado spoke to the Board and said that today's request is for the Board to approve the initiation of foreclosure proceedings on this property, located at 2434 2<sup>nd</sup> Avenue Southeast. Ms. Prado gave some history of violations at the site beginning July 26, 2019 and showed a photo taken May 5, 2022 showing it was still not in compliance. Ms. Prado noted there is currently an unrelated property tax lien on the property in the amount of \$6,007.25.

Respondent Kayla Martinez spoke and explained she is the deceased property owner's granddaughter currently residing at the property. Ms. Martinez said she has been trying to remove trash and that she has taken care of overgrown weeds. Ms. Martinez said she turned in a permit for the shed on property which was finalized in 2019. There was further discussion about the status of shed and fence permits. Ms. Guerra reviewed which violations are still out of compliance. Ms. Martinez explained she does not have the title to the RV that needs to be removed and this has proved problematic as towing companies and junkyards will not take it without the title.

Ms. Prado explained to Ms. Martinez that in order to obtain proper permits, the estate needs to be probated to determine ownership. Mr. Sobczak stated that the Department has been watching this property for a long time and that numerous complaints have been received from neighbors. Mr. Sobczak did commend the Respondents progress as the photos show an improvement regarding the amount of debris.

Staff's amended recommendation is for the Respondent to be given an extension of 90 days to bring the property into compliance.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann. The Board voted unanimously (7-0) to approve staff's request to give the Respondent an extension of 90 days to bring the property into compliance.**

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

**Authorization for Notices to Appear**

**ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (7-0) to authorize Notices to Appear.**

**Other Board Matters**

There were none.

**Adjournment**

There being no further business, the meeting was adjourned at 4:30pm.