

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, February 27, 2023 at 1:30 pm.

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

Ms. Dana DiFrancesco, Alternate Member Appointee; and **Mr. Carlos L. Flores Blancaneaux**, Architect Appointee were absent.

Also in attendance were Ms. Jennifer Peshke, Advising Attorney for the Board; IRC staff: Ms. Susan Prado, Assistant County Attorney; Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning; IRC Code Enforcement Officers: Ms. Vanessa Carter Solomon, Ms. Kelly Buck, Mr. Timothy Wrzesinski; Recording Secretary, Ms. Lisa Plesnarski, Commissioner Assistant.

Call to Order

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

Approval of Minutes

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (5-0) to approve the minutes of January 23, 2023 as presented.

Attorney's Overview of Board Purpose and Procedures

Attorney for the Board 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 March 24, 2023: Case #2022040080, Case #2022030001. The following case has been given a 60-day extension until April 21, 2023: Case #2022100073.

The following cases have been brought into compliance: Case #2022080045, Case #2022110025, Case #2022100043, Case #2022010017, Case #2022090023, Case #2022110015, Case #2022110075, Case #2022120059, Case #2015050026, Case #2022080081, Case #2022040058.

Mr. Myers asked about the nature of the health and safety hazard / public nuisance violation regarding Case #2022090071. IRC Code Enforcement Officer Daphne Driskell explained that the property is a vacant lot and the overgrown landscaping and shrubbery is encroaching on to the fencing and roof structure of an adjacent property.

ON MOTION BY Joseph Petrulak, SECONDED BY Pete Clements, the Board voted unanimously (6-0) 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 everyone who would be testifying at today's hearings.

EVIDENTIARY HEARINGS

Case #2023010024 Watkins, Chase Thomas

IRC Code Enforcement Officer Vanessa Carter Solomon spoke regarding a property located at 1310 32nd Avenue. Notice was posted on February 16, 2023. Ms. Solomon reviewed the cited violations pertaining to an unpermitted fence. Ms. Solomon explained a small fence was constructed across the drainage easement and across an abandoned right-of-way. Ms. Solomon said she suggested the Respondent apply for a covenant but it was not permitted. Ms. Solomon said the fence no longer encroached onto the easement and the Respondent is waiting for a permit to be issued.

Respondent Mr. Chase Watkins was present and explained that he built the fence due to the proximity of the nearby pond and concern for his young children. Mr. Watkins expressed he would do what was necessary to bring the property into compliance.

Ms. Solomon gave staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by 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.

ON MOTION BY Pete Clements, SECONDED BY Terence Schlitt, the Board voted unanimously (6-0) to accept staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by 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 Chase Watkins **was** present for this hearing.

EVIDENTIARY HEARINGS

Case #2022120016 Windsor Properties, Inc.

IRC Chief of Code Enforcement Rebeca Guerra spoke on behalf of Code Enforcement Officer Daphne Driskell regarding a property at 3520 N. Savannah Place. Service was obtained via certified mail on January 30, 2023. Ms. Guerra explained the temporary use violation pertains to site work inconsistent with the approved temporary use permit. Ms. Guerra explained to the Board that the property is currently in compliance and that the request is for a continuing order due to the frequency of noncompliance.

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to accept staff's recommendation for a Continuing Order.

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

Case #2022120068 Shepherd, Tom Edison

Ms. Rebeca Guerra spoke on behalf of Code Enforcement Officer Daphne Driskell regarding a property at 7391 132nd Street. Service was obtained via posting on February 13, 2023 after attempts at regular and certified mail were unsuccessful. Ms. Guerra said there is an accumulation of junk, trash, and debris on the property and showed photos to demonstrate. Ms. Guerra said there was an RV parked on an unauthorized surface and that it appeared it was being used as living quarters.

Ms. Guerra gave staff's recommendation that the Respondent be given 7 days, or until March 6, 2023, to bring the property into compliance by creating a designated parking space for the RV and cease its use as living quarters; and 30 days, or until March 24, 2023, to remove all junk, trash, and debris, or be subject to a fine imposed in an amount up to \$250.00 per day. Mr. Clements asked if there was a residence and if contact was made with anyone on the property. Ms. Guerra said there was none and that Ms. Driskell tried, but could not make contact with the Respondent.

ON MOTION BY Pete Clements, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to accept staff's recommendation that the Respondent be given 7 days, or until March 6, 2023, to bring the property into compliance by creating a designated

parking space for the RV and cease its use as living quarters; and 30 days, or until March 24, 2023, to remove all junk, trash, and debris, 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 #2022110074 Hackford, Branden & Amanda Ward

IRC Chief of Code Enforcement Rebeca Guerra spoke on behalf of Code Enforcement Officer Daphne Driskell regarding a property at 8585 101st Court. Service was obtained via posting on January 30, 2023. Ms. Guerra showed photos of the property out of compliance, as well as photos taken more recently showing the property in compliance. Ms. Guerra explained to the Board that the property is currently in compliance and that staff is requesting a Continuing Order due to the history of repeated complaints.

Respondent Amanda Hackford was present and said that the noise complaint from a neighbor was due to noise from legitimate business taking place on the property. Assistant County Attorney Ms. Susan Prado noted there have been numerous complaints about a business operating on a residential property and that is the essence of the request for a Continuing Order. Ms. Guerra explained the meaning and intent of the Continuing Order and clarified that a hearing would be held if violations were found in the future.

ON MOTION BY Pete Clements, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to accept staff's recommendation for a Continuing Order that the Respondent shall maintain compliance by not parking or storing commercial vehicles and equipment on the subject property, and not operate a business from the property, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

COMPLIANCE HEARING

Case #2022050078 Schroer, Nancy and Herb

Ms. Rebeca Guerra spoke about a property located at 7985 100th Avenue on behalf of Code Enforcement Officer Daphne Driskell and reviewed the cited violations. Ms. Guerra showed photos taken in 2007 and photos taken in September, 2022 as well as a boundary survey for reference. Ms. Guerra explained that the tenants of the property constructed a shed, made driveway improvements, as well as other improvements without permits that encroached upon County easements. Ms. Guerra said she walked through the property with

the Respondent to discuss remedies. Ms. Guerra said that the property owner is seeking conceptual approval for the private purchase of part of the easement at a Board of County Commission meeting to be held on March 7th.

The tenant, Ms. Kathy Keller, was present and there was discussion about the legal standing of the tenant. It was discovered that the property owner is the tenant's father. Ms. Peshke said the property owner needs to be present and /or a Power of Attorney needs to be on file in order for the tenant to give testimony. Ms. Keller said that she has a Power of Attorney. Ms. Peshke clarified the parameters of tenant representation. Ms. Keller said they are currently waiting for a survey to be done in order to move forward.

Ms. Guerra gave staff's recommendation for an extension of 60 days for the Respondent 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 Pete Clements, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to grant the Respondent an extension of 60 days, or until April 21, 2023, 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's representative Kathy Keller **was** present for this hearing.

ADMINISTRATIVE HEARINGS

Case #2022030038 Denves, Brendan

Assistant County Attorney Ms. Susan Prado spoke regarding a residential property at 8555 104th Court. Ms. Prado reminded the Board of the evidentiary hearing held on June 27, 2022, when the Board held the Respondent in violation of the County Code for junk, trash, and debris, as well as recreational vehicle storage and illegal use violations. Ms. Prado explained there were two extensions of time granted after which the Board found the Respondent in violation at a compliance hearing held September 26, 2022 and imposed a fine in the amount of \$250.00 per day. Ms. Prado showed aerial photos demonstrating the violations are unchanged. Ms. Prado said the property is still not in compliance and that a fine accrues daily, currently totaling approximately \$19,000.00. Ms. Prado showed photos taken at the property and noted it appears as if someone is living in the recreational vehicle and there is junk, trash, and debris piled around the recreational vehicle. Ms. Prado explained the property is not homesteaded and gave staff's request that the Board grant permission to issue an Order to move forward with Foreclosure action pursuant to Florida 162.09 (3).

Mr. Clements asked about the reason for requesting the foreclosure action instead of just letting the fine accrue. Ms. Prado responded by showing the photos spoke about the possibility of a sanitary nuisance as there are no utilities to the property and that the use of the RV as living quarters is prohibited. Ms. Prado said it would not be appropriate to pursue

this violation through the sheriff's department because this individual, being the property owner, is not trespassing.

ON MOTION BY James Kordiak, SECONDED BY Terence Schlitt. Pete Clements OPPOSED. The Board voted (5-1) to grant staff's request to initiate foreclosure action pursuant to FL Statute 162.09.

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

LIEN REDUCTION REQUESTS

Case #2021060045 Gomez, Felipe and Elena

Ms. Rebeca Guerra spoke regarding a lien reduction request pertaining to a property located at 12376 91st Street. Ms. Guerra reviewed some history of the case, and showed photos of the property before and after compliance. Ms. Guerra explained that a fine in the amount of \$100.00 per day was imposed beginning October 12, 2021 and the property came into compliance February 13, 2023. The property was out of compliance a total of 489 days, totaling fines in the amount of \$48,900.00. Costs to prosecute were calculated at \$2,000.00 and the cost to initiate foreclosure was \$3,812.73. For reference, the 2022 assessed value of the home is \$156,361.00. Ms. Guerra acknowledged compliance and gave staff's recommendation that a fine in the amount of \$10,702.73 be imposed representing 10% of the total fine, costs to prosecute, and costs to foreclose. Ms. Guerra noted this amount is significantly less than the total fine of \$48,900.00.

The Respondents representative Marisela Una was present and explained some of the work being done to obtain a site plan with the City of Fellsmere. Ms. Una requested a reduction in the fine amount. In response to a question from Mr. Clements, Ms. Prado explained the costs to foreclose. Mr. Schlitt made a Motion proposing an amended Order, that a fine in the amount of \$8,250.00 be imposed. Ms. Prado clarified that the fine is due to the County fund immediately. Ms. Una said she anticipated she could make payment within two weeks.

ON MOTION BY Terence Schlitt, SECONDED BY Pete Clements, the Board voted unanimously (6-0) to acknowledge compliance and reduce the lien to the amount of \$8,250.00.

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

Case #2022020001 Gomez, Felipe and Elena / SLP Tractor Service

Ms. Rebeca Guerra spoke regarding a lien reduction request pertaining to a property located at 12376 91st Street. Ms. Guerra reviewed the cited violations and showed photos to demonstrate. Ms. Guerra explained that a fine in the amount of \$250.00 per day was imposed beginning May 21, 2022, and the property came into compliance February 13, 2023. The property was out of compliance a total of 268 days, totaling fines in the amount of \$67,000.00. Costs to prosecute were calculated at \$1,700.00, and the cost to initiate foreclosure was \$235.00. For reference, the 2022 assessed value of the home is \$156,361.00. Ms. Guerra acknowledged compliance and gave staff's recommendation that a fine in the amount of \$8,635.00 be imposed which represents 10% of the total fine, costs to prosecute, and costs to foreclose. Mr. Schlitt made a Motion proposing an amended Order, that a fine in the amount of \$5,200.00 be imposed.

ON MOTION BY Terence Schlitt, SECONDED BY Pete Clements, the Board voted unanimously (6-0) to acknowledge compliance and reduce the lien to the amount of \$5,200.00.

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

Case #2018020108 Yates, Dallas & Jane (Estate)

Ms. Rebeca Guerra spoke regarding a lien reduction request pertaining to a property located at 8835 64th Avenue. Ms. Guerra explained that all of the cited violations have come into compliance and that the property now has a new owner. Ms. Guerra showed photos to demonstrate the property both in and out of compliance. Ms. Guerra explained a fine in the amount of \$100.00 per day was imposed beginning April 21, 2018, and the property came into compliance February 15, 2023. The property was out of compliance a total of 1,761 days, totaling fines in the amount of \$176,100.00. Costs to prosecute were calculated at \$1,700.00, and attorney's costs were \$1,660.00. For reference, the 2022 assessed value of the property is \$194,043.00. Ms. Guerra acknowledged compliance and gave staff's recommendation that a fine in the amount of \$17,610.00 be imposed which represents 10% of the total fine.

The new owner, Mr. Mahadeo Singh, was present. Mr. Singh said that he paid some of the outstanding fines at the time of purchase, but that the cost of the septic problems was not anticipated. Mr. Singh requested a further reduction of the fine amount. Mr. Clements proposed a discussion for reducing the fine to 5% of the total fine amount. Ms. Prado noted that the new property owner has owned the property for a year and that contact from him had been sporadic. Ms. Prado also noted the numerous complaints about the property from the community and that the new owner was aware of the environmental implications of the violations. Mr. Schlitt asked Mr. Singh about his plans for the property. Mr. Singh responded that he may have it rented out or possibly build duplexes himself.

ON MOTION BY James Kordiak, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to acknowledge compliance, and to accept staff's recommendation that a fine in the amount of \$17,610.00 be imposed.

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

EVIDENTIARY HEARINGS

Case #2022120058 Caudill, Neil P.

IRC Code Enforcement Officer Ms. Tricia Johnson spoke regarding a property at 1390 19th Avenue Southwest. Ms. Johnson reviewed the cited violation pertaining to a front porch constructed without a permit. Notice was posted on February 16, 2023. Ms. Johnson said that the property is still not in compliance and permits have not been obtained. Mr. Neil Caudill was present and explained he is working toward compliance and thought he could have the work complete in two weeks. Mr. Caudill indicated they have experienced some delays waiting for response from their engineer.

Ms. Johnson gave staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by obtaining an after-the-fact permit, or remove the structure, or be subject to a fine imposed in an amount of up to \$250.00 per day. Ms. Johnson asked Mr. Caudill to provide her the name of his contractor so that she could update her records. There was discussion about the timeframes needed to obtain the necessary permit. Ms. Prado suggested requesting that the Respondent be required to submit proof of obtaining a structural engineer within 30 days. Mr. Clements proposed an amended Order that would give the Respondent an extension of 30 days in order to obtain a structural engineer, and 60 days to submit a permit application, or be subject to a fine imposed in an amount of up to \$250.00 per day. Mr. Schlitt suggested Mr. Caudill include a copy of his survey with the permit application. Mr. Caudill was referred to the IRC planner of the day in the Community Development Office for his question regarding the property setback requirements.

ON MOTION BY Pete Clements, SECONDED BY James Kordiak, the Board voted unanimously (6-0) to accept staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to obtain a structural engineer, and 60 days, or until April 21, 2023, for the Respondent to submit a permit application, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

A ten minute break was taken at this time 3:00pm.

Case #2022110078 McMillin, Ruth L.

IRC Code Enforcement Officer Ms. Tricia Johnson spoke regarding a property at 105 10th Avenue. Notice was posted February 16, 2023. Ms. Johnson reviewed the cited violations and explained the recreational vehicle illegal use violation has come into compliance. Ms. Johnson explained that she had not had any contact from the property owner and that a no building permit violation remained for an unpermitted fence. Ms. Johnson showed photos demonstrating the violation.

Ms. Johnson gave staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by obtaining an after-the-fact building permit for the unpermitted fence, or removing the fence, or be subject to a fine imposed in an amount of up to \$250.00 per day.

ON MOTION BY Pete Clements, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to accept staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by obtaining an after-the-fact building permit for the unpermitted fence, or removing 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 #2023010020 Charlton, Virginia M. (LE)

IRC Code Enforcement Officer Ms. Tricia Johnson spoke regarding a property at 2116 17th Ave. Southwest. Notice was posted on February 16, 2023. Ms. Johnson reviewed the cited violations for junk, trash, and debris, junk vehicle(s), illegal use of commercial container, and boat/trailer storage violations and showed photos demonstrating the violations. Ms. Johnson explained that the property is still not in compliance.

The Respondent and her son, Steven Charlton, were present. Mr. Charlton said that he and his mother have lived at the residence for 25 years. Mr. Charlton said the accumulation of debris occurred when he took in donated items he wanted to provide to the less fortunate. Mr. Charlton said he obtained a storage container from "Pods" in order to try to contain the debris. Mr. Charlton said that much of what was seen in the photos was sold and said he has considered erecting a privacy fence. There was discussion about the possibility of fencing, and Ms. Guerra explained there would still be a junk, trash, and debris violation.

Ms. Johnson gave staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by removing junk, trash, and debris, or be subject to a fine imposed in an amount up to \$250.00 per day. Mr. Charlton

said he has been working on it and would continue his efforts to bring the property into compliance.

ON MOTION BY Joseph Petrulak, SECONDED BY Terence Schlitt, the Board voted unanimously (6-0) to accept staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by removing junk, trash, and debris, or be subject to a fine imposed in an amount up to \$250.00 per day.

Note for the record that the Respondent and her son Steven Charlton **were** present for this hearing.

COMPLIANCE HEARING

Case #2022100044 Lee, John M. & Tracy R.

IRC Code Enforcement Officer Ms. Tricia Johnson spoke regarding a property at 865 24th Place. Ms. Johnson reviewed the cited violations for junk, trash, and debris, junk vehicle(s), and no building code violations and showed photos to demonstrate. Ms. Johnson explained the junk, trash, and debris, and junk vehicle(s) violations have come into compliance. Notice was posted February 16, 2023. Ms. Johnson explained the remaining no building permit violations pertain to a fence constructed without a permit and expired pool and pool enclosure permits.

Ms. Johnson gave staff's recommendation that a fine in the amount of \$100.00 per day be imposed, beginning February 25, 2023, until the property is brought into compliance. Mr. Clements asked about the safety of the pool structure and Ms. Johnson clarified that it is fenced.

ON MOTION BY Joseph Petrulak, SECONDED BY Terence Schlitt, the Board voted unanimously (6-0) to accept staff's recommendation that a fine in the amount of \$100.00 per day be imposed, beginning February 25, 2023, until the property is brought into compliance.

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

EVIDENTIARY HEARING

Case #2023010043 Torkaman, Gholam Reza

IRC Code Enforcement Officer Ms. Tricia Johnson spoke regarding a property at 470 12th Place Southeast. Notice was posted on February 16, 2023. The Respondent, Mr. Torkaman, and his representative were present. Mr. Torkaman was offered use of a captioning app as well as a device to assist with his professed hearing deficit. This case hearing was stopped and the Board moved on to the next hearing while assistance was offered to the Respondent.

LIEN REDUCTION REQUEST

Case #2017110036 Margiotta, Marvellen

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke about a property located at 1256 15th Avenue Southwest. Ms. Guerra explained there was 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 April 21, 2018, and the property came into compliance February 21, 2023. There was a total of 1,767 days out of compliance resulting in a total fine of \$176,700.00. Costs to prosecute were calculated at \$2,000.00. For reference, the 2022 assessed value of the property is \$14,571.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$8,835.00 which represents 5% of the total fine.

The Respondent, Ms. Margiotta, was present, and explained she had given the property to her son but that he died in December, 2022. Ms. Margiotta said she was unaware she was still listed as a property owner until her granddaughter helped her look into the status of the property. Ms. Buck provided some information about the Warranty Deed on file. Ms. Johnson provided clarity that the overgrown weeds violation is for a vacant lot. There was discussion about the maintenance requirements for a vacant lot. Chairman Myers asked for a Motion. Mr. Clements made a Motion, that a fine in the amount of \$2,000.00 be imposed for administrative costs.

ON MOTION BY Pete Clements, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to acknowledge compliance and reduce the lien to \$2,000.00 for administrative costs.

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

EVIDENTIARY HEARINGS

Case #2023010043 Torkaman, Gholam Reza

IRC Code Enforcement Officer Ms. Tricia Johnson spoke regarding a property at 470 12th Place Southeast. Notice was posted on February 16, 2023. Ms. Johnson explained

there have been numerous complaints about this property since 2004 and noted that the situation had worsened. The Respondent, Gholam Torkaman, and his representative were present. Mr. Torkaman refused use of a captioning app to assist with his proclaimed hearing deficit. The County provided Mr. Torkaman with an ADA compliant earpiece to assist in his hearing needs. There was question as to whether or not the Respondent would take and use the earpiece device. Ms. Guerra clarified that the Respondent is able to connect to a captioning app via wifi with a personally worn hearing aid, and was also offered an ADA compliant hearing device. Mr. Clements commented that this Respondent has been before the Board previously and questioned whether or not this was a delay tactic. Ms. Prado noted that Mr. Torkaman responded to the Board when asked to stop, indicating that he could hear the Board through their microphones. Ms. Johnson verified the hearing device worked, as she commented she could hear it from about two feet away. Ms. Prado asked that the Board move forward with today's hearing, noting this Respondents prior experience before the Board and that he was aware of assistance available and his opportunity to retain legal counsel. Attorney for the Board, Ms. Jennifer Peshke, concurred that the Respondent's request for a hearing aid had been accommodated and that the evidentiary hearing could proceed.

Chairman Myers read Case #2023010043 into record again. IRC Code Enforcement Officer Ms. Tricia Johnson spoke regarding a property located at 470 12th Place Southeast and reviewed the cited violations for junk, trash, and debris, property maintenance, and egress obstruction. Ms. Johnson said the egress obstruction violation has come into compliance. Notice was posted on February 16, 2023. Ms. Johnson contacted the Building Department for assistance with the maintenance issues. Ms. Johnson showed photos demonstrating the violations. Mr. Scott McAdam, IRC Building Official, was present and explained a separate Notice of Violation was issued by the Building Department and posted on the property on February 24, 2023. Mr. McAdam showed the Notice of Violation for reference and discussed the areas of concern that were cited by the Building Department. Mr. McAdam said there is a pool on the property that has been out of repair for years and noted there is free access on all sides with no fencing. Mr. McAdam showed photos of the pool to demonstrate and also showed photos including the dock and retaining wall in a state of disrepair.

Mr. McAdam showed photos of an upper balcony and deck in disrepair and indicated they need to be inspected and permitted. Mr. McAdam showed photos and discussed other areas of concern on the property including an unpermitted structure which housed a gas stove outdoors. Mr. McAdam clarified the house is currently occupied. Mr. McAdam also clarified there is free access from all sides to the unmaintained pool.

The Respondent, Mr. Torkaman, explained he has lived in the house since 1988. Mr. Torkaman said that he got rid of a lot of his tools and contended that he has a neighbor that is prejudiced against him. Mr. Torkaman said that he did not see anything wrong with what was seen in the photos and that the house is strong. Chairman Myers pointed out to Mr. Torkaman the items listed on the overhead screen in the Building Department's Notice of Violation are what need to be addressed in order to come into compliance. Chairman Myers noted that a fine could be imposed in an amount up to \$500.00 per day as this is a repeat violation.

Ms. Johnson gave staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by removing junk, trash, and debris, obtain permits and commence required work, or obtain demolition permits and commence removal of all structures in violation; and 60 days, or until April 21, 2023, for the Respondent to demolish all structures in violation and obtain final inspection; and 90 days, or until May 19, 2023, to completely correct and repair all violation conditions and obtain final inspections, or be subject to a fine imposed in an amount up to \$250.00 per day. Ms. Guerra explained that the Code Enforcement recommendation matched the timing shown in the Building Departments Notice of Violation for ease of coordination. Ms. Prado explained that because the Board found the Respondent in violation, if another property of his came out of compliance for one of these reasons, it would be considered an automatic repeat violation and there will be no evidentiary hearing before a fine was assessed.

ON MOTION BY Terence Schlitt, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to accept staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by removing junk, trash, and debris, obtain permits and commence required work, or obtain demolition permits and commence removal of all structures in violation; and 60 days, or until April 21, 2023, for the Respondent to demolish all structures in violation and obtain final inspection; and 90 days, or until May 19, 2023, to completely correct and repair all violation conditions and obtain final inspections, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case #2022100057 Lofton, Elisha C.

IRC Code Enforcement Officer Mr. Tim Wrzesinski spoke regarding a property located at 4435 26th Avenue where a livestock in a residential area violation was cited. Notice was posted on February 16, 2023. Mr. Wrzesinski reviewed the cited violation and showed photos to demonstrate. Mr. Wrzesinski said he explained to the Respondent that only up to four animals are allowed in a residential area and informed them the goats and roosters needed to be removed.

Mr. Wrzesinski gave staff recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by removing all of the goats and roosters, or be subject to a fine imposed in an amount of up to \$250.00 per day.

ON MOTION BY Pete Clements, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to accept staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by removing all of the goats and roosters, 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 #2022090072 Green, Susan

IRC Code Enforcement Officer Mr. Tim Wrzesinski spoke regarding a property located at 4351 33rd Avenue. Mr. Wrzesinski reviewed the cited zoning district use violation. Mr. Wrzesinski showed photos demonstrating the storage of vehicles, trailers, and miscellaneous debris on a vacant lot. Mr. Wrzesinski said that he spoke to the Respondent earlier this morning.

The Respondent Susan Green was present and explained that the RV was removed. Ms. Green said that a tree had fallen on the remaining commercial vehicle which is causing a delay in its removal. Ms. Green requested an extension of time. Mr. Wrzesinski showed the vehicles and debris in the photos and explained to the Respondent that nothing can be stored on the vacant lot. Ms. Green said that she obtained an occupational license for the property where they have been storing a food truck. Ms. Guerra noted the property is zoned residential and explained that overnight storage of vehicles on the vacant lot as well as storage of junk, trash, and debris is prohibited.

Mr. Wrzesinski gave staff's amended recommendation for an extension of 60 days, or until April 21, 2023, for the Respondent to bring the property into compliance by removing the storage of vehicles, trailers, and miscellaneous junk, trash, and debris from the property, or be subject to a fine imposed in an amount of up to \$250.00 per day. Mr. Schlitt said that because this is a residential area, the occupational license may have been issued thinking there would be work done from the Respondent's residential home office and suggested the Respondent look into that matter further.

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to accept staff's recommendation for an extension of 60 days, or until April 21, 2023, for the Respondent to bring the property into compliance by removing the storage of vehicles, trailers, and miscellaneous junk, trash, and debris from the property, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case #2022120026 Dillard, Scott

IRC Code Enforcement Officer Mr. Tim Wrzesinski spoke regarding a property located at 3243 43rd Street. Notice was posted February 16, 2023. Mr. Wrzesinski reviewed the cited junk vehicle(s) violations and showed photos to demonstrate. Mr. Wrzesinski said he has not heard from the Respondent and noted the posting was removed, but the vehicle had not been moved.

Mr. Wrzesinski gave staff recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by obtaining registration for the vehicle and demonstrating its roadworthiness, or removing the vehicle, 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 (6-0) to accept staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by obtaining registration for the vehicle and demonstrating its roadworthiness, or removing 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 **was not** present for this hearing.

Case #2022120073 Circle S Management, LLC

IRC Code Enforcement Officer Mr. Tim Wrzesinski spoke regarding a property located at 4900 65th Street. Notice was posted February 16, 2023. Mr. Wrzesinski reviewed the cited violation for overgrown weeds, as well as a no building permit violation pertaining a 30x40 shed on the property. The Respondent, Karen Sheltra, was present and explained that she purchased the property in February 2022 and is unsure what happened with the permit. Mr. Wrzesinski supposed there may have been a permit that was open but never finalized and had since expired. Mr. Wrzesinski explained the Respondent needs to re-open the permit and schedule a final inspection. Mr. Petrulak suggested the Respondent speak to the Planner of the Day to find out exactly what needs to be done.

Mr. Wrzesinski gave staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by mowing the overgrown weeds, and obtaining a permit and having the structure finally inspected, or have the structure removed, or be subject to a fine imposed in an amount of up to \$250.00 per day.

ON MOTION BY Karl Zimmermann, SECONDED BY James Kordiak, the Board voted unanimously (6-0) to accept staff's recommendation for an extension

of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by mowing the overgrown weeds, and obtaining a permit and having the structure finally inspected, or have the structure removed, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

COMPLIANCE HEARINGS

Case #2022100041 School Street Apartments

IRC Code Enforcement Officer Mr. Tim Wrzesinski spoke regarding a property located at 4630 54th Drive where a junk, trash, and debris violation was cited. Mr. Wrzesinski reminded the Board of initial hearing date of January 23, 2023 and showed photos demonstrating the violations. Mr. Wrzesinski said the Respondent has been making some progress on clean up. Mr. John Gerrato, President of School Street Apartments, was present and requested an extension of time to continue cleaning up debris. Mr. Gerrato said the property is being sold and the removal of remaining debris was discussed.

Mr. Wrzesinski gave staff recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by removing all junk, trash, and debris, or be subject to a fine imposed in an amount of up to \$250.00 per day.

ON MOTION BY Pete Clements, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to accept staff's recommendation for an extension of 30 days, or until March 24, 2023, for the Respondent to bring the property into compliance by removing all junk, trash, and debris, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case #2022110051 Sanchez, Kenneth Henao

IRC Code Enforcement Officer Mr. Tim Wrzesinski spoke regarding a property located at 4153 46th Place. Mr. Wrzesinski reviewed the no building permit violation cited and explained it pertains to a fence constructed without a permit. Mr. Wrzesinski said the Respondent appeared at the last hearing but he had not heard from him since that time and a permit has not yet been obtained.

Mr. Wrzesinski gave staff recommendation that a fine in the amount of \$100.00 per day be imposed beginning February 25, 2023, until the property is brought into compliance.

ON MOTION BY Karl Zimmermann, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) that a fine in the amount of \$100.0 per day be imposed beginning February 25, 2023 until the property is brought into compliance.

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

Case #2022100072 Jones, Charlie L.

IRC Code Enforcement Officer Mr. Tim Wrzesinski spoke regarding a property located at 4004 46th Lane and explained this case pertains to a junk vehicle violation. Mr. Wrzesinski explained that the vehicle has not been moved and showed photos to demonstrate the violation.

Mr. Wrzesinski gave staff recommendation that a fine in the amount of \$100.00 per day be imposed, beginning February 25, 2023, until the property is brought into compliance.

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) that a fine in the amount of \$100.0 per day be imposed beginning February 25, 2023 until the property is brought into compliance.

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

Case #2022090067 Dusek, Christa

IRC Code Enforcement Officer Mr. Tim Wrzesinski spoke regarding a property located at 6455 48th Avenue. Mr. Wrzesinski reviewed the cited violations and showed photos to demonstrate. Mr. Wrzesinski showed aerial photos which demonstrated the amount of debris is getting larger. Mr. Wrzesinski showed photos taken earlier in the morning showing the violations remain unchanged.

Mr. Wrzesinski gave staff recommendation that a fine in the amount of \$100.00 per day be imposed beginning February 25, 2023, until the property is brought into compliance.

ON MOTION BY Joseph Petrulak, SECONDED BY Pete Clements, the Board voted unanimously (6-0) that a fine in the amount of \$100.0 per day be imposed beginning February 25, 2023 until the property is brought into compliance.

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

LIEN REDUCTION REQUESTS

Case #2022080005 Chambliss, Johnny

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke about a property located at 4861 34th Avenue. Ms. Guerra explained there were junk vehicle(s), and junk, trash, and debris 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, 2022 and the property came into compliance February 16, 2023. There was a total of 82 days out of compliance resulting in a total fine of \$8,200.00. Costs to prosecute were calculated at \$1,700.00. For reference, the 2022 assessed value of the property is \$71,322.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$1,700.00 which represents the costs to prosecute this case.

The Respondent Mr. Chambliss was present, and explained he did everything that was asked of him to remedy the violations. Mr. Chambliss said that he did not request reinspection after cleaning up the debris, and recently found out from a neighbor that there was a lien on the property. Mr. Schlitt brought up for discussion the three other properties owned by Mr. Chambliss that were Noticed for property maintenance violations. Ms. Guerra reminded the Board that this is not the Respondent's first Code Enforcement case.

Chairman Myers asked for a Motion. Mr. Clements made a Motion that the proposed fine be rescinded. The Motion was seconded by Terence Schlitt. The Motion failed.

Mr. Petrulak made a Motion for staff's recommendation to impose a fine in the amount of \$1,700.00 which represents the costs to prosecute the case.

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann. OPPOSED BY Pete Clements and Terence Schlitt. The Board voted (4-2) to acknowledge compliance and reduce the lien to the amount of \$1,700.00.

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

Case #2022050094 Hodges, James

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke about a property located at 4616 33rd Avenue. Ms. Guerra explained the cited violations were for junk vehicle(s), and junk, trash, and debris 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 22, 2022 and the property came into compliance January 19, 2023. There was a total of 89 days out of compliance resulting in a total fine of \$8,900.00. Costs to prosecute were calculated at \$2,000.00. For reference, the 2022 assessed value of the

property is \$57,353.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$2,000.00 which represents the costs to prosecute.

Representative Barbette Newkirk was present and explained the property belonged to her father who is deceased and she just recently learned that he owned the property. Ms. Newkirk explained that her father was incarcerated and due to poor health was released to the hospital where he later died. Ms. Newkirk explained that her father was incarcerated or hospitalized during the time the property was out of compliance and, therefore, did not have an opportunity to address the violations. Ms. Prado noted that Mr. Hodges was noticed properly and was responsible as he was the property owner of record and that a reduction of the lien to the \$2,000.00 costs to prosecute is not required but was at the Board's discretion.

ON MOTION BY Pete Clements, SECONDED BY Terence Schlitt, the Board voted unanimously (6-0) to acknowledge compliance and reduce the lien to the amount of \$2,000.00.

Note for the record that the Representative Barbette Newkirk **was** present for this hearing.

Authorization for Notices to Appear

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

Other Board Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 5:40pm.