

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, September 26, 2022 at 1:30 pm.

Present were Chairwoman **Ms. Dana DiFrancesco**, Alternate Member Appointee; Vice Chairman **Mr. Pete Clements**, General Contractor 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. Karl Zimmermann**, Realtor Appointee; and **Mr. James Kordiak**, Member-at-Large.

Also in attendance were Ms. Jennifer Peshke, 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. Steven Hitt, Principal Environmental Planner; IRC Code Enforcement Officers: Ms. Vanessa Carter Solomon, Ms. Daphne Driskell, Ms. Tricia Johnson, Ms. Kelly Buck, Mr. Timothy Wrzesinski; 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 Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (7-0) to approve the meeting minutes of August 22, 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.

The following cases have been given a 30-day extension until October 21, 2022: Case # 2022030031, Case #2021100050, Case #2022050101, Case #2021120008, Case #2022050081, Case #2022050094, Case #2022050006, Case #2022040010, Case

#2022040031. Case #2022030001 has been given a 60-day extension until November 25, 2022. The following cases were given a 90-day extension to December 23, 2022: Case #2022040080, Case #2022050078, Case #2021020054.

The following cases were rescheduled: Case #2022070086, Case #2022070035, Case #2014080019. The following cases have been brought into compliance: Case #2022060075, Case #2022080016, Case #2022040023.

ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, 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 HEARING

Case #2022040051 Gilbert, Charlotte A.

IRC Principal Environmental Planner Mr. Steven Hitt spoke regarding a property at 3027 Golf View Drive and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. Mr. Hitt reviewed the cited violations pertaining to dock permitting. Service was obtained via posting. Mr. Hitt described the canal right-of-way and showed a diagram of the original drawing permitted in 1970 as well as a recent aerial view. Mr. Hitt gave some history and explained that the residents entered into a lease agreement with the County for the docks. Mr. Hitt explained that a violation of unpermitted cutting of mangroves in the County right-of-way was cited and it was then discovered the dock in question was repaired in 2005 without a permit.

Mr. Hitt gave staff's recommendation for an extension of 90 days, until December 23, 2022 for the Respondents to bring the property into compliance by doing the following: Property owner to enter into a license agreement with the County; Dock brought into full compliance with Section 932.07 criteria regarding piers, docks, & boat slips; Obtain building permit & final inspection for the dock, boatlift, & unwallled shelter; comply with all orders that are issued by the Florida Department of Environmental Protection (FDEP) related to illegal mangrove cutting, as well as all actions or fines due that FDEP orders the County; or obtain a demolition permit and demolish the structure, or be subject to a fine imposed in an amount up to \$250.00 per day. Mr. Hitt further stated that if no compliance timeframe is provided by FDEP for the County, then the Respondent must comply within 90 days of the date of issuance of the FDEP Order to the County, or be subject to a fine imposed in an amount up to \$250 per day. The lease agreement was discussed and Assistant County Attorney Ms. Susan Prado said that the lease agreement before the Board would be the official template for future cases.

ON MOTION BY Pete Clements, SECONDED BY Joseph Petrulak, the Board voted unanimously (7-0) to accept staff's recommendation for an extension of 90 days, or until December 23, 2022, for the Respondents to bring the property into compliance by entering into a license agreement with the County; bringing the dock into full compliance with Section 932.07 criteria regarding piers, docks, & boat slips; obtaining a building permit & final inspection for the dock, boatlift, & unwall shelter; and complying with all orders that are issued by the Florida Department of Environmental Protection (FDEP) related to illegal mangrove cutting, as well as all actions or fines due that FDEP orders the County; or alternatively obtain a demolition permit and demolish the structure, 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

COMPLIANCE HEARING

Case #2022050097 LSH Development, LLC

IRC Principal Environmental Planner Mr. Steven Hitt spoke regarding a property at 320 27th Avenue. Mr. Hitt reminded the Board the initial hearing date was August 22, 2022 and reviewed the cited violations. Mr. Hitt said that the Respondent has submitted a revegetation plan and that installation of the plant material is to be completed by October 1, 2022. This was an informational update to the Board and there was no vote required.

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

EVIDENTIARY HEARING

Case #2022050089 Aayush Corporation

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a property at 420 US Highway 1 where landscape maintenance, site plan nonconformance, and sign violations were cited. Notice was posted on September 15, 2022 and service was received via certified mail. Ms. Solomon explained the sign violation has come into compliance. Ms. Solomon explained there were dead and missing plantings and plantings below the minimum 30 inch requirement and showed an aerial photo and photos demonstrating the violations. Ms. Solomon gave staff's recommendation for an extension of 60 days, or until November 25,

2022, for the Respondent to bring the property into compliance with the approved site plan by replacing all dead and missing landscape, 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 60 days, until November 25, 2022, for the Respondent to bring the property into compliance with the approved site plan by replacing all dead and missing landscape, 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 #2022050091 Flagship Associates, LLC c/o Andrew Talbert / Dollar General

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a property at 580 US Highway 1, the site of a Dollar General store, where landscape maintenance and site plan nonconformance violations were cited. Notice was posted on September 15, 2022 and service was received via certified mail. Ms. Solomon showed a map of the site plan as well as photos demonstrating the violations and described a lack of maintenance and dead trees at the back of the building. Ms. Solomon said she spoke to Flagship, LLC and was told that Dollar General is responsible for the landscaping maintenance. Ms. Solomon reminded the Board the original violation was cited in May, 2022 and noted there has been no progress.

The district manager for Dollar General Mr. Rupert Irizarry was present. Assistant County Attorney Ms. Susan Prado spoke to him noting other cases in the County involving Dollar General and reminded him that one of them is being fined daily. Mr. Irizarry explained he is responsible for facilitating completion of the work. Ms. Prado asked him to move forward to remedy the cited violations. Ms. Solomon gave staff's recommendation for an extension of 60 days, or until November 25, 2022, for the Respondent to bring the property into compliance with the approved site plan by replacing all dead and missing landscape, or be subject to a fine imposed in an amount up to \$250.00 per day.

ON MOTION BY Joseph Petrulak, SECONDED BY James Kordiak, the Board voted unanimously (7-0) to accept staff's recommendation for an extension of 60 days, until November 25, 2022, for the Respondent to bring the property into compliance with the approved site plan by replacing all dead and missing landscape, or be subject to a fine imposed in an amount up to \$250.00 per day.

Note for the record that the Respondent's representative Rupert Irizarry **was** present for this hearing.

Case #2022050092 I Linda Sposato Rev. Trust / Advanced Auto Parts

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a property at 1266 US Highway 1 where landscape maintenance and site plan nonconformance violations were cited. Notice was posted on September 15, 2022 and service was received via certified mail. Ms. Solomon explained this is an Advance Auto Parts store and showed photos demonstrating the violations. Ms. Solomon showed a copy of the approved site plan for reference and described where trees were missing. Ms. Solomon gave staff's recommendation for an extension of 60 days, or until November 25, 2022, for the Respondent to bring the property into compliance with the approved site plan by replacing all dead and missing landscape, 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 for an extension of 60 days, until November 25, 2022, for the Respondent to bring the property into compliance with the approved site plan by replacing all dead and missing landscape, 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 #2022050008 TWLS 2035, LLC

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a property at 2035 79th Avenue where zoning district use and vehicle parking/storage violations were cited, as well as a no permit violation for a shed built without a permit. Service was received via certified mail and Notice was posted September 25, 2022. Ms. Solomon explained the Respondent is storing commercial equipment on the property and showed aerial photos and photos demonstrating the violations. Ms. Solomon gave staff's recommendation for an extension of 30 days, or until October 21, 2022, for the Respondent to bring the property into compliance by ceasing the storage of commercial equipment on the property, parking/storing vehicles in designated driveways, and obtain a building permit for the lean-to shed or obtain a demolition permit and demolish the structure, 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, or until October 21, 2022, for the Respondent to bring the property into compliance by ceasing the storage of commercial equipment on the property, parking/storing vehicles in designated driveways, and obtain a building permit for the lean-to shed or obtain a demolition permit and demolish the structure, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case #2022050017 TWLS 2045, LLC

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a property at 2045 79th Avenue where a commercial vehicle at residence violation was cited. Service was received via certified mail and Notice was posted September 25, 2022. Ms. Solomon explained the Respondent is storing commercial equipment on the property and showed aerial photos and photos demonstrating the violations. Ms. Solomon gave staff's recommendation for an extension of 30 days, or until October 21, 2022, for the Respondent to bring the property into compliance by removing and ceasing the storage of commercial equipment on the property, and not storing said vehicles on or adjacent to the property at any time in the future, 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, or until October 21, 2022, for the Respondent to bring the property into compliance by removing and ceasing the storage of commercial equipment on the property, and not storing said vehicles on or adjacent to the property at any time in the future, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case #2022070078 Hilaire, Olnes

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a property located at 465 38th Avenue where violations were cited for overgrown weeds and junk, trash, and debris. Notice was posted on September 15, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Solomon explained the junk, trash, and debris violation has come into compliance. Ms. Solomon said that the property was originally cited in July, 2022 and

showed photos demonstrating the violations. Ms. Solomon said that she drove by the property this morning and the grass was cut in the front but not in the back of the property. Ms. Solomon gave staff's recommendation for an extension of 30 days, or until October 21, 2022, for the property to be brought into compliance by cutting weeds and maintaining under a height of 12 inches, 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 for an extension of 30 days, or until October 21, 2022, for the Respondent to bring the property into compliance by cutting weeds and maintaining under a height of 12 inches, 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.

COMPLIANCE HEARINGS

Case #2022040093 Blanton, George R. Jr.

IRC Code Enforcement Officer Vanessa Solomon spoke about a property located at 865 36th Avenue. Ms. Solomon reminded the Board the evidentiary hearing was held in June, 2022 and reviewed the cited violations 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 said that some of the violations have come into compliance. Ms. Solomon explained the structure is dilapidated and unsecured and as a result the property maintenance violation remains unchanged. In response to a Board member question, Ms. Solomon explained that she has referred the building to the Building Department for condemnation. Ms. Solomon concluded by giving staff's recommendation that a fine in the amount of \$250.00 per day be imposed, beginning September 24, 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 \$250.00 per day be imposed, beginning September 24, 2022, until the property is brought into compliance.

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

Case #2022050058 Ruvalcaba, Roberto & Nancy

IRC Code Enforcement Officer Vanessa Solomon spoke about a property located at 1996 Hedden Place. Ms. Solomon reminded the Board of the initial hearing and that violations were cited for zoning district use and noncommercial kennel violations pertaining to roosters and numerous chickens on site. Ms. Solomon said the roosters were removed but the Respondent did not allow her on site to follow up with verifying the number of animals being kept on the property. Ms. Solomon said a fence was constructed and that there is a building permit for a portion of the fencing but there is an unpermitted fence which is outside of the property line. Ms. Solomon said the Respondent has been informed of the fence permitting issues.

Ms. Solomon gave staff's recommendation that a fine in the amount of \$250.00 per day be imposed, beginning September 24, 2022, until the property is brought into compliance

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, 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 September 24, 2022, until the property is brought into compliance.

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

EVIDENTIARY HEARINGS

Case #2022040048 Bohl, Kevin L.

IRC Code Enforcement Officer Daphne Driskell spoke regarding a property at 8145 126th Street and explained that the case began in April, 2022 with the former owner. Ms. Driskell described the cited violations are for property maintenance and no building permit and showed photos demonstrating the violations. Ms. Driskell said a letter was sent to the new owner in July of 2022. Service was obtained September 14, 2022. Ms. Driskell said that no building permits have been obtained but that a permit for septic demolition was pulled.

Ms. Driskell gave staff's recommendation for an extension of 60 days, or until November 25, 2022, for the Respondent to bring the property into compliance by having the roof and wood repair permitted and finalled, or obtain a demolition permit and have the structure demolished. An aerial photo of the property was discussed by the Board.

Ms. Margaret Kubicek was present and explained her son owns the property and could not be present due to his work schedule. Ms. Kubicek explained that ownership changed in July, 2022 and that the septic demolition needed to be complete before obtaining the demolition permit for the structure., Ms. Kubicek explained they intend to demolish the structure and requested an extension of time. Ms. Driskell gave staff's recommendation for an extension of 60 days, or until November 25, 2022, for the Respondent to either obtain a permit and repair the roof and wood structure and have finalled, or obtain a demolition

permit and have the structure demolished, 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 for an extension of 60 days, until November 25, 2022, for the Respondent to bring the property into compliance by obtaining a building permit and repairing the roof and wood structure and having final inspection, or obtain a demolition permit and have the structure demolished, or be subject to a fine imposed in an amount up to \$250.00 per day.

Note for the record that the Respondent's representative Margaret Kubicek was present for this hearing.

Case #2022060037 Howard, Barbara Sue

IRC Code Enforcement Officer Daphne Driskell spoke regarding a property at 9036 85th Street. Ms. Driskell reviewed the cited violations and showed photos demonstrating the violations. Service was obtained via posting on September 14, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Driskell said that the Respondent has applied for a right-of-way permit. Ms. Driskell gave staff's recommendation for an extension of 60 days, until November 25, 2022, for the Respondent to bring the property into compliance by obtaining a permit and final inspection from the IRC Engineering Department for all of the improvements (fill, pipe, culverts, ... etc.) within the County right-of-way/easement, or remove all improvements and restore the area back to its original condition, 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 for an extension of 60 days, until November 25, 2022, for the Respondent to bring the property into compliance by obtaining a permit and final inspection from the IRC Engineering Department for all of the improvements (fill, pipe, culverts, ...etc.) within the County right-of-way/easement, or remove all improvements and restore the area back 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 not present for this hearing.

A five minute break was taken at this time (2:57pm).

COMPLIANCE HEARINGS

Case #2021110054 Hernandez, David & Garcia, Alexandra

IRC Code Enforcement Officer Daphne Driskell spoke regarding residential property located at 8595 130th Avenue where the cited violation was for alteration of a right-of-way without a permit. Ms. Driskell explained that the property owner received the permit and requested an extension of 30 days, or until October 21, 2022, for the Respondent to get the permitted work inspected, or be subject to a fine imposed in an amount of up to \$250 per day.

ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (7-0) to approve staff's recommendation for an extension of 30 days, or until October 21, 2022, for the Respondent to get the permitted work inspected, or be subject to a fine imposed in an amount of up to \$250 per day.

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

Case #2022040015 Hoffman, Steven & Noli, Suzanne

IRC Code Enforcement Officer Ms. Daphne Driskell spoke regarding a property located at 9475 Periwinkle Drive. Ms. Driskell reminded the Board that the initial hearing date was in May, 2022 regarding a vacation rental license violation. Ms. Driskell said there have been three extensions of time granted. Ms. Driskell showed email correspondence from the Respondent. Ms. Driskell explained that the property continues to be advertised as a vacation rental. Ms. Driskell gave staff's recommendation that a fine in the amount of \$250.00 be imposed, beginning September 24, 2022, until the property is brought into compliance.

ON MOTION BY Karl Zimmermann, SECONDED BY David Myers, the Board voted unanimously (7-0) to impose a fine in the amount of \$250.00 per day, beginning September 24, 2022, until the property is brought into compliance.

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

Case #2022030038 Denyes, Brendan

IRC Code Enforcement Officer Daphne Driskell reviewed the cited violations regarding property at 8555 104th Court and explained the status is unchanged. Ms. Driskell reminded the Board at the initial hearing date on June 27, 2022 the Respondent was given seven days to cease living in the RV on the property and 30 days to remove junk, trash, and debris. Ms. Driskell said that a total of three extension have been given. Ms. Driskell gave staff's recommendation that a fine in the amount of \$100.00 per day be imposed, beginning September 24, 2022, until the property is brought into compliance. In response to a Board member question, Assistant County Attorney Susan Prado said that the Board could choose to fine a higher amount at their discretion. Compliance dates and the violation of living in the RV on the property were discussed. Ms. Driskell said she has spoken to the tenant on the property and she testified that she is living in the RV. Ms. Driskell explained the Respondent was previously ordered to cease using the RV as living quarters and to remove the RV within seven days, but they are still there.

Mr. Myers made a motion that a fine in the amount of \$250.00 be imposed, beginning September 24, 2022, until the property is brought into compliance by removing junk, trash, and debris, and removing the RV from the property.

ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (7-0) that a fine in the amount of \$250.00 per day be imposed, beginning September 24, 2022, until the property is brought into compliance by removing junk, trash, and debris, and removing the RV from the property.

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

EVIDENTIARY HEARINGS

Case #2022070032 D'Onofrio, Sabina

IRC Code Enforcement Officer Timothy Wrzesinski spoke regarding a property at 6825 51st Avenue. Service was obtained via posting after attempts at regular and certified mail were unsuccessful. Mr. Wrzesinski indicated that the overgrown weeds and junk, trash, and debris violations have come into compliance. Mr. Wrzesinski explained there is a remaining no building permit violation pertaining to a fence built without a permit and showed photos demonstrating the violation.

Respondent Sabina D'Onofrio was present and the permitting for the fence was discussed. Mr. Wrzesinski gave staff's recommendation for an extension of 30 days, or until October 21, 2022, for the Respondent to bring the property into compliance by maintaining the yard and obtaining a permit for the fence and having final inspection, or remove the fence, or be subject to a fine imposed in an amount of up to \$250,00 per day.

ON MOTION BY Karl Zimmermann, SECONDED BY David Myers, the Board voted unanimously (7-0) to accept staff's recommendation for an extension of 30 days, or until October 21, 2022, for the Respondent to bring the property into compliance by maintaining the yard and obtaining a permit for the fence and having final inspection, or remove the fence, or be subject to a fine imposed in an amount up to \$250.00 per day.

Note for the record that the Respondent Sabina D'Onofrio **was** present for this hearing.

Case #2022050005 Foster, Elizabeth N.

IRC Code Enforcement Officer Timothy Wrzesinski spoke regarding a property at 6385 48th Avenue. Mr. Wrzesinski reviewed the cited violations for junk, trash, and debris, and for a fence built without permit and showed photos demonstrating the violations. Service was obtained via posting after attempts at regular and certified mail were unsuccessful. Mr. Wrzesinski gave staff's recommendation for an extension of 30 days, or until October 21, 2022, for the Respondent to bring the property into compliance by removing the junk, trash, and debris from the yard and disposing of it at an approved disposal facility; and obtaining an after-the-fact permit for the fence and having final inspection, or remove the fence, 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 for an extension of 30 days, or until October 21, 2022, for the Respondent to bring the property into compliance by removing the junk, trash, and debris from the yard and disposing of it at an approved disposal facility; and obtaining an after-the-fact permit for the fence and having final inspection, or remove the fence, 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 #2022050040 McGee, John & Ellexine

IRC Code Enforcement Officer Kelly Buck spoke regarding a property located at 4280 25th Avenue. Ms. Buck explained a junk vehicle violation was cited and showed a photo demonstrating the violation. Service was obtained via posting after attempts at regular and certified mail were unsuccessful. Ms. Buck explained that the property owners are

deceased and probate has begun. Mr. Nathan Conery was present and explained he is the listed owner's son. Ms. Buck gave staff's recommendation for an extension of 30 days, or until October 21, 2022, for the Respondent to bring the property into compliance by obtaining current registration for the junk vehicle and demonstrating the vehicle is in operable condition, or cease the outdoor storage of the vehicle, 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 for an extension of 30 days, or until October 21, 2022, for the Respondent to bring the property into compliance by obtaining current registration for the junk vehicle and demonstrating the vehicle is in operable condition, or cease the outdoor storage of the vehicle, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case #2022080039 Indian River County / USA Gun Shows FL

IRC Code Enforcement Officer Kelly Buck spoke about a sign violation citation issued to USA Gun Shows FL pertaining to banners placed on private property. Ms. Buck explained that Service was obtained August 25, 2022 via certified mail and that she has not had contacted with any representatives. Ms. Buck showed photos demonstrating the violations. Ms. Buck gave staff's recommendation, to uphold citation #2022080039 in the amount of \$2,800.00 for seven illegal banners erected for a total of four days. Ms. Buck said the banners have been removed.

ON MOTION BY Karl Zimmermann, SECONDED BY Terence Schlitt, the Board voted unanimously (7-0) to accept staff's recommendation to uphold citation #2022080039 in the amount of \$2,800.00.

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

COMPLIANCE HEARINGS

Case #2022050019 Dillon, John Kris

IRC Code Enforcement Officer Kelly Buck spoke regarding a property located at 735 Timber Ridge Trail Southwest Unit A where a no building permit violation was cited for an expired A/C changeout permit. Ms. Buck reminded the Board the case was originally heard August 22, 2022 and showed the Notice of Violation for reference. Ms. Buck said that

she nor the Building Department has been contacted by the Respondent. Ms. Buck gave staff's recommendation that a fine in the amount of \$100.00 per day be imposed, beginning September 24, 2022, until the property is brought into compliance.

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann. OPPOSED BY David Myers. The Board voted (6-1) to accept staff's recommendation that a fine in the amount of \$100.00 per day be imposed, beginning September 24, 2022, until the property is brought into compliance.

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

Case #2021110002 Frenezy, Elsie

IRC Code Enforcement Officer Kelly Buck spoke regarding a property located at 4590 32nd Avenue where violations were cited for zoning district use, junk, trash, and debris, property maintenance, and junk vehicle(s). Ms. Buck explained that at the initial hearing date in May, 2022 the Respondent was given 90 days to resolve the issues. Ms. Buck showed photos demonstrating the violations and said that both of the RV's and the junk vehicles are still on the property. The issue of excessive overgrown weeds was also discussed.

Ms. Buck gave staff's recommendation that a fine in the amount of \$100.00 per day be imposed, beginning September 24, 2022, until the property is brought into compliance. Mr. Kordiak made a motion that a fine in the amount of \$250.00 per day be imposed beginning September 24, 2022.

ON MOTION BY James Kordiak, SECONDED BY David Myers, the Board voted unanimously (7-0) to accept staff's amended recommendation that a fine in the amount of \$250.00 per day be imposed, beginning September 24, 2022. until the property is brought into compliance.

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

LIEN RELEASE REQUESTS

Case #2021030022 Palms at Vero Beach Ltd. PTNR c/o FELLRS, Shewe, Scott, Inc.

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke regarding a property located at 1210 4th Terrace. 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 May 22, 2021 and the property came into compliance August 23, 2022. The property remained 458 days out of compliance resulting in a total fine of \$45,800.00. The administrative costs were calculated at \$2,000.00. For reference, the 2021 assessed value is \$9,735,769.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$9,160.00 which represents 20% of the total fine.

Mr. Myers made a motion to impose a fine in the total amount of \$45,800.00. The motion failed for lack of a second. Mr. Zimmermann made a motion to accept staff's recommendation that a fine in the amount of \$9,160.00 be imposed.

ON MOTION BY Karl Zimmermann, SECONDED BY Joseph Petrulak. OPPOSED BY David Myers, Pete Clements, and Terence Schlitt. The Board voted (4-3) to acknowledge compliance and approve staff's recommendation that a fine be imposed in the amount of \$9,160.00 which represents 20% of the total fine.

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

Case #2017120118 Almanza, Pablo

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke regarding a property located at 305 South Lime 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 May 19, 2018 and the property came into compliance July 16, 2020. The property remained 789 days out of compliance resulting in a total fine of \$78,900.00. The administrative costs were calculated at \$2,000.00. For reference, the 2021 assessed value is \$90,658.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$7,890.00 which represents 10% of the total fine. Respondent Pedro Almanza was present and requested a reduction of the fine amount. Mr. Clements made a motion to amend the fine imposed to the amount of \$2,000.00 which represents administrative costs.

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

Note for the record that the Respondent's representative Pedro Almanza **was** present for this hearing.

Case #2016080073 Almanza, Elias & Angel

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke regarding a property located at 13498 99th 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 February 25, 2017 and the property came into compliance June 8, 2022. The property remained 1,929 days out of compliance resulting in a total fine of \$192,900.00. The administrative costs were calculated at \$2,300.00. For reference, the 2021 assessed value is \$85,419.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$19,290.00 which represents 10% of the total fine. Respondent's representative Pedro Almanza was present. When asked why it took so long to come into compliance Mr. Almanza said there were tenants and they were not aware of the seriousness of the situation. Mr. Petrulak made a motion to amend the fine imposed to the amount of \$8,541.00 which represents 10% of the 2021 assessed value.

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to acknowledge compliance and approve staff's amended recommendation that a fine in the amount of \$8,541.00 be imposed which represents 10% of the 2021 assessed value.

Note for the record that the Respondent's representative Pedro Almanza was present for this hearing.

Case #2015080113 Almanza, Pablo

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke regarding a property located at 13490 99th 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 November 21, 2015 and the property came into compliance June 24, 2022. The property remained 2,407 days out of compliance resulting in a total fine of \$240,700.00. The administrative costs were calculated at \$2,000.00. For reference, the 2021 assessed value is \$52,106.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$24,070.00 which represents 10% of the total fine. Mr. Zimmermann made a motion to amend the fine imposed to the amount of \$5,210.00 which represents 10% of the 2021 assessed value.

ON MOTION BY Karl Zimmermann, SECONDED BY Terence Schlitt. OPPOSED BY David Myers.

The Board voted (6-1) to acknowledge compliance and approve staff's amended recommendation that a fine in the amount of \$5,210.00 be imposed which represents 10% of the 2021 assessed value.

Note for the record that the Respondent's representative Pedro Almanza **was** present for this hearing.

Case #2021090093 Vollrath, Robert Charles

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke regarding a property located at 7360 129th Place. 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.

Representative Anne Leatherbarrow was present and explained that Mr. Vollrath is deceased and she is the POA for the estate. Ms. Leatherbarrow said the property is being maintained and that money from the sale of the property will go to charity.

Ms. Guerra explained that a fine in the amount of \$100.00 per day was imposed beginning January 22, 2022 and the property came into compliance September 13, 2022. The property remained 234 days out of compliance resulting in a total fine of \$23,400.00. The administrative costs were calculated at \$1,700.00. For reference, the 2021 assessed value is \$76,065.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$1,700.00 which represents 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 in the amount of \$1,700.00 be imposed which represents administrative costs.

Note for the record that representative Anne Leatherbarrow **was** present for this hearing.

Case #2015060154 Williams, Martha R.

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke regarding a property located at 529 20th Street Southwest. Ms. Guerra reviewed the history of violations and showed photos taken which demonstrated the property out of compliance. Ms. Guerra explained that the owner is deceased and the property was purchased by an adjacent land owner. Ms. Guerra explained that the structure was demolished by the County and showed photos to demonstrate. Representatives of the property were present.

Ms. Guerra explained that a fine in the amount of \$100.00 per day was imposed beginning October 24, 2015 and the property came into compliance March 13, 2017. The property remained 506 days out of compliance resulting in a total fine of \$50,600.00. The

administrative costs were calculated at \$2,000.00. For reference, the 2021 assessed value is \$79,037.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$2,000.00 which represents 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 in the amount of \$2,000.00 be imposed which represents administrative costs.

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

Case #2013050072 Williams, Martha R.

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke regarding a property which address is now known as 523 20th Street 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 24, 2013 and the property came into compliance March 13, 2017. The property remained 51,297 days out of compliance resulting in a total fine of \$129,700.00. The administrative costs were calculated at \$1,700.00. For reference, the 2021 assessed value is \$79,037.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$1,700.00 which represents administrative costs.

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

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

Case #2019040008 Almeida, Tatianam & Joseph J.

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke regarding a property located at 9015 86th Place. 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 this request is for a partial lien release to free an acquisition area for FDOT to purchase and showed the area being purchased for reference. Assistant County Attorney Susan explained the need for the partial release and explained that the lien would remain on the property.

Ms. Guerra explained that a fine in the amount of \$100.00 per day was imposed beginning June 22, 2019 and the property came into compliance October 9, 2019. The property remained 109 days out of compliance resulting in a total fine of \$10,900.00. The administrative costs were calculated at \$1,700.00. For reference, the 2021 assessed value of the vacant lot is \$11,672.00. Ms. Guerra explained that a fine in the amount of \$1,700.00 for administrative costs was set at a hearing held on October 28, 2019.

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to grant staff's request for a partial lien release and to uphold the fine imposed in the amount of \$1,700.00 which represents administrative costs.

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

ADMINISTRATIVE HEARINGS

Case #2019070113 Watts, Gloria J. Watts, Estate of Gloria J. Watts

Assistant County Attorney Susan Prado spoke about a property located at 2434 2nd Avenue Southeast by giving a brief history of the case beginning in 2019 and reviewing the cited violations. Ms. Prado explained the need to rehear the case due to an error on the Notice of Hearing. Ms. Prado also explained the request for an Amended Order Imposing Fine *Nunc Pro Tunc* (relating back to the date of original issuance) to fix a scrivener's error.

Ms. Prado reminded the Board that the listed owner is deceased and that probate has not been started despite this issue being noted at the initial evidentiary hearing. Ms. Prado showed photos taken over the years which demonstrated the violations. Ms. Prado showed photos taken more recently which showed some progress has been made but noted there are some remaining issues. Ms. Prado said the no building permit violation pertaining to a utilities issue has come into compliance.

Respondent Kayla Martinez was present and showed some photos of the progress made in the cleanup of junk, trash, and debris, and junk vehicle violations. Ms. Martinez explained that the RV previously cited has been removed and showed a photo demonstrating it is not on the property. Ms. Martinez said that the water permit had been finalized. Ms. Martinez said that grass and weeds are being maintained and that sod has been planted and showed photos to demonstrate. The vehicle(s) on the property were discussed and Ms. Martinez testified they are tagged and operable. Ms. Martinez explained the property was her grandmother's and that she and her sister will be starting probate to transfer the property into her sister's name.

Ms. Prado requested that the Board issue an Amended Order Imposing Fine *Nunc Pro Tunc* (relating back to the date of original issuance) to fix the scrivener's error. Ms. Prado also requested that the Board issue an Order to move forward with foreclosure action on the Code Enforcement lien for Case #2019070113 in three months from the date the Order is recorded pursuant to FL Statute 162.09(3). Ms. Prado explained that if in the meantime

the property is brought into compliance, the action would be abated. Mr. Clements made a motion to continue the hearing to the October 24, 2022 Code Enforcement Board meeting to give staff the opportunity to reinspect the progress discussed. g.

ON MOTION BY Pete Clements, SECONDED BY David Myers, the Board voted unanimously (7-0) to continue the hearing to the October 24, 2022 Code Enforcement Board meeting to give staff the opportunity to reinspect the property.

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

Case #2017120021 Wright & Seaton, Inc.

Assistant County Attorney Susan Prado spoke about a property located at 2263 6th Avenue Southeast. Ms. Prado gave some history and explained the request for an Amended Order and for the case to be dismissed due to a discrepancy. Ms. Prado explained her request for a Release of Lien and that the Order Imposing Fine recorded in OR Book #3109, Page #1504 be vacated.

ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (7-0) to grant staff's request to dismiss Case #2017120021.

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

Authorization for Notices to Appear

ON MOTION BY Karl Zimmermann, 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 4:15pm.