

## **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, June 27, 2022 at 1:30 pm.

Present were Chairwoman **Ms. Dana DiFrancesco**, Alternate Member Appointee; 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. Terence Schlitt**, Engineer Appointee.

**Mr. James Kordiak**, Member-at-Large was absent.

Also in attendance was Mr. Ryne Hartt, Advising 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; Mr. James Ennis, Assistant Director of Public Works; Mr. Rick Dunkerley, Community Development; Mr. Steven Hitt, 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 Terence Schlitt, the Board voted unanimously (7-0) to approve the meeting minutes of May 23, 2022 as presented.**

### **Attorney's Overview of Board Purpose and Procedures**

Mr. Ryne Hartt 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.

The following cases have been given a 30-day extension until July 22, 2022: Case #2022040014; Case #2022040015; Case #2021010056; Case #2022020011; Case #2022040010; Case #2022040023; Case #2022040031. The following cases have been given a 60-day extension until August 19, 2022: Case #2022030009; Case #2021100003; Case #2021080033; Case #2021110054. Case #2021020054 has been given a 90-day extension until September 23, 2022. Case #2020040025 has been brought into compliance.

**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.**

### **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 #2021110049 Busman, Philip & Stacey M.**

IRC Environmental Planner Steven Hitt spoke about a property located at 145 66<sup>th</sup> Avenue. Mr. Hitt described four violations initially cited in November 2021, noting the land clearing and tree removal violations have been brought into compliance. Mr. Hitt explained the remaining issues are a stormwater drainage violation due to placement of fill within a flood plain, and an excavation mining violation pertaining to site work. Notice was posted June 16, 2022. Mr. Hitt described the property as agricultural and showed an aerial photo for reference. Mr. Hitt showed photos taken in November 2021 during the initial site inspection demonstrating that fill from the onsite pond was spread throughout the property. Mr. Hitt gave staff's recommendation for an extension of 30 days for the Respondent to submit an application for Type C permit and accompanying pond permit application for the onsite alterations and excavation. Mr. Hitt clarified that the pond's footprint was not changed but a pond permit is required for any excavation.

Respondent Philip Busman was present and said his survey company is making progress with the Type C permit application. Mr. Busman explained he has been in contact with Mr. Hitt and believes he can have the applications submitted within 30 days.

Mr. Hitt discussed the specifics of the Type C and pond permits. Mr. Hitt concluded by recommending an extension of 30 days, until July 22, 2022, for the property to be brought into compliance by submitting an application for a Type C Stormwater Management System permit and an after-the-fact Pond and Land Clearing permit, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Joseph Petrulak, SECONDED BY Pete Clements, the Board voted unanimously (7-0) to accept staff's recommendation of a 30 day extension, until July 22, 2022, for Respondent to bring the property into compliance by submitting an application for a Type C Stormwater Management permit and an after-the-fact Pond and Land Clearing permit, or be subject to a fine imposed in an amount up to \$250.00 per day.**

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

**Case #2022040093 Blanton, George R. Jr.**

IRC Code Enforcement Officer Vanessa Solomon spoke about a property located at 865 36<sup>th</sup> Avenue, a single family residence in the Greenwood Village subdivision. Notice was posted on June 16, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Solomon reviewed the cited violations are for property maintenance, overgrown weeds, and junk, trash, and debris. Ms. Solomon showed an aerial photo of the property and photos demonstrating the violations. Ms. Solomon explained the vacant property has fallen into disrepair and the main issues are open windows and roof defects. Ms. Solomon said the Respondent hired a contractor who contacted her and told her he is looking into repair options.

Ms. Solomon concluded by giving staff's recommendation for an extension of 30 days, until July 22, 2022, for the property to be brought into compliance by mowing the overgrown grass and removing all miscellaneous trash and debris from the property; and 90 days, or until September 23, 2022, for the Respondent to obtain a building permit to bring the structure into compliance with the Property Maintenance code, or obtain a demolition permit to remove the structure, 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 for an extension of 30 days, until July 22, 2022, for the property to be brought into compliance by mowing the overgrown grass and removing all miscellaneous trash and debris from the property; and 90 days, or until September 23, 2022, for the Respondent to bring the property maintenance violation into compliance, 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 #2022040148 TWLS 2025, LLC c/o Tracey Scarborough**

IRC Code Enforcement Officer Vanessa Carter Solomon spoke about a property located at 2025 79<sup>th</sup> Avenue, a single family residence in the Westgate Colony subdivision. Notice was posted June 16, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Solomon described the multiple cited violations and explained this case would be considered a repeat violation but the property title was transferred to an LLC and our attorney recommended a new Notice of Violation. Ms. Solomon showed an aerial photo of the property demonstrating the violations. Ms. Solomon said she has spoken to the Respondent and is scheduled to meet with him on site to review the issues. Ms. Solomon explained that the Respondent has previously been made aware of the issues.

There was discussion among the Board members about this property and concern that the Respondent will move debris to adjacent properties under his ownership. Assistant County Attorney Ms. Susan Prado explained that an Order could stipulate the debris cannot be moved to other properties.

Ms. Solomon gave staff's recommendation for an extension of 30 days, until July 22, 2022, for the property to be brought into compliance by or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Karl Zimmermann, SECONDED BY Joseph Petrulak, the Board voted unanimously (7-0) to accept staff's recommendation of a 30 day extension, until July 22, 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 the Respondent **was not** present for this hearing.

**Case #2022050058 Ruvalcaba, Roberto & Nancy**

IRC Code Enforcement Officer Vanessa Carter Solomon spoke about a property located at 1996 Hedden Place. Ms. Solomon reviewed the four cited violations and explained the zoning district use and noncommercial kennel violations pertain to roosters and numerous chickens on site. Ms. Solomon showed photos demonstrating an unpermitted fence and noted that as of today, a fence permit application has not been submitted. Ms. Solomon showed aerial photos of the property for reference and explained that noise complaints were received by neighbors. Ms. Solomon said she visited the neighboring property and observed noise from roosters and that complaints were also received about continuous excessive noise with music and motorcycle sounds. Ms. Solomon explained the roosters are prohibited and need to be moved off site. Ms. Solomon said the Respondent could submit a noncommercial kennel application that would allow for more than four animals for the other animals on site. Ms. Solomon gave staff's recommendation that the

Respondent be given 7 days, or until July 5, 2022, to cease the noise and vibration violations and to remove the roosters. Staff recommended an extension of 30 days, or until July 22, 2022, for the Respondent to apply for administrative approval for keeping more than four animals, and 30 days to obtain permits for the unpermitted fence and sheds, or have them removed.

Respondent Mr. Roberto Ruvalcaba was present and said the property is as it was when purchased. Mr. Ruvalcaba noted some problems with the neighbor and contended the noise complaint was due to motorcycles and road noise from the adjacent road. Mr. Ruvalcaba said that he has gotten rid of the rooster and will apply for the fence permit.

Ms. Solomon described the noise she observed while on site, saying it was not noise from the road. Ms. Solomon said the noise she observed was repetitive noise and vibrations and four songs played on repeat all day. Ms. Solomon also said she dealt with the prior property owner and the fence did not previously exist. Ms. Solomon explained the Respondent needs to reduce the number of animals to four and obtain a building permit for the unpermitted fence.

Chairwoman DiFrancesco explained that the Respondent needs to have Ms. Solomon come and inspect that the number of animals on site does not exceed four in order to comply with the non commercial kennel citation. Ms. Prado clarified that sheds on the property were listed on the Notice of Violation as well as the fence and noted permits are required. Mr. Myers asked Ms. Solomon to clarify the specifics of the County noise ordinance and Ms. Solomon said she would meet with the Respondent after the hearing to review in detail.

Chairwoman DiFrancesco called for a Motion.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to accept staff's recommendation that Respondent be given 7 days, or until July 5, 2022, to cease the noise and vibration violations and to remove the roosters; and an extension of 30 days, or until July 22, 2022, for Respondent to apply for administrative approval for keeping more than four animals, and 30 days to obtain permits for the unpermitted fence and sheds, or have them removed, or be subject to a fine imposed in an amount up to \$250.00 per day.**

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

### **COMPLIANCE HEARINGS**

#### **Case #2021010015 Laney, James L. & Laney, Dana L.**

IRC Code Enforcement Officer Vanessa Carter Solomon spoke about a property located at 1765 71<sup>st</sup> Avenue. Ms. Solomon explained there was one extension granted after the initial hearing February 28, 2022 and that the junk vehicle and junk, trash, and debris

violations have been brought into compliance. Ms. Solomon showed an aerial photo for reference and photos demonstrating the unpermitted fence and sheds. Ms. Solomon said that as of this morning the status remains unchanged.

Ms. Solomon gave staff's recommendation that a fine in the amount of \$100.00 per day be imposed, beginning June 25, 2022, until the property is 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 June 25, 2022 until the property is brought into compliance.**

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

**Case #2021050044 Saliba, Mai**

IRC Code Enforcement Officer Vanessa Carter Solomon spoke about a property located at 1480 6<sup>th</sup> Avenue. Ms. Solomon explained the initial hearing was held July 26, 2021 for an unpermitted addition to the house and that since that time four extensions have been granted. Ms. Solomon said the Respondent submitted a building permit application December, 29, 2021. Ms. Solomon showed a discrepancy letter the Building Dept. sent in response dated February 11, 2022 noting items that need to be addressed. Ms. Solomon said at this time none of the items listed in the letter have been addressed.

Respondent Ms. Saliba was present and said she has had difficulty contacting engineers and receiving a response. Mr. Schlitt explained that having an existing structure certified after-the-fact by an engineer can be problematic and that it may be more time and cost effective to tear it down and start over. Ms. Saliba explained the addition protects the home from water damage from rain. Ms. Saliba said that she looked into getting a permit but is having problems obtaining an engineer's certification. There was discussion about the feasibility of getting an engineer to certify a structure when they were not involved in the initial project.

Ms. Solomon gave staff's recommendation that a fine in the amount of \$100.00 per day be imposed beginning June 25, 2022 until the property is brought into compliance.

**ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, 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 June 25, 2022, until the property is brought into compliance.**

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

**Case #2022030049 QSR 4, LLC (Popeye's)**

Code Enforcement Officer Vanessa Solomon spoke about a property located at 1120 US Highway 1 and reviewed the cited violations. Ms. Solomon reminded the Board that at the last hearing Respondent's representative agreed to a timeframe of June 10<sup>th</sup> to have the guardrail repaired and June 24, 2022 to renew permits. Ms. Solomon said the guardrail was reinstalled, but a permit was not obtained and that none of the permits discussed at the last hearing have been renewed. Ms. Solomon said she discussed this with the Building Official and was told they will send a letter giving Respondent 72 hours to comply or have the power to the building shut off. Ms. Solomon said there has been no contact with the Respondent since the last meeting.

Ms. Solomon concluded by recommending a fine in the amount of \$250.00 per day be imposed, beginning June 10, 2022, until the property is brought into compliance.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to accept staff's recommendation that a fine in the amount of \$250.00 per day be imposed, beginning June 10, 2022, until the property is brought into compliance.**

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

**EVIDENTIARY HEARINGS**

**Case #2022030031 Bisceglia, Arthur**

IRC Code Enforcement Officer Daphne Driskell spoke about a property located at 8516 E. 98<sup>th</sup> Avenue and reviewed the cited violations. Notice was posted June 10, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Driskell said the vehicle parking storage and junk, trash, and debris violations are in compliance. The no building permit violation for two unpermitted sheds remains unchanged.

Tenant Mr. Tom Silvia was present and explained that the owner is deceased and he could not obtain permits because he is not the property owner. Mr. Silvia said he knows someone who may buy the sheds. Ms. Prado explained that Mr. Silvia as a tenant is not legally bound, but the estate and heir(s) are legally bound. Ms. Prado explained that the estate needs to be probated in order to move forward with obtaining necessary permits.

Ms. Solomon concluded by giving staff's recommendation for an extension of 90 days, until September 23, 2022, for heir(s) of the property to start the probate process, obtain permits and final inspections from the Building Department for the sheds, or remove them from the property.

**ON MOTION BY Joseph Petrulak, SECONDED BY Terence Schlitt, the Board voted unanimously (7-0) to accept staff's recommendation for an extension of 90 days, until September 23, 2022 for heir(s) of the property to start the probate process, obtain permits and final inspections from the Building Department for the sheds, or remove them from the property, or be subject to a fine imposed in an amount up to \$250.00 per day.**

Note for the record that Representative Tom Silvia was present for this hearing.

**Case #2022030038 Denves, Brendan**

IRC Code Enforcement Officer Daphne Driskell spoke about a property located at 8555 104<sup>th</sup> Court. Notice was posted June 10, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Driskell described the cited violations for recreational vehicle illegal use, recreational vehicle storage, and junk, trash, and debris. Ms. Driskell showed an aerial view of the property and photos demonstrating the violations and said the status is unchanged.

Ms. Driskell gave staff's recommendation for an extension of 30 days, until July 22, 2022, for Respondent to remove junk, trash, and debris; and 7 days, until July 5, 2022, to cease parking/storage of the recreational vehicle on the adjacent lot and cease use as living quarters, 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 for an extension of 30 days, until July 22, 2022, for Respondent to remove junk, trash, and debris; and 7 days, until July 5, 2022, to cease parking/storage of the recreational vehicle on the adjacent lot and cease use as living quarters, 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 #2022050078 Schroer, Nancy & Herb**

IRC Code Enforcement Officer Daphne Driskell spoke about a property located at 7985 100<sup>th</sup> Avenue and reviewed the cited violations. Service was obtained May 18, 2022 via mail and posted on June 10, 2022. Ms. Driskell showed an aerial view of the property and described the cited violations.



Assistant County Attorney Susan Prado spoke regarding the unpermitted fence violation and explained there was a request for a covenant that was denied. Ms. Prado said the owner did obtain a building permit for the fence but that it was not built in compliance with the permit specifications. Ms. Prado showed the County right-of-way on the aerial map and explained how the fence is protruding into the right-of-way. Ms. Prado also discussed the unpermitted shed, noting it does not meet setback requirements and needs to be removed. Ms. Prado said that a 10-day letter was sent pursuant to IRC code requesting the items be removed from the County right-of-way within 10 days, or be subject to removal by the County Public Works Department and the property lien. Ms. Prado said that it was discovered the fence permit was finally inspected in error and the property owners were advised the building permit has been rescinded and is in a review. Ms. Prado explained the encroachment onto the County right-of-way that was discovered by IRC survey staff. Staff is requesting 14 days to remove all unpermitted structures, as the 10-day time period indicated in the letter has passed.

Ms. Guerra reviewed the issues and explained that the fence permit was denied and that the fence needs to be moved not just to the property line, but outside of the easement on that side of the property because their declaration of covenant was denied. An aerial photo was shown and the parameters of the property line and county right-of-way were shown and discussed. Ms. Guerra reviewed the request for covenant process.

Ms. Prado noted there was a previous case with this property owner with the issue being storage of boats on the County right-of-way, therefore, they were aware of the County's boundary. Ms. Prado explained if the Respondent does not bring the property into compliance the next course of action would be a trespass action that would force them to remove anything on the County right-of-way. Ms. Prado explained that another course of action could be to have the Public Works Department restore the right-of-way. The process if undertaken by the Public Works Department was discussed. IRC Assistant Director of Public Works Mr. James Ennis gave some information about the County right-of-way and drainage easement and explained that demolition, if necessary, would be done by a demolition contractor. Ms. Solomon concluded by giving staff's recommendations.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann. OPPOSED BY Joseph Petrulak, Dana DiFrancesco and Terence Schlitt. The Board voted (4-3) to accept staff's recommendation of an extension until July 11, 2022 to obtain permits for unpermitted structures, or obtain demolition permits to remove all unpermitted improvements from the County right-of-way and; an extension of 90 days, until September 23, 2022, for Respondent to relocate the fence from the County right-of-way and easement and get final inspections, relocate the shed structure to conform to County code or remove shed and get final inspection, remove all unauthorized fill, driveway, and drainage improvements from the County right-of-way**

**and restore to its original condition, or be subject to a fine imposed in an amount up to \$250.00 per day.**

Note for the record that the Respondent's tenants Cathie Keller and Christopher Keller **were** present for this hearing.

*A five minute break was taken at this time 3:45pm.*

### **COMPLIANCE HEARINGS**

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

IRC Code Enforcement Officer Daphne Driskell spoke about a property located at 7815 97<sup>th</sup> Avenue. Ms. Driskell said the junk vehicle and junk, trash, and debris violations have been brought into compliance. Ms. Driskell explained the no building permit violation remains for an unpermitted shed. Ms. Driskell gave staff's recommendation for an extension of 30 days, until July 22, 2022, for the heirs to the property to start a probate contract with or without an attorney, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Pete Clements, SECONDED BY David Myers, the Board voted unanimously (7-0) to accept staff's recommendation of a 30 day extension, until July 22, 2022, for heirs to the property to start a probate contract, 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 #2022010028 Whitaker, James R. II**

IRC Code Enforcement Officer Daphne Driskell spoke about a property located at 8295 133<sup>rd</sup> Place where a no building permit violation was cited. Ms. Driskell reminded the Board the initial hearing date was March 28, 2022 and that two extensions of time have been granted. Ms. Driskell said the status is unchanged and recommended a fine in the amount of \$100.00 per day, beginning June 25, 2022, be imposed until the property is brought into compliance.

**ON MOTION BY Pete Clements, SECONDED BY David Myers, 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 June 25, 2022.**

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

**Case #2021100064 Lund, Mark G. & Denise L.**

IRC Code Enforcement Officer Daphne Driskell spoke about a property located at 7885 129<sup>th</sup> Street. Ms. Driskell explained the original hearing date was February 28, 2022 for a no building permit violation. Ms. Driskell said the permit has been obtained but that there are some things outstanding before it can be finalized. Respondent Denise Lund was present and said they almost have all of the issues resolved. Tenant of the property, Dean Lovell, explained that he has an electrician scheduled to complete the needed work.

Ms. Driskell gave staff's amended recommendation that Respondent be given an extension of 30 days to have permits finalized, or be subject to a fine imposed in an amount of \$100.00 per day.

**ON MOTION BY Pete Clements, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to accept staff's recommendation of a 30 day extension, until July 22, 2022, for Respondent to complete final inspections, or be subject to a fine imposed in an amount up to \$100.00 per day.**

Note for the record that the Respondent Denise Lund and tenant Dane Lovell were present for this hearing.

**EVIDENTIARY HEARINGS**

**Case #2022010049 Bird, Kristy**

IRC Code Enforcement Officer Tricia Johnson spoke about a property located at 1375 20<sup>th</sup> Avenue SW where a complaint was received from the Road & Bridge Department. Ms. Johnson reviewed the violations and showed photos demonstrating the violations. Ms. Johnson said that a permit application was submitted but that it needed revisions and that the status of the property was unchanged.

Respondent Kristy Bird was present and explained she filled in the culvert in front of her house after several cars got stuck. Ms. Bird said she did submit a permit application right away but was notified there are issues with the work that was done. Mr. Clements suggested she find out the specifics of the comments and concerns regarding the application.

Ms. Johnson gave staff's recommendation for an extension of 30 days, until July 22, 2022, for the property to be brought into compliance by removing the fill and pipe from the right-of-way and restoring the existing drainage swale, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Karl Zimmermann. Motion failed for lack of a Second.**

Mr. Schlitt proposed 30 days to submit and /or resolve the permitting issues, and 60 days to remove the fill and pipe from the right-of-way and restore the existing drainage swale, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Pete Clements, SECONDED BY Terence Schlitt, the Board voted unanimously (7-0) to grant an extension of 30 days, until July 22, 2022, for Respondent to resolve all outstanding permitting issues; and an extension of 60 days, until August 19, 2022, to complete all work mandated by the permit, or remove the fill and pipe from the right-of-way and restore to its original condition, or be subject to a fine imposed in an amount up to \$250.00 per day.**

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

**Case #2022050029 Wiley, Robbie E.**

IRC Code Enforcement Officer Tricia Johnson spoke about a property located at 3236 2<sup>nd</sup> Place where junk vehicle and no building permit violations were cited. Service was obtained May 7, 2022 and posted June 17, 2022. Ms. Johnson said the junk vehicle violation has come into compliance. Ms. Johnson explained that permit applications have been received for after-the-fact permits and that permits were received but not finalized.

Respondent Robbie Wiley was present and explained that he received a permit for the shed, but it was rescinded due to the placement. Mr. Wiley went on to explain he thought it was permitted, but the problem was it is too close to the septic drain field. Mr. Schlitt suggested reducing the size of the shed may present more options. Assistant Community Development Director Mr. Andrew Sobczak spoke about the specificity of setback requirements. Ms. Prado requested the case be brought back before the Board within 30 days.

Ms. Johnson gave the amended recommendation for an extension of 90 days, until September 23, 2022, for the permits to be obtained and finalized, 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 of a 90 day extension, until September 23, 2022, for Respondent to obtain and final permits or remove the structures, or be subject to a fine imposed in an amount up to \$250.00 per day.**

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

### **COMPLIANCE HEARINGS**

#### **Case #2022010029 Trumble, Brian Timothy & Ashley Nicole**

IRC Code Enforcement Officer Tricia Johnson spoke about a property located at 1255 16<sup>th</sup> Avenue SW where a no building permit violation was cited for a front deck built without a permit. Ms. Johnson reminded the Board the case was originally heard March 28, 2022 and there has been one extension. Ms. Johnson said that a permit application was submitted, but that the Building Dept. needs additional measurements from the Respondent to proceed and there has been no response. Mr. Clements asked if the Respondent can be contacted or called back before the Board before a fine is imposed. Ms. Johnson explained she has attempted to contact the Respondent via email and phone and has had no response.

Ms. Johnson gave staff's recommendation that a fine in the amount of \$100.00 be imposed, beginning June 25, 2022, until the property is brought into compliance.

**ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (7-0) to accept staff's recommendation that a fine in the amount of \$100.00 per day, beginning June 25, 2022, be imposed until the property is brought into compliance.**

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

#### **Case #2021080004 Trask, David**

IRC Code Enforcement Officer Tricia Johnson spoke about a property located at 1155 16<sup>th</sup> Avenue SW where a no building permit violation was cited for an unpermitted shed. Ms. Johnson said as of this date, a permit application has not been submitted.

Respondent David Trask was present and explained he will be moving July 1<sup>st</sup> and plans to take the shed with him. Mr. Trask explained he was supposed to move sooner but the transaction was delayed and requested an extension of time.

Ms. Johnson gave staff's amended recommendation for an extension of 30 days, until July 22, 2022, for the permit to be obtained or the shed removed.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to accept staff's recommendation of a 30 day extension, until July 22, 2022, for Respondent to obtain a permit for the shed or have it removed, or be**

**subject to a fine imposed in an amount up to \$250.00 per day.**

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

**EVIDENTIARY HEARINGS**

**Case #2022050019 Dillon, John Kris**

IRC Code Enforcement Officer Kelly Buck explained this case was postponed because service was not obtained.

**Case #2022050020 Davidson, Scott E. & Susan L.**

IRC Code Enforcement Officer Kelly Buck spoke about a property located at 2350 South Highway A1A. Ms. Buck reviewed the cited violation for no building permit and explained it pertained to expired electrical and generator permits. Service was obtained June 17, 2022. Ms. Buck showed the Notice of Violation as well as the expired permits for reference. Ms. Buck said the electrical permit was obtained but final inspection is not complete. Ms. Buck said the generator permit was not finalized and noted the last inspections on both permits occurred September 2019.

Mr. Rick Dunkerley, IRC Community Development Contracting & Licensing, responded to some Board member questions regarding contractor liability. Mr. Dunkerley noted the electrical failed inspection. Ms. Buck gave staff's recommendation for an extension of 30 days, until July 22, 2022, for Respondent to provide a copy of an electrical contract with a new electrical contractor; and 90 days, until September 23, 2022, to renew electrical and generator permits and have the work completed and finally inspected, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Pete Clements, SECONDED BY David Myers, the Board voted unanimously (7-0) to accept staff's recommendation of a 30 day extension, until July 22, 2022, for Respondent to provide a copy of an electrical contract with a new contractor; and 90 days, until September 23, 2022, to renew expired electrical and generator permits and have work completed and finally inspected, 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 #2022050015 Jividen, Dawn**

IRC Code Enforcement Officer Kelly Buck spoke about a property located at 746 4<sup>th</sup> Place SW where a no building permit violation was cited for an expired A/C changeout

permit. Ms. Buck showed a copy of the Notice of Violation for reference and explained that, as of today, the permit is still expired.

Ms. Jividen was present and explained she recently had a death in the family and was not aware the permit needed to be finalized. Ms. Jividen indicated she wanted to comply and asked what was needed. Mr. Rick Dunkerley with IRC Community Development explained that the permit has exceeded the timeframe to be renewed and will now need to be re-opened. Mr. Dunkerley explained that the Respondent will need to get a new contractor because the former contractor pulled their credentials.

Ms. Buck gave staff's amended recommendation for an extension of 60 days, until August 19, 2022, for the Respondent to renew the expired A/C changeout permit and obtain final inspection, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Joseph Petrulak, SECONDED BY Terence Schlitt, the Board voted unanimously (7-0) to accept staff's recommendation of a 60 day extension, until August 19, 2022, for Respondent to renew the expired A/C changeout permit and obtain final inspection, or be subject to a fine imposed in an amount up to \$250.00 per day.**

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

### **LIEN RELEASE REQUESTS**

#### **Case #2015090140 Radakovic, Nikola**

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke about a property located at 1907 Aynsley Way. 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 November 26, 2016 and the property came into compliance June 9, 2022. There was a total of 2,021 days out of compliance resulting in a total fine of \$202,100.00. Administrative costs were \$1,700.00. For reference, the 2021 assessed value of the home is \$104,400.00. Ms. Guerra noted the property is currently under contract for purchase for \$200,000. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$20,210.00 which represents 10% of the total fine.

Respondent Mr. Radakovic was present and explained he originally purchased the property for his mother and the reason he had not given the situation attention is because he was recuperating from a stroke.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to acknowledge compliance and approve staff's**

**recommendation that a fine be imposed in the amount of \$20,210.00 which represents 10% of the total fine.**

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

**Case #2019120079 Feeley, Angela; Greenidge, David; Lee-Greenidge, Debra**

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke about a property located at 10390 88<sup>th</sup> Street. 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 March 20, 2021 and the property came into compliance June 6, 2022. There was a total of 443 days out of compliance resulting in a total fine of \$44,300.00. There were six extensions, totaling administrative costs of \$3,500.00. There was additional County staff time at the cost of \$5,551.20. For reference, the 2021 assessed value of the home is \$46,798.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$13,290.00 which represents 30% of the total fine.

**ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (7-0) to acknowledge compliance and approve staff's recommendation that a fine be imposed in the amount of \$13,290.00 which represents 30% of the total fine.**

Respondent Mr. Greenidge was present and said he thought he shouldn't have to pay anything and went on to try to explain the extensions. Mr. Petrulak reminded him that the case had already been heard. Ms. Prado provided information about the appeal process.

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

**Case #2013070136 Davis, Alfred & Miriam**

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke about a property located at 4333 31<sup>st</sup> Avenue. Ms. Guerra reviewed the history, explaining the cited violation was for an unsecured vacant structure. Ms. Guerra 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 October 26, 2013 and the property came into compliance July 10, 2014. There was a total of 257 days out of compliance resulting in a total fine of \$25,700.00. Administrative costs were \$1,700.00. For reference, the 2021 assessed value of the property is \$5,734.00. Ms. Guerra informed the Board this is now County owned surplus property



that has been donated for affordable housing and today's request is for the lien to be rescinded.

**ON MOTION BY Karl Zimmermann, SECONDED BY Joseph Petrulak, the Board voted unanimously (7-0) to acknowledge compliance and approve staff's recommendation that the lien be rescinded.**

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

**Case #2014020119 Minnie L. (Purvis) Mallard**

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke about a property located at 4541 38<sup>th</sup> Court. Ms. Guerra reviewed the history of an overgrown weeds violation 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 noted that Ms. Mallard is deceased.

Ms. Guerra explained that a fine in the amount of \$100.00 per day was imposed beginning June 21, 2014 and the property came into compliance September 16, 2015. There was a total of 452 days out of compliance resulting in a total fine of \$45,200.00. Administrative costs were \$2,000.00. For reference, the 2021 assessed value of the property is \$11,498.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$2,000.00 for administrative costs.

**ON MOTION BY Karl Zimmermann, SECONDED BY David Myers, the Board voted unanimously (7-0) to acknowledge compliance and approve staff's recommendation that a fine be imposed in the amount of \$2,000.00 for administrative costs.**

Note for the record that representative Louise Wild **was** present for this hearing.

**Case #2019070090 Wild, Louise**

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke about a property located at 4541 38<sup>th</sup> Court. Ms. Guerra reviewed the history of an overgrown weeds violation 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 October 26, 2019 and the property came into compliance June 22, 2022. There was a total of 970 days out of compliance resulting in a total fine of \$97,000.00. Administrative costs were \$1,700.00. For reference, the 2021 assessed value of the property is \$11,498.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$1,700.00 for administrative costs.

**ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (7-0) to acknowledge compliance and approve staff's recommendation that a fine be imposed in the amount of \$1,700.00 for administrative costs.**

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

**Case #2021060116 Thorton, Roy D.**

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke about a property located at 2428 2<sup>nd</sup> Avenue SE. Ms. Guerra reviewed the history of violations and showed photos taken in June 2021 which demonstrated the property out of compliance, as well as photos taken June 2022 showing the property in compliance.

Ms. Guerra explained that a fine in the amount of \$100.00 per day was imposed beginning October 23, 2021 and the property came into compliance June 17, 2022. There was a total of 237 days out of compliance resulting in a total fine of \$23,700.00. Administrative costs were \$1,700.00. For reference, the 2021 assessed value of the home is \$27,152.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$2,370.00 which represents 10% of the total fine.

**ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (7-0) to acknowledge compliance and approve staff's recommendation that a fine be imposed in the amount of \$2,370.00 which represents 10% of the total fine.**

Note for the record that the Respondent **was not** 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 was some discussion about the feasibility of having security staff present at public meetings.

**Adjournment**

There being no further business, the meeting was adjourned at 5:20pm.