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, January 22, 2024 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. Pete Clements**, General Contractor Appointee; **Mr. Karl Zimmermann**, Realtor Appointee; and **Mr. James Kordiak**, Member-at-Large.

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

Also in attendance were Jennifer Peshke, Advising Attorney for the Board; IRC staff: Susan Prado, Deputy County Attorney; Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning; Mr. Andy Sobczak, Planning and Development Services Director; Steven Hitt, Principal Environmental Planner; Sidney Drawdy Glass, Environmental Planner; Mr. Todd Tardiff, IRC Stormwater/Environmental Enforcement Officer; Wendy Smith, Right-of-Way Permitting Administrator; IRC Code Enforcement Officers: Ms. Kelly Buck, Ms. Vanessa Carter Solomon, Ms. Daphne Driskell, Ms. Tricia Johnson, Mr. Timothy Wrzesinski, and Mr. Dustin Vaught; Recording Secretary, Ms. Lisa Plesnarski, Commissioner Assistant.

Call to Order

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

Nominations for Election of Chairman and Vice Chairman for 2024

Mr. Joseph Petrulak nominated Terence Schlitt as Chairman.

ON MOTION BY Joseph Petrulak, SECONDED BY Pete Clements, the Board voted unanimously (5-0) to nominate Terence Schlitt as Chairman for 2024.

Mr. Joseph Petrulak nominated Pete Clements as Vice Chairman.

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (5-0) to nominate Pete Clements as Vice Chairman for 2024.

Board member Mr. James Kordiak joined the meeting at this time 1:33pm.

Approval of Minutes

ON MOTION BY Joseph Petrulak, SECONDED BY Pete Clements, the Board voted unanimously (5-0) to approve the minutes of November 27, 2023 as presented.

Code Enforcement Board Discussion

Chairman Schlitt noted that the Board members were given a calendar of 2024 meeting dates. IRC Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra called attention to the May meeting date, to be held May 20th which is the 3rd Monday of the month.

Attorney's Overview of Board Purpose and Procedures

Advising 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 were brought into compliance: Case #2023100063, Case #2023110085, and Case #2023120035.

The following cases were given a 30-day extension until February 23, 2024: Case #2022040051, Case #2023040019, Case #2023080046, Case #2023090094, Case #2020050090, and Case #2023050058. The following cases were given a 60-day extension until March 22, 2024: Case #2023070040, Case #2023060104, Case #2023060106, Case #2023080121, and Case #2023090083. The following case was given a 90-day extension until April 19, 2024: Case #2023020058. The following case has been rescheduled: Case #2023090061. The following case was closed: Case #2021020054.

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, 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 HEARING

Case #2023080033 Helsel, Jill & Kameron

IRC Principal Environmental Planner Mr. Steven Hitt spoke about property located at 14550 111th Street in Fellsmere. Service was obtained via posting on January 9, 2024. Mr. Hitt gave a Powerpoint presentation, copies of which are available at the Board of County Commissioner's Office, and reviewed the cited violations pertaining to land clearing debris stockpiling, burning of debris, zoning district use, and flood protection. Mr. Hitt showed the location of the subject property on a map for reference and described the property as a former citrus grove. Mr. Hitt explained that the property is located within a special flood hazard area designated as Zone A under the FEMA Flood Insurance Rate Maps. Mr. Hitt showed a series of photographs dating back to July 28, 2023,

when the case was first investigated after neighbors complained of debris being stockpiled on the property. Mr. Hitt described an incinerator and some machinery observed on site as seen in the photos. Mr. Hitt also showed photos of large piles of debris that appeared to have been brought in from offsite. Mr. Hitt showed a series of photos taken by IRC Stormwater/Environmental Enforcement Officer Todd Tardiff, showing piles of debris toward the front of the property and images indicating debris was delivered from offsite sources. Mr. Hitt noted the logs seen in the images were cleaned of branches and that reports were received of logs being processed on the property and being hauled away. Mr. Hitt explained that truck traffic on the dirt road was of concern to neighbors and showed a photo taken by a neighbor of a truck that had been run off the road during a rainstorm.

Mr. Hitt explained that he and Public Works Engineering staff had been trying to work with the Respondent to remedy some of the stormwater violations related to fill because the property is in a special flood hazard area. Mr. Hitt explained that a Type C permit would typically be required if earth is being moved and additional material is being brought in and deposited on site. Mr. Hitt said he and Matt Soyka of Public Works tried to work with the Respondents to assist in their submission of a Type C permit application, but that offer was rescinded due to lack of communication.

The Respondents Kameron and Jill Helsel were present. Mr. Helsel explained that he hired Woods Land Management, LLC with the intent to create a berm as a natural barrier because he wants to keep horses on the property. Mr. Helsel said he never applied for a fire permit, no materials were ever burned on site, and that a fire inspector verified the air curtain and incinerator had not been used. Mr. Helsel said that logs were stripped with the intent of using them to create a natural berm and that no material had been hauled off the property. Mr. Helsel said after the Notice of Violation was received, he spoke to all authorities involved and that he applied for the Type C permit. Mr. Helsel said he was paying to have debris brought in so he could build a natural berm to secure his property. Mr. Helsel said the road was washed out after heavy rain, which caused the truck seen in the previously shown photograph to run off the road. Mr. Helsel stated they did not wish to negatively impact neighbors and that they have been in communication with them and have helped to grade the road. Mr. and Mrs. Helsel said the complainants live miles away from the subject property and that they are not property owners but leasers of the land.

Deputy County Attorney Susan Prado clarified that the road (111th Avenue) is a private road to be maintained by the property owners and is not owned and maintained by the County. Ms. Prado asked the Respondent if any of the equipment being stored on the property supported a bona fide agricultural use as there is currently an agricultural exemption on the property. Mr. Helsel said the equipment was being used to move trees and earth and to build the berm around the property. Mr. Helsel said they currently have cows on the property and intend to have horses in the future. In response to a question from Ms. Prado, Mr. Helsel stated that he had not hauled any debris off the property.

Ms. Prado called Mr. Todd Tardiff, IRC Stormwater/Environmental Enforcement Officer. Mr. Tardiff introduced himself and briefly described the purview of his position. Mr. Tardiff said he has visited the site multiple times and that he had received complaints and photos from neighbors. Mr. Tardiff said the neighbors' complaints included noise, debris, and concern for fire danger. Mr. Tardiff indicated that his main concerns were regarding stormwater and protecting the municipal sewer system and waters of the State to ensure no discharge was coming from the site. Mr. Tardiff said he was sampling water at the location on October 30, 2023 and observed Wood Land Management, LLC's truck going into the property. Mr. Tardiff said as he observed the Wood's Land Management truck leaving, he asked the driver what was being done on the property. Mr. Tardiff said the driver responded that he was bringing debris in from Brevard County, and that occasionally they hauled out logs. Mr. Tardiff said he then informed the Health Department and the IRC Code

Enforcement Division with concerns of an illegal business operating on the property. IRC Senior Environmental Planner Steven Hitt then began his investigation.

Mr. Tardiff spoke about the laws and regulations that govern agricultural operations. Mr. Tardiff said he noticed the earth pushed up to a house pad on the property. Mr. Tardiff said he notified the Respondent that construction of any kind; clearing, grading, stockpiling, and building of homes and barns that disturb more than an acre of land are required by the State to get a National Pollutant Discharge Elimination System (N.P.D.S.) Permit in order to notify of intent to build a residential structure, barn, or road. Mr. Tardiff said upon further investigation, he discovered the Respondent did not have a permit. Mr. Tardiff also noted the requirement of best management practices, record keeping, and reporting, and that the Respondent did not inform him or the State about any work being done on the agriculturally exempt property. Mr. Tardiff said although the road is a private road, there is a roadside swale that drains to waters of the State and, therefore, must meet the standard for discharge of water. Mr. Tardiff said he did not observe that standard being met in this circumstance. Mr. Tardiff showed photos demonstrating and described the berm as consisting of pushed-up debris without soil. Mr. Tardiff stated what he observed was not a berm, as delineated by County Code, and further, that it appears to pose a fire and health hazard.

Ms. Prado asked Mr. Hitt what was needed to remedy the violations. Mr. Hitt said because the debris pile does not meet the definition of a berm, it is considered solid waste debris, and further clarified that any land clearing must support the agricultural use of the property. Mr. Hitt said there were no site plan approvals for this type of activity on the subject property. Mr. Hitt said staff's recommendation would be to remove the material as it does not meet the allowable use criteria.

Mr. Helsel reiterated that their intent was to build a berm by stacking material, letting it dry out, and then covering it with dirt. Mr. Helsel said moving the needed mulch and dirt would take time. Mr. Helsel testified that there was not a house pad on the property, but that they originally started to dig a pond and filled some swales and that no dirt was moved after receiving the Notice of Violation. Mr. Clements asked the Respondent why an air curtain was on the property. Mr. Helsel said that if he obtained a burn permit, he could be allowed to use a fire curtain to burn debris, but that he never obtained a burn permit or used the curtain. Mr. Helsel said he had no intention of running an illegal business on the property. Mr. Schlitt spoke about the deadlines which could be imposed and asked the Respondent for his engineer and design team's approximate timeline. Mr. Helsel said he had a surveyor working on the Type C permit application and that he anticipated it would be submitted in the next few weeks.

Mr. Clements commented that the Respondent was trying to create a type of berm that is not commonly seen in Indian River County, and asked if there was anything prohibiting the Respondent from building such a barrier aside from the environmental concerns. Mr. Hitt responded that the materials, much of it branches and loose debris, had been present since July 2023 and that it did not resemble a traditional berm. Mr. Hitt noted concerns for fire hazard and danger of flying debris should there be a tornado or hurricane. Ms. Guerra explained that what the Respondents created did not meet County Code for a vegetated berm. Mr. Tardiff further stated that berms are built on all types of property and that he had never seen anything that looked like what he observed on the subject property. Mr. Tardiff reiterated that under agricultural rules and regulations, if earth was disturbed on more than an acre of agriculturally zoned property, a permit needs to be obtained if the work being done is not for agricultural purposes. Mr. Tardiff added that the specifications of height, width, length, and stabilization of required berms were typically created in order to contain water runoff.

Mr. Clements asked the Respondent if they had received payment for any material being brought in and if they were charging for disposal of materials. Mr. Helsel replied that they had not. Mrs. Helsel said that the berm did not currently look correct as it was still unfinished. Mr. Helsel said the original complaint was that mulching was taking place and said that he had not done any

mulching. Mr. Helsel said they do not live on the property and are completing the work as they are able. Mr. Helsel reiterated that the complainants were not near their property, were not property owners, and that the neighboring property is leased. Mr. Myers explained to the Respondents that they could be fined daily if it was determined the property is out of compliance with County Code.

Mr. Hitt gave staff's recommendation that the Respondent be required to cease stockpiling of land clearing debris, cease use of the air curtain incinerator, and cease use of the property as a landfill or solid waste disposal site within 24 hours; and within 30 days, or by February 23, 2024, dispose of all accumulated debris at a permitted landfill, obtain a permit for use of the air curtain incinerator if they intended to use it, obtain site plan approval if there was an intended use as a recycling center for mulching or land clearing debris, and obtain a Type C permit from the Public Works Department, or be subject to a fine imposed in an amount up to $250.00 per day, per violation. Ms. Guerra said that the 30-day recommendation had been given with the hope of seeing immediate action due to the severity of the infractions on this case. Mr. Hitt then briefly explained the site plan approval process.

Ms. Prado asked Mr. Hitt to review the Notifications for Notice pertaining to today's hearing. Mr. Hitt said the most recent Notice to Appear was posted at the front of the property on January 9, 2024 and was sent to the Respondent via certified mail with a return receipt requested. Mr. Hitt clarified the following violations were Noticed: 973.03 Land Clearing Debris Stockpile violation, 925.04 Burning of Debris violation, 911.04 Zoning District Use violation, and 930.07 Flood Protection violation.

> **ON MOTION BY David Myers, SECONDED BY Pete Clements. Joseph Petrulak OPPOSED. The Board voted (5-1) to accept staff's recommendation for the following: That the Respondent be required to cease stockpiling of land clearing debris, cease use of the air curtain incinerator, and cease use of the property as a landfill or solid waste disposal site within 24 hours; and within 30 days, or by February 23, 2024, dispose of all accumulated debris at a permitted landfill, obtain a permit from IRC for use of the air curtain incinerator, if necessary, obtain site plan approval, if necessary, for a recycling center for mulching or land clearing debris, and obtain a Type C permit from the Public Works Department, or be subject to a fine imposed in an amount up to $250.00 per day, per violation.**

Note for the record that the Respondent's Kameron and Jull Helsel **were** present for this hearing.

A ten minute break was taken at this time 3:07pm.

COMPLIANCE HEARINGS

Case #2022100030 MBC Property Acquisitions, Inc.

IRC Principal Environmental Planner Mr. Steven Hitt spoke about property located at 9050 66th Avenue. Mr. Hitt reviewed the cited violations pertaining to land clearing, wetland alteration,

alteration of a wetland buffer, stormwater drainage, upland conservation area, and unlicensed subcontractor violations and showed photos to demonstrate. Mr. Hitt explained the Respondent was going through the site plan review process to develop a six-lot subdivision. Mr. Hitt showed the proposed conceptual site plan which indicated the wetland boundary. Mr. Hitt showed photos of the mulching and clearing activity which generated the Notice of Violation. Mr. Hitt said the original evidentiary hearing was held on January 23, 2023 and that three extensions of time were granted. Mr. Hitt explained there had not been much movement with the site plan process after the Respondent received staff comments after the Technical Review Committee meeting. Mr. Hitt said he drove by the property earlier and observed a "for sale" sign and, therefore, was unsure whether or not the Respondent planned to continue moving forward with the site plan process.

Mr. Hitt gave staff's recommendation that a fine in the amount of $250.00 per day be imposed, beginning January 20, 2024, until the property is brought into compliance. Mr. Hitt noted the Respondent has already been assessed penalties in the amount of $18,500.00 for the illegal clearing and mulching activities. Mr. Petrulak made a motion for staff's recommendation.

ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (6-0) to accept staff's recommendation that a fine in the amount of $250.00 per day be imposed, beginning January 20, 2024, until the property is brought into compliance; and to uphold the previously assessed penalties in the amount of $18,500.00.

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

Case #2022070031 Everybody Rides, Inc.

IRC Principal Environmental Planner Mr. Steven Hitt spoke about property located at 11191 US Highway 1. Mr. Hitt reviewed the cited violations pertaining to the expansion of a parking area including use established without a site plan, wetland alteration, and wetland buffer encroachment and showed photos to demonstrate. Mr. Hitt showed aerial images taken in January 2021 and January 2022 showing mulching activities that had taken place, as well as a more recent aerial photo taken January 12, 2023. Mr. Hitt noted the original evidentiary hearing was held October 24, 2022 and that four extensions of 90 days time each had been granted. Mr. Hitt said that staff's recommendation was to impose a fine in the amount of $250.00 per day beginning January 20, 2024.

Mr. Geoff Barkett of Schulke, Bittle and Stoddard, LLC was present on behalf of the owner. Mr. Barkett explained that the FDEP's and St. John's approvals had taken a considerable amount of time. Mr. Barkett said he had received comments from the pre-application meeting and that he was working on the final design. Mr. Barkett said he estimated the site plans would be ready to submit within 2-3 weeks. Mr. Clements asked Mr. Barkett how much additional time he felt was needed to prepare a full submittal. Mr. Barkett said he estimated about one month would be sufficient. Mr. Hitt spoke about the extensions already granted and the absence of a formal site plan submission and suggested a possible 30-day extension of time. Mr. Hitt noted that, according to the photos, parking continued in the area after the Respondent was Ordered to cease parking in the expanded parking area. In response to a question from Mr. Myers, Mr. Hitt explained that the January 2023 presented by staff was the most current aerial photo and that a new aerial photo would become available after January of 2024. Mr. Barkett said he could provide updated aerial photos taken subsequent to this meeting as part of their site plan submission. Mr. Myers made an amended motion for an extension of 30 days, or until February 23, 2024, for the Respondent to complete submission of all documents.

Chairman Schlitt reiterated the request for updated aerial photos to be included with the submitted documents.

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann. OPPOSED by Pete Clements. The Board voted unanimously (5-1) to accept staff's amended recommendation for an extension of 30 days, or until February 23, 2024, for the Respondent to complete submission of all documents, 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 Geoff Barkett **was** present for this hearing.

Case #2023080056 Indian River County / Anthony Sposato / Indian River Shores, FL 32963

IRC Principal Environmental Planner Mr. Steven Hitt spoke about property located at 800 46th Place East. Mr. Hitt reviewed the cited violations pertaining to alteration of a right-of-way without a valid permit, encroachment obstruction in a right-of-way or easement, unpermitted removal of natural resources, and violations pertaining to dune vegetation protection criteria including unpermitted dune vegetation alteration. Mr. Hitt reminded the Board that the property abuts Tracking Station Beach Park and that one of the issues pertained to a dune crossover structure located in the middle of the property. Mr. Hitt said that at the Evidentiary Hearing held November 27, 2023, the Respondent was ordered to remove the concrete bags that had been placed in the dune within 14 days. Mr. Hitt explained the concrete bags were removed, but that several other conditions were not met. Mr. Hitt gave staff's recommendation that a fine in the amount of $250.00 per day be imposed, beginning December 12, 2023, and to uphold penalties and enforcement fines in the amount of $15,500.00.

ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to accept staff's recommendation that a fine in the amount of $250.00 per day be imposed, beginning December 12, 2023, and to uphold penalties and enforcement fines in the amount of $15,500.00.

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

LIEN REDUCTION REQUEST

Case #2023080011 Golden Eagle Upholstery Services Corporation

IRC Code Enforcement Chief Rebeca Guerra spoke regarding property located at 3890 Old Dixie Highway and showed a Powerpoint presentation, copies of which are on file with the Board of County Commissioners. Ms. Guerra reminded the Board of the cited violation pertaining to alteration of the right-of-way (R.O.W.) without a permit and that there was a property boundary dispute regarding the vacant lot. Ms. Guerra showed a photo taken by Code Enforcement Officer Vanessa Carter Solomon on January 18, 2024, which showed that the landscaping planted in the R.O.W.

across the street from the subject property was removed as previously ordered. Ms. Guerra explained that this landscaping was then replanted in the R.O.W. on the north side of the property and noted that this could be cited as a separate repeat violation. Ms. Guerra said staff also observed dirt was spread over the lot and that there was a concern that the lot elevation was changed and it could then affect drainage.

Ms. Guerra showed photos taken of the property both in and out of compliance. Ms. Guerra explained a fine in the amount of $250.00 per day was imposed beginning October 21, 2023, and the property came into compliance on November 25, 2023. The property was out of compliance a total of 35 days, with fines totaling $8,750.00. The costs to prosecute were calculated at $1,700.00. Ms. Guerra noted there were additional staff time costs due to the need for a new property survey to resolve the boundary dispute. For reference, the 2022 assessed value of the property was $8,606.00. Ms. Guerra gave staff's recommendation that a fine in the amount of $8,750.00 be imposed, which represented the total fine.

The Respondent Jenny Cortez and her husband were present. Ms. Cortez explained the problems encountered due to the boundary dispute and confusion about the survey. Ms. Cortez said they removed the plantings and moved them to the other side of the lot and thought they were planting them within their property's boundary. Ms. Cortez said Ms. Solomon asked them to fill the holes created by removing the landscaping. Ms. Cortez said her husband was ill and this caused a delay in remedying the issue. Ms. Cortez said they never intended to go beyond their property boundary but that they were confused about the marked limits of the boundary. Ms. Cortez asked if a permit was required for them to plant on their property. Chairman Schlitt explained that part of what was shown on the survey may be a County easement. Ms. Cortez said there was no record of an easement and that they planted landscaping to keep vehicles from parking on and using their property. Ms. Guerra clarified that this hearing was regarding the lien reduction request for the previously cited violation and that Ms. Solomon would discuss the status of the present situation with the Respondents outside of this hearing. Ms. Cortez asked for a reduction in the lien amount. Ms. Guerra said that even though the landscaping was moved, the R.O.W. was still altered without a permit. Mr. Myers made a motion for an amended recommendation that a fine in the amount of $1,700.00 be imposed, which represented the costs to prosecute.

EVIDENTIARY HEARING

Case #2023020063 Glentref Properties, Inc.

IRC Code Enforcement Officer Daphne Driskell spoke regarding property located at 9082 U.S. Highway 1. Service was obtained via certified mail on December 18, 2023. Ms. Driskell reviewed the cited no building permit violation for a six-foot fence erected without a permit and showed photos to demonstrate. Ms. Driskell explained the four-foot fence seen in the photos was permitted in August of 2020 and received a final inspection, but that no other permit applications were received for a fence. Ms. Driskell explained the status remained unchanged, and that she had not had any contact from the Respondent, but that their attorney had contacted our Deputy County Attorney Susan Prado.

Ms. Prado spoke about an ongoing property boundary dispute regarding the subject property and explained that staff tried to grant additional time but could not continue to allow the unpermitted structure. Attorney Amanda Wilhelm was present representing the Respondent. Ms. Wilhelm explained there is an active lawsuit pertaining to a property boundary dispute and the unpermitted fence is located in the subject area. Ms. Wilhelm said they were currently not able to obtain the after-the-fact permit requested by staff, but were actively working to be able to bring the property into

compliance. Ms. Wilhelm asked for an extension of time. In response to a question from Chairman Schlitt, Ms. Wilhelm said her client has a survey that includes the fence. Ms. Wilhelm alleged that the subject fence is located on the neighboring property and that her client is seeking to establish an easement in that area due to a historical boundary fence and historical use of that land. Ms. Prado clarified that Ms. Wilhelm was alleging her client could not apply for the required permit because the Respondent is not the property owner of where the fence is located. Ms. Prado asked Ms. Driskell who applied for the four-foot fence permit in August of 2020. Ms. Driskell said it was obtained by Glentref Properties, Inc. and clarified the two fences were different and that the six-foot wooden fence was the subject of the violation. Ms. Prado then asked if the fence could be removed. Ms. Wilhelm noted that the fence mitigated water intrusion and expressed concern about mitigation of damages.

In consideration of the information received at today's hearing, Ms. Prado asked for the case to be removed to renotice all potential property owners. Mr. Myers made a motion to dismiss the case.

> **ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to accept staff's recommendation to close Case #2023020063.**

Note for the record that Attorney Ms. Amanda Wilhelm **was** present for this hearing on behalf of the Respondent.

Case #2023070013 Pillar, Martin & Joleen R.

Ms. Daphne Driskell spoke regarding a property at 8150 134th Street. Service was received via posting on January 11, 2024. Ms. Driskell reviewed the cited no building permit violation pertaining to an unpermitted shed and showed photos to demonstrate. Ms. Driskell said she has been in contact with the Respondent and that he is working to bring the property into compliance. Ms. Driskell said that she spoke with the Respondent earlier to clarify that a tie down permit is needed for the shed. The Respondent Martin Pillar was present and described the sheds seen in the photos. Ms. Driskell explained that a neighbor complained one of the sheds was encroaching onto her property and that it needed to be properly permitted or removed. Mr. Pillar said the structure has been in its present location since he purchased the property 20 years ago. Mr. Pillar said he was initially confused about what was needed, but that he spoke to staff and now understood.

Ms. Driskell gave staff recommendation for an extension of 60 days, or until March 22, 2024, for the Respondent to bring the property into compliance by obtaining after-the-fact permits for both sheds and having final inspections, or remove the structures, 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 accept staff's recommendation for an extension of 60 days, or until March 22, 2024, for the Respondent to bring the property into compliance by obtaining after-the-fact permits for both sheds and having final inspections, or remove the structures, or be subject to a fine imposed in an amount up to $250.00 per day.**

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

Case #2023070046 Moran, Jesus & Maria

Ms. Daphne Driskell spoke regarding property at 9156 104th Avenue. Ms. Driskell reviewed the cited no building permit and alteration of the right-of-way (R.O.W.) without a valid permit violations and showed photos to demonstrate. Ms. Driskell explained the case originated from the IRC Public Works Department. Ms. Driskell said the Respondent had a permit that required installation of a 15 inch culvert in the R.O.W. in the southern driveway. Ms. Driskell explained the Respondent would need to remove the existing culvert and driveway on the north side of the property and relocate the culvert to the correct location. Ms. Driskell explained the permit has expired and needs to be renewed. Ms. Driskell said she has not had any contact from the Respondent but that the Public Works Department has been corresponding via email. The Secretary administered the testimonial oath to all present who wished to testify.

Respondent Juan Moran was present and described some of the work being done on the driveway. Wendy Smith, Right-of-Way Permitting Administrator was present and explained the Respondent was issued a permit to remove the northern driveway because a third driveway on a residential lot is not permitted per Code. Ms. Smith said the Respondent complied with this request. Ms. Smith explained that concrete was permitted to the roadway from the middle driveway which accessed the residence because that portion of 104th Avenue was millings and not dirt. Ms. Smith said the issue with closing the permit was that the southern driveway was also supposed to receive a 15 inch culvert of the material of their choice and be properly graded and restored and the issue was that no culvert had been installed. Ms. Smith said that in April of 2023 the Respondent was informed the permit failed final inspection. Ms. Smith said a permit application was received from the Respondent in January 2024, and that on January 9, 2024 she sent him a letter informing him the new application could not be considered until the issues were resolved with the first permit.

Chairman Schlitt asked if the swale driveway discussed by the Respondent would be permitted. Ms. Smith said that an inverted driveway was possible if done according to approved specifications. Chairman Schlitt noted that the existing permit was expired, and asked Ms. Smith if she would prefer a revised or new permit application. Ms. Smith said that because the existing permit could not be closed unless it was modified, she would prefer the Respondent submit a revised plan for the current permit and abandon the second application. Ms. Smith said that once the revised plans are approved, the expiration date could be extended to give the Respondent time to complete the work, receive final inspection, and close the permit.

Ms. Driskell gave staff's recommendation for a 90 day extension, or until April 19, 2024, for the Respondent to renew the expired R.O.W. permit #2021081678, have the work completed and receive final inspection, or return the driveway to the original condition, or be subject to a fine imposed in an amount up to $250.0 per day.

> **ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to accept staff's recommendation for a 90-day extension, or until April 19, 2024, for the Respondent to renew permit #2021081678, have the work complete and receive final inspection, or return the driveway to the 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 Juan Moran was present for this hearing.

Case #2023100033 Areyan, Jorge & Zamarripa, Vicky

IRC Code Enforcement Officer Daphne Driskell spoke regarding property at 9246 87th Street and reviewed the cited overgrown weeds, junk, trash, and debris, junk vehicle(s), and zoning district use violations. Service was obtained via posting on January 11, 2024. Ms. Driskell showed photos to demonstrate and explained that the Respondent had begun to trim some of the overgrown grass and weeds. Ms. Driskell said there was miscellaneous yard debris and an inoperable vehicle stored on a vacant lot. Ms. Driskell said she had not had any contact with the property owners and the status remained unchanged. Ms. Driskell gave staff's recommendation for an extension of 30 days, or until February 23, 2024, to mow the overgrown grass and weeds and maintain at a height of 12 inches or less, remove the accumulation of yard debris and all other miscellaneous items from the property, remove the junk vehicle from the vacant lot and cease storage of the junk vehicle on the vacant lot in the future, or be subject to a fine imposed in an amount up to $250.00 per day.

ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (6-0) to accept staff's recommendation for an extension of 30 days, or until February 23, 2024 to mow the overgrown grass and weeds and maintain at a height of 12 inches or less, remove the accumulation of yard debris and all other miscellaneous items from the property, remove the junk vehicle from the vacant lot and cease storage of the junk vehicle on the vacant lot 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 was not present for this hearing.

COMPLIANCE HEARINGS

Case #2023070063 Rodrigues, Henry

IRC Code Enforcement Officer Mr. Tim Wrzesinski spoke regarding property located at 6485 51st Avenue. Mr. Wrzesinski reviewed the cited junk, trash, and debris, junk vehicle(s), and no building permit violations and showed photos to demonstrate. Mr. Wrzesinski spoke about a substantial amount of miscellaneous yard debris, noting stacks of shingles in the photos, and said the no building permit violation pertained to unpermitted storage containers on the property. Mr. Wrzesinski reminded the Board of the original evidentiary hearing held September 25, 2023. Mr. Wrzesinski gave staff's recommendation that a fine in the amount of $100.00 per day be imposed, beginning December 23, 2023, until the property is brought into compliance. In response to a Board member question, Mr. Wrzesinski spoke about building permit requirements for storage containers and explained that storage Pods are generally temporary but that tie downs are required for permanent storage containers.

ON MOTION BY Joseph Petrulak, SECONDED BY James Kordiak, the Board voted unanimously (6-0) to accept staff's recommendation to impose a fine in the

amount of $100.00 per day, beginning December 23, 2023, until the property is brought into compliance.

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

Case #2023080013 Bryant, Gladys

IRC Code Enforcement Officer Mr. Tim Wrzesinski spoke regarding property located at 4570 36th Avenue. Mr. Wrzesinski said the cited junk, trash, and debris, and overgrown weeds violations had come into compliance. Mr. Wrzesinski said that the structure's exterior maintenance violation remained and was pertaining to wood rot on the roof. Reverend Gregory Wesley was present and explained his mother owned the home, but she was now deceased. Rev. Wesley thanked staff for their patience and explained he had health issues that impeded progress but that he intended to bring the property into compliance. Rev. Wesley said that he had done some of the repair work and has obtained roofing estimates from different companies. Rev. Wesley said he is on a fixed income and is trying to find programs that could provide financial assistance. Ms. Prado asked if it would be possible for Rev. Wesley to obtain a permit if the estate was still in his mother's name. Rev. Wesley said the property was currently in probate and he was appointed personal representative. Mr. Myers suggested contacting Habitat for Humanity or a similar organization. Mr. Wrzesinski gave an amended recommendation for an extension of 90 days, or until April 19, 2024, 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 accept staff's recommendation for an extension of 90 days, or until April 19, 2024, 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.

Note for the record that the Respondent's representative Rev. Wesley **was** present for this hearing.

Case #2023070026 Mosley, Paul Jr.

Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning explained that due to the Respondent's unforeseen emergency circumstances, staff is requesting an extension of 30 days, or until February 23, 2024, for the Board to hear the case.

ON MOTION BY Joseph Petrulak, SECONDED BY Pete Clements, the Board voted unanimously (6-0) to accept staff's recommendation to grant an extension of 30 days, or until February 23, 2024, for the Board to hear the case.

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

Case #2023060164 White, Jewel & Regina

IRC Code Enforcement Officer Mr. Tim Wrzesinski spoke regarding property located at 3745 45th Street. Mr. Wrzesinski reviewed the property maintenance violation pertaining to a vacant building in disrepair. Mr. Wrzesinski said the roof is rotting and there are maintenance issues and showed photos to demonstrate. Mr. Wrzesinski said he believed the property had been condemned by the IRC Building Department. Ms. Regina Jackson was present to represent her mother, Pearl Jackson, and explained her mother had been in poor health. Ms. Jackson explained that she does not live locally, but she and her nephew who does live locally have been in contact with Mr. Wrzesinski. Ms. White said they intend to demolish the property and have a local contractor who has applied for a demolition permit. Ms. Jackson asked if there was a way to expedite the permitting process.

Ms. Guerra asked for an estimated time frame of the demolition and Ms. Jackson explained that her contractor said he was ready to do the work once the demolition permit was obtained. Mr. Myers made a motion for an extension of 60 days, or until March 22, 2024, for the Respondent to obtain a demolition permit, have the structure demolished, and obtain final inspection, 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 (6-0) to grant an extension of 60 days, or until March 22, 2024, for the Respondent to obtain a demolition permit, have the structure demolished, and obtain final inspection, or be subject to a fine imposed in an amount up to $250.00 per day.**

Note for the record that Respondent Jewel White and representative Regina Jackson **were** present for this hearing.

Case #2023070024 Thomas, Harry M.

IRC Code Enforcement Officer Mr. Tim Wrzesinski spoke regarding property located at 5835 59th Street. Mr. Wrzesinski said the cited commercial vehicle at a residence and junk vehicle violations had come into compliance. Mr. Wrzesinski said the junk, trash, and debris violation remained and showed photos to demonstrate. Mr. Wrzesinski noted there is currently a refrigerator stored outside. Mr. Wrzesinski explained that the Evidentiary Hearing was held on November 27, 2023 and that there had been a few extensions of time granted. Mr. Petrulak noted the safety concerns regarding the refrigerator freezer seen outside in the photos. Mr. Myers made a motion to set a fine in the amount of $250.00 per day, beginning December 23, 2023, until the property is brought into compliance.

> **ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to set a fine in the amount of $250.00 per day, beginning December 23, 2023, until the property is brought into compliance.**

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

EVIDENTIARY HEARINGS

Case #2023090020 Marcel, Dorothy

IRC Code Enforcement Officer Mr. Dustin Vaught spoke regarding property at 2466 13th Avenue SW, a single-family residence in the Highlands subdivision. Mr. Vaught reviewed the cited property maintenance violation pertaining to no water service being provided to the residence. Mr. Vaught explained that the water was disconnected on December 13, 2022 due to non payment. Mr. Vaught said some payments were subsequently made, but they were sporadic and, meanwhile, more fees had accrued. Mr. Vaught said the Respondent was referred to the State Housing Initiatives Partnership (S.H.I.P.) program to apply for financial assistance and to also established a payment plan with the Utilities Department.

Mr. Vaught gave staff's recommendation for an extension of 30 days, or until February 23, 2024, for the Respondent to complete the S.H.I.P. application and pay all outstanding amounts to the Utilities Department in order to connect to IRC water service or be subject to a fine imposed in an amount up to $250.00 per day. Mr. Myers noted the residence is technically not habitable without water service. Ms. Guerra explained the Respondent has not been living in the home and the intent of the recommendation for an extension of 30 days was to see if the Respondent qualified for a S.H.I.P. loan. Mr. Clements made a motion for staff's recommendation.

> **ON MOTION BY Pete Clements, SECONDED BY Karl Zimmermann. OPPOSED BY Joseph Petrulak and David Myers. The Board voted (4-2) to accept staff's recommendation for an extension of 30 days, or until February 23, 2024, for the Respondent to complete the S.H.I.P. application and pay all outstanding amounts to the Utilities Department in order to connect to IRC water service, 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 #2023100046 Pickerill, John M.

IRC Code Enforcement Officer Mr. Dustin Vaught spoke regarding property at 285 Old Dixie Highway. Mr. Vaught reviewed the cited vehicle parking/storage, boat/trailer storage, and commercial vehicle at residence violations and showed photos to demonstrate. Mr. Vaught gave staff's recommendation for an extension of 30 days, or until February 23, 2024, for the property to be brought into compliance by removing the commercial vehicle and cease storage on the subject property, storing the trailer in a designated driveway, or removing the trailer, 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 (6-0) to accept staff's recommendation for an extension of 30 days, or until February 23, 2024, for the property to be brought into compliance by removing the commercial vehicle and cease storage on the subject property, storing the trailer in a designated driveway, or removing the trailer, 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 #2022110072 Selective Properties Florida, LLC

IRC Code Enforcement Officer Mr. Dustin Vaught spoke regarding property at 1055 7th Road SW. Mr. Vaught reviewed the cited zoning district use and property maintenance violations and showed photos to demonstrate. Mr. Vaught explained the property maintenance violation pertained to overgrown vegetation and the zoning district use violation pertained to unpermitted outdoor storage containers. Mr. Vaught said there was no residential structure on the property and noted the storage of an unpermitted porta potty on the property. Mr. Jeffrey Maxwell was present as manager and representative of Selective Properties Florida, LLC. Mr. Maxwell explained he had arranged to have the grass mowed by a landscaper. Mr. Maxwell said the property was used for storage and that the storage containers, boat, and trailer had been at the property for years and he was only recently made aware it was not permitted. Mr. Maxwell explained the commercial porta potty had also been there for some time and was not in use. Mr. Maxwell said the original plan was to build a home on the property but that now it was just being used for storage with a barn and storage containers as seen in the photos. Chairman Schlitt noted that this type of storage is not permitted in the RS-6 zone. Ms. Guerra clarified that because there is no primary single-family residence on the property, as the Respondent just testified, an accessory structure was not currently allowed. Mr. Vaught said that a permit was pulled for a single-family residence and barn in 2015, but that no other action had taken place regarding the residence. Ms. Guerra explained that the Respondent would need to work with the Planning Department to resolve the issues regarding the unpermitted storage and accessory structures.

Mr. Vaught gave staff's recommendation for an extension of 30 days, or until February 23, 2024, for the property to be brought into compliance by ceasing the use of the storage containers and porta potty on the subject property, or obtain site plan approval for use and satisfy all conditions of approval; trim and remove all overgrown vegetation and weeds and maintain per Code, 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 February 23, 2024, for the property to be brought into compliance by ceasing the use of storage containers and porta john on the subject property, or obtain site plan approval for use and satisfy all conditions of approval; trim and remove all overgrown vegetation and weeds and maintain per Code, 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 Jeffrey Maxwell **was** present for this hearing.

Case #2023100093 Knapp, Peter Joseph

IRC Code Enforcement Officer Mr. Dustin Vaught spoke regarding property at 609 3rd Place SW. Mr. Vaught explained the non-commercial kennel or animal boarding violation was cited after a report was received from Animal Control on September 26, 2023 of approximately ten cats without

food or water. Mr. Vaught said he attempted to contact the Respondent to give him the option of surrendering the animals, but no further contact was made until the hearing date. Respondent Peter Knapp was present and explained he had been working out of town and was not home most days of the week. Mr. Knapp said he was not made aware of the violation until it was posted. Mr. Knapp said he did not provide food, water, or shelter for cats but that an adjacent neighbor fed feral cats. Mr. Vaught said that according to Animal Control's report, there were empty food bowls and a full litter box inside the carport of the home.

Mr. Vaught gave staff's recommendation for an extension of 30 days, or until February 23, 2024, for the property to be brought into compliance by ceasing the harboring of more than four animals at the subject property, or obtain administrative approval for a non-commercial kennel, 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 February 23, 2024, for the property to be brought into compliance by ceasing the harboring of more than four animals at the subject property, or obtain administrative approval for a non-commercial kennel or be subject to a fine imposed in an amount up to $250.00 per day.

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

COMPLIANCE HEARINGS

Case #2023060057 Tasso Enterprises, Inc.

Ms. Guerra explained the need to correct a scrivener's error pertaining to the case. Ms. Guerra explained that after the hearing held on September 25, 2023, there was an error on the Order Finding Violation. Ms. Guerra explained the Board determined that after-the-fact permits and inspections were required for the land clearing and tree removal, but that this information was missing from the recorded Order Finding Violation.

Ms. Guerra gave staff's recommendation to amend the Order Finding Violation dated September 25, 2023 to add the following compliance requirements: obtain an after-the-fact permit and final inspections for the land clearing, obtain an after-the-fact permit and inspection for the tree removal; and add a compliance date of February 23, 2024, for the property to be brought into compliance, or be subject to a fine imposed in an amount up to $250.00.

ON MOTION BY Karl Zimmermann, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to grant staff's recommendation to amend the Order Finding Violation dated September 25, 2023, to add the following compliance requirements: obtain an after-the-fact permit and final inspections for the land clearing, obtain an after-the-fact permit and inspection for the tree removal; and add a compliance date of February 23, 2024, for the property to be brought into compliance, or be subject to a fine imposed in an amount up to $250.00.

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

Case #2023080009 Jones, Courtney Hammond & Rachel Renee Tokoly

Mr. Dustin Vaught spoke regarding property at 2418 2nd Court SE. Mr. Vaught reviewed the overgrown weeds, junk, trash, and debris, junk vehicle, and health and safety hazard/public nuisance violations. Mr. Vaught explained that the health and safety hazard/public nuisance violation pertained to a refrigerator that had been removed and that the junk vehicle violation had also come into compliance. Mr. Vaught showed photos demonstrating the violations and showed overgrown grass and junk, trash, and debris. Mr. Vaught explained that some progress was made, but that the junk, trash, and debris, and overgrown weeds and gras remain around the back of the property. Mr. Vaught gave staff's recommendation to impose a fine in the amount of $100.00 per day, beginning January 20, 2024, until the property is brought into compliance.

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to grant staff's recommendation to impose a fine in the amount of $100.00 per day, beginning January 20, 2024, until the property is brought into compliance.

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

Case #2023120067 Watts, Gloria J. (L)

Mr. Dustin Vaught spoke regarding a property at 2434 2nd Avenue SE. Mr. Vaught explained this was a repeat violation of Case #2019070113 dating from July 26, 2019. 2020. Mr. Vaught explained that while conducting a routine inspection on December 20, 2023, he observed miscellaneous junk, trash, and debris in the yard as well as overgrown weeds. Mr. Vaught said that as of today's hearing date, the property was still out of compliance. Mr. Vaught gave staff's recommendation to impose a fine in the amount of $250.00 per day, beginning December 28, 2023, until the property is brought into compliance.

ON MOTION BY James Kordiak, SECONDED BY Pete Clements, the Board voted unanimously (6-0) to grant staff's recommendation to impose a fine in the amount of $250.00 per day, beginning December 28, 2023, until the property is brought into compliance.

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

ADMINISTRATIVE HEARING

Case #2017040073 Ledford, Audrey E. (Estate) c/o Dale T. & Kimberly M. Ledford

Deputy County Attorney Susan Prado spoke about property at 136 15th Street SW. Ms. Prado explained this is a request for a rehearing of the foreclosure hearing held last month regarding this property. Ms. Prado explained that according to the rules that govern the Code Enforcement

Board, a Respondent could request a rehearing within 30 days of the signing of an Order. Ms. Prado explained that Mr. John Murphy wrote and requested the rehearing within that 30-day timeframe. Ms. Prado clarified the request was received within the required timeframe and asked the Board to rule on the request for rehearing. Mr. Murphy said there was a typo on Mr. Vaught's email address and his email correspondence was returned to him, but he did not notice because he was in St. James for the holidays. Advising attorney for the Board, Ms. Jennifer Peshke, said she wanted to determine if Mr. Murphy had legal standing and asked him about his relationship to the property owner. Ms. Prado said that Mr. Murphy was listed as one of the Respondents. Mr. Murphy said he noticed nobody was living there and he looked into purchasing the property. Mr. Murphy said the bank said they would settle the mortgage with him but later he felt it was settled fraudulently in that they sold him the rights to the property and not the actual title. Mr. Murphy said the Ledfords originally said they would sign a Quit Claim Deed, but then later never went to probate, therefore, the property was not theirs to sign a Quit Claim Deed. Mr. Murphy said he had consulted with local attorney, Mr. Lulich, and he said the title could be cleared. Mr. Murphy said he then intended to list the property for sale with a realtor. Ms. Prado clarified that Mr. Murphy was listed on the property appraisers website as an additional owner and that he was served Notice for the previous hearing. Mr. Clements asked Mr. Murphy why the property has been out of compliance for so long if he has been receiving Notices of Violation. Mr. Murphy said he is often out of town.

Mr. Clements asked if it was necessary to rehear the case. Ms. Prado said it was at the Board's discretion and that the basis for rehearing would be that there had been a substantial and material change of facts. Ms. Prado noted there were still outstanding violations on the property and that she believed there had not been a substantial change in circumstances or facts. Mr. Joseph Petrulak made a motion to deny the request for rehearing.

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann. OPPOSED BY David Myers. The Board voted (5-1) to deny the request for rehearing.

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

EVIDENTIARY HEARINGS

Case #2023110059 Dudek, Mitchell D.

Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning spoke regarding property located at 2400 23rd Street SE. Ms. Guerra showed an aerial photo of the subject property taken in November 2023 and noted its location adjacent to Round Island Park. Ms. Guerra reviewed the cited stormwater and fence or wall violations. Ms. Guerra said the cited stormwater violation pertained to pipes draining from the property onto the County's property. Ms. Guerra explained the cited fence or wall violation pertained to a gate accessing the County Park and additional fencing and gates inconsistent with the approved fence permit. Ms. Guerra reviewed a timeline of events and explained that in late 2023, Code Enforcement was notified by County Park staff regarding unauthorized access to Round Island Park from an adjacent residential property. Ms. Guerra said park staff removed brick steps placed on the park property associated with the unauthorized access. Ms. Guerra said that Code Enforcement staff conducted an onsite inspection in November 2023 at which time additional fencing and gates were observed that had been erected without permits as well as pipes draining onto the park. Ms. Guerra discussed the original fence

permit #2013030486 which was submitted March 2013, issued November 2013, and finalized in July 2014. Ms. Guerra showed the permit and associated site plan for reference.

Ms. Guerra showed photos taken November 15, 2023, by Code Enforcement staff which showed the subject fencing adjacent to the park and surrounding the residence. Ms. Guerra also noted the piping shown leading from the residence to the County's property. Ms. Guerra showed photos taken December 26, 2023 of the drainage pipes noting some were cut back and moved and that concrete blocks were placed outside of the fence leading into the park. Ms. Guerra showed photos taken January 20, 2024 that indicated some of the drainage tubing cut back and that the concrete blocks were removed. Ms. Guerra said there appeared to be some movement to remedy the issues but much remained unchanged. Ms. Guerra said that Mr. Andy Sobczak, Planning and Development Services Director, was also present to respond to any questions. Mr. Sobczak spoke about the drainage seen on the photos and the fence permit approved in 2013 and said there had been numerous unpermitted changes made to the approved fence's specifications as delineated in the original permit.

Attorney Mr. Barry Segal was present as counsel to Respondent Mitchell Dudek. Mr. Dudek's brother Chris Dudek was also present. Mr. Segal said the drainage pipes seen in the photos were part of the original construction and that they have since been disconnected and covered. Mr. Segal said the drainage violation had been brought into compliance. Mr. Segal said the Respondent has hired a fencing company in order to modify the fence and they have submitted a permit application. Mr. Segal said when the violation was first cited, there was a dog run area that had been added on to the permitted fence. Mr. Segal said that portion of fence has since been removed. Mr. Segal showed a diagram that was part of the original fence permit application submitted in 2013. Mr. Segal alleged that three gates were shown and were approved and that the fence was built to the approved specifications. Mr. Segal asserted that the Code section cited in the Notice of Violation stated that fences could not be placed in areas of drainage, public utilities, or the right-of-way and that none of these things had been alleged as violations against his client. Mr. Segal said the subject fence is located strictly on private property and that there is no evidence or testimony that a Code had been violated. Mr. Segal said the County had not cited any provision where a gate or fence is prohibited on private property that abuts County property.

Mr. Segal showed maps for reference noting the existence of other residential properties adjacent to County property with fences or private access and said that those homeowners should be cited for having free access. Mr. Segal argued there is no Code section prohibiting his client from living next to and accessing the park. Mr. Segal gave the opinion that the only potential violation is an unpermitted gate but stated he has the permit record that indicates three fence gates were approved. Mr. Segal said there are no violations as the Respondent has remedied the previously cited issues.

Ms. Prado noted that the written text contained in the fence permit said only two gates were approved. In response to a question from Ms. Prado, Mr. Sobczak said the permit indicated one gate in a six-foot chain link fence and one in a four-foot chain link fence were permitted. Ms. Prado noted that anything additional would be considered an unapproved alteration. Ms. Prado said that staff's request is for the Respondent to remove the gate that was made after the issued permit. Ms. Prado clarified that the violation is the after-the-fact alteration of the fence. Ms. Prado reviewed the photos taken by IRC Code Enforcement Officer Kelly Buck in January 2024. Ms. Prado asked Ms. Buck about the condition of the drainage pipes leading onto County property. Ms. Buck explained that after the initial inspection November 15, 2023, she observed that one pipe had been removed and one pipe appeared to have been cut and she could not discern whether anything was draining from the pipe. Ms. Buck described the access gate to County property, two concrete blocks, and pipes seen in the photos taken during a December 26, 2023 site inspection. In response to a question from Ms. Prado, Ms. Buck said that the concrete blocks removed by County Park staff were later reinstalled. Ms. Buck said during her site inspection in January 2024 she could tell one pipe had been cut back.

Ms. Buck said she spoke to the Respondent's brother in December 2023 and he said the pipes had been removed, but upon her inspection on December 26, 2023, she found the pipes were still present.

Ms. Prado summarized the issues by stating the fence does not meet the permitted specifications which indicate two gates and not three, as well as other significant after-the-fact alterations. Ms. Prado also noted that settled Florida Supreme Court case Godson v Surfside (150 FL 614) guided the determination that even if a third gate was initially permitted, the County would still have the right to revoke the permit. Ms. Prado reiterated that the Respondent was notified of the request to modify the fence and remedy the drainage pipe violation and that the property remained out of compliance. In response to a question from Mr. Segal, Mr. Sobczak explained the subject permit was not rescinded but that it's status was closed. There was discussion about the fence drawing that accompanied the permit and the number of fence gates depicted. Mr. Sobczak said the fence had been substantially altered from what was originally permitted and that staff would not have approved a plan with gate access into County property. Mr. Sobczak reiterated that the fence needed to match the approved permit and that it would not be inspected by a Building inspector unless there is an active open permit.

In response to a question from Mr. Segal about the cited stormwater violation, Ms. Guerra explained that staff's inspection determined there were pipes leading from the property onto the adjacent County Park property. Mr Segal said the drainage pipes were not connected to any drainage source. Mr. Dudek further explained the pipes were disconnected from the gutters on January 6, 2024, filled with sand at the point of entry, and rerouted to where they could be clearly seen at the top of the property. Mr. Dudek also said that the fence as it currently stood was in the same configuration as shown on the initial permit application. Mr. Segal argued there is no Code section stipulating you could not have a gate leading onto County property and that no valid violations had been cited. Ms Prado noted the Respondent was given the deadline of January 19, 2024 to comply and that they were aware of the need for staff inspection to determine if the property was in compliance. There was discussion about reinspection to determine compliance.

Ms. Guerra said that service was obtained via posting January 4, 2024. Ms. Guerra gave staff's recommendation for an extension of 30 days, or until February 23, 2024, for the Respondent to bring the property into compliance by removing the gate accessing the park on the North side of the property, obtain a permit and obtain final inspection for additional areas of fencing, or remove the fencing and gates, and remove all pipes draining onto County Park property 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. Mr. Kordiak made a motion to amend staff's recommendation for an extension of 30 days, or until February 23, 2024, for the Respondent to bring the property into compliance by obtaining a permit and obtain final inspection for additional areas of fencing and gates, or remove the fencing and gates, remove the pipes draining onto County property 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 James Kordiak, SECONDED BY Joseph Petrulak. OPPOSED BY David Myers. The Board voted (5-1) to amend staff's recommendation for an extension of 30 days, or until February 23, 2024, for the Respondent to bring the property into compliance by obtaining a permit and obtain final inspection for additional areas of fencing and gates, or remove the fencing and gates, remove pipes draining onto County property 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 Mitchell Dudek **was** present for this hearing.

LIEN REDUCTION REQUESTS

Case #2007030069 Workman, Inez Rivers

IRC Code Enforcement Chief Rebeca Guerra spoke about property located at 4220 Old Dixie Highway. Ms.Guerra reviewed the cited zoning district use and junk, trash, and debris violations and showed photos taken of the property both in and out of compliance. Ms. Guerra explained that a fine in the amount of $100.00 per day was imposed beginning October 20, 2007, and the property came into compliance on May 8, 2018. The property was out of compliance a total of 3,853 days, with fines totaling $385,300.00. The costs to prosecute were calculated at $2,300.00. For reference, the 2023 assessed value of the property was $56,801.00. Ms. Guerra gave staff's recommendation that a fine in the amount of $2,300.00 be imposed which represents the costs to prosecute.

> **ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted (6-0) to acknowledge compliance, and to set a fine in the amount of $2,300.00 which represents the costs to prosecute.**

Note for the record that the Respondents Inez Rivers and Cateria Addison **were** present for this hearing.

Case #2019010082 Judon, Jerome

IRC Code Enforcement Chief Rebeca Guerra spoke about property located at 4806 35th Avenue. Ms. Guera reviewed the cited junk, trash, and debris, junk vehicle(s), and boat/trailer storage violations and showed photos taken of the property both in and out of compliance. Ms. Guerra explained a fine in the amount of $100.00 per day was imposed beginning May 18, 2019, and the property came into compliance on July 5, 2022. The property was out of compliance a total of 1,144 days, with fines totaling $114,400.00. The costs to prosecute were calculated at $2,000.00. For reference, the 2023 assessed value of the property was $45,319.00. Ms. Guerra gave staff's recommendation that a fine in the amount of $2,000.00 be imposed which represents the costs to prosecute.

> **ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted (6-0) to acknowledge compliance, and to set a fine in the amount of $2,000.00 which represents the costs to prosecute.**

Note for the record that attorney Dorothy Neumann **was** present for this hearing on behalf of Mr. Judon.

Authorization For Notices To Appear

ON MOTION BY Joseph Petrulak, SECONDED BY Terence Schlitt, the Board voted unanimously (5-0) to authorize Notices to Appear.

Other Board Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 6:33pm.