

## **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, August 25, 2025 at 1:30 pm.

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

Also in attendance were Attorney Dana McNally, associate of Jennifer D. Peshke, Advising Attorney for the Board; Charles Vogt, IRC Health Department; IRC staff: Deputy County Attorney, Susan Prado; Assistant Public Works Director, Danny Ooley; Chief Long Range Planner, Patrick Murphy; Code Enforcement Supervisor, Kelly Buck; Senior Code Enforcement Officer, Daphne Driskell; IRC Code Enforcement Officers: Dustin Vaught, Michael Folger, and Brandon Vazquez; and Recording Secretary, Lisa Plesnarski, Commissioner Assistant.

### **Call to Order**

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

### **Approval of Minutes**

**ON MOTION BY Pete Clements, SECONDED BY Joe Petrulak, the Board voted unanimously (7-0) to approve the meeting minutes of July 28, 2025 as presented.**

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

Attorney Dana McNally associate of Jennifer D. Peshke, Advising Attorney for the Board, read a brief overview of the Code Enforcement Board's procedures and purpose.

### **Agenda Additions or Deletions, Consent Items**

IRC Code Enforcement Supervisor, Kelly Buck reported the following cases had either come into compliance, been rescheduled, or were recommended by staff for an extension on the Consent Agenda. The following cases were given a 30-day extension until September 19, 2025: Case #2025050124, Case #2025020045, Case #2025050025, Case #2024070127, Case #2025020113, Case #2024030049, Case #2024040051, and Case #2024120018. The following case was given a 60-day extension until October 24, 2025: Case #2025050017. The following cases were brought into compliance: Case #2024020046, Case #2025060096, Case #2025060112, Case #2025030016, and Case #2025060078. The following cases were rescheduled: Case #2025040100, and Case #2025060141.

**ON MOTION BY Pete Clements, SECONDED BY Joe Petrulak, the Board voted unanimously (7-0) to accept the**

**Agenda Additions, Deletions and Consent Items as presented.**

**Swearing in of Those Who Will Testify**

The secretary proceeded to administer the testimonial oath to everyone present who would be testifying.

**DISCUSSION ON LIEN SEARCHES**

IRC Chief of Long Range Planning, Mr. Patrick Murphy, gave a brief overview of the process for lien searches. Mr. Murphy said lien searches used to be done by County staff but as this became increasingly time consuming alternate methods were sought and the County decided to partner with a company called Orange Data to assist with this function. Mr. Murphy said constituents are directed from the County website to Orange Data's website for more information on how to conduct a search. Mr. Murphy said there is a fee for lien searches through Orange Data and the search results are in real time and this has proven to be very efficient and has freed up staff time. Mr. Murphy explained that the County does not pay for this service and Orange Data's fees are collected from the individual making the request at a cost of approximately \$65.00 per property search. Ms. Buck said if a Code Enforcement lien is discovered, citizens will be directed to contact Code Enforcement staff for more detailed information. Mr. Murphy noted that citizens can still conduct their own search for free through the court system.

**EVIDENTIARY HEARINGS**

**Case #2024060200 Henry, Gwendolyn L.**

Senior Code Enforcement Officer, Daphne Driskell spoke regarding property at 4560 36<sup>th</sup> Avenue. Service was received via posting on August 8, 2025. Ms. Driskell reviewed the cited junk vehicle and no building permit violations and showed photos to demonstrate. Ms. Driskell said the junk vehicle violation has been brought into compliance. Ms. Driskell explained the no building permit violation pertains to a fence constructed without a permit. Ms. Driskell said the Respondent obtained a fence permit in March 2024 after initially being cited but since then the permit has expired. Ms. Driskell said she spoke to the Respondent last week at the subject property and was told the fence is partially finished but the Respondent needs to make some changes due to a large tree obstructing the fence location. Ms. Driskell showed photos of the tree to demonstrate.

Ms. Driskell gave staff's recommendation for the Respondent to bring the property into compliance within 30 days, or by September 19, 2025, by renewing the expired fence permit 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 David Myers, the Board voted unanimously (7-0) to accept staff's recommendation for the Respondent to bring the property into compliance within 30 days, or by September 19, 2025, by renewing the expired fence permit and having final inspection, or remove the fence, or be subject to a fine imposed in an amount up to \$250.00 per day.**

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

**Case #2025050148 Nason, Thomas R. & Walter R.**

IRC Senior Code Enforcement Officer Daphne Driskell spoke regarding property at 1520 3<sup>rd</sup> Court. Ms. Driskell explained that this case was initiated by the previous Code Enforcement Officer after a complaint was received from neighbors about tenants constructing a fence without a permit. Ms. Driskell showed photos to demonstrate the cited violation. Ms. Driskell said she has had no contact from the property owner or tenant. Ms. Driskell gave staff's recommendation for the Respondent to bring the property into compliance within 30 days, or by September 19, 2025, by obtaining a building permit 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 Joe Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to accept staff's recommendation for the Respondent to bring the property into compliance within 30 days, or by September 19, 2025, by obtaining a building permit and having final inspection, or remove the fence, or be subject to a fine imposed in an amount up to \$250.00 per day.**

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

**LIEN REDUCTION REQUEST**

**Case #2021120016 Luna, Saul & Marisela**

IRC Code Enforcement Supervisor Kelly Buck spoke regarding property located at 14755 107<sup>th</sup> St. in Fellsmere. Ms. Buck explained the wetland alteration and stormwater violations have been brought into compliance and showed photos taken of the property before and after compliance. Ms. Buck explained that a fine in the amount of \$100.00 per day was imposed on April 23, 2022 and the property was brought into compliance June 19, 2024, the day the type C permit was issued. There were a total of 788 days out of compliance totaling fines in the amount of \$78,800.00. There were no extensions of time granted.

Ms. Alejandra Alvarado and Marisela Luna, co-owners of the property, were present. Ms. Alvarado said shortly after they purchased the property they brought in fill dirt. Ms. Alvarado said after the violations were cited it took some time to remedy the violations. Ms. Alvarado said she was confused because she received a refund in the mail and she thought it was for the Type C permit application fee. Upon further investigation staff determined the refund was for another, unrelated permit. Ms. Alvarado and Ms. Luna requested a reduction of the lien amount. Ms. Buck gave staff's recommendation to acknowledge compliance and impose a fine in the amount of \$7,880.00 which represents 10% of the overall fine amount.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann. OPPOSED BY Pete Clements and Terence Schlitt. The Board voted (5-2) to acknowledge compliance and impose a fine in the amount of \$7,880.00.**

Note for the record that Respondents Alejandra Alvarado and Marisela Luna **were** present for this hearing.

**Case #2021100050 Dinger, Findlay**

IRC Code Enforcement Supervisor Kelly Buck spoke regarding property located at 5480 87<sup>th</sup> Street. Ms. Buck reviewed the cited no building permit and site plan nonconformance violations and showed photos taken of the property both in and out of compliance including aerial photos to demonstrate. Ms. Buck explained that a fine in the amount of \$100.00 per day was imposed on October 22, 2022 and the property was brought into compliance July 28, 2025. There were a total of 1,010 days out of compliance totaling fines in the amount of \$101,000.00. There was one extension of time granted.

The Respondent Mr. Findlay Dinger was present. Mr. Dinger said that property is zoned multi-use and when he purchased it he thought it was OK to store an RV, trailer, and millings on the property. Mr. Dinger explained he applied for Administrative Approval for a parking area for storage of the millings, was denied and was then asked to remove the millings. There was some brief discussion about an application received for site plan approval which the Respondent decided not to pursue. Ms. Buck gave staff's recommendation to acknowledge compliance and impose a fine in the amount of \$10,100.00 which represents 10% of the overall fine amount.

**ON MOTION BY David Myers, SECONDED BY Joe Petrulak, the Board voted unanimously (7-0) to acknowledge compliance and impose a fine in the amount of \$10,100.00.**

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

**Case #2022100069 Elders, Berlyn Boyce (Estate of)**

IRC Code Enforcement Supervisor Kelly Buck spoke regarding property located at 7395 6<sup>th</sup> Street. Ms. Buck reviewed the cited violations and showed photos taken of the property both in and out of compliance to demonstrate. Ms. Buck explained that Mr. Elders died while this case was open and a friend, Sara Vargas, who was living on the property asserted a claim to the property. Ms. Buck said that Mr. Elder's family had to go through a legal process to remove Ms. Vargas in order to gain possession of the property which took some time. Mr. Elders sister, Trudy Hall, came before the Board at a Board hearing and explained the situation during this process.

Mr. James Carter, brother-in-law and representative of Trudy Hall, was present. Mr. Carter said once they gained possession of the property February 20, 2025, they began working to bring the property into compliance immediately. Mr. Carter said they removed multiple dumpsters full of debris from the property.

Ms. Buck said a fine in the amount of \$100.00 per day was imposed on July 20, 2024 and the property was brought into compliance July 31, 2025. There were a total of 376 days out of compliance totaling fines in the amount of \$37,600.00. There were two extensions of time granted. Ms. Buck gave staff's recommendation to acknowledge compliance and impose a fine in the amount of \$3,760.00 which represents 10% of the overall fine amount. Mr. Kordiak made a motion for staff's recommendation, seconded by Mr. Vetromile. The motion failed. Mr. Clements made a motion for

an amended recommendation, to acknowledge compliance and impose a fine in the amount of \$2,300.00 which represents the administrative costs.

**ON MOTION BY Pete Clements, SECONDED BY Karl Zimmerman, the Board voted unanimously (7-0) to acknowledge compliance and impose a fine in the amount of \$2,300.00.**

Note for the record that Respondent's representative James Carter was present for this hearing.

**Case #2015060142 Frederick Miller & Edward Miller**

IRC Code Enforcement Supervisor Kelly Buck spoke regarding property located at 4795 45<sup>th</sup> Street. Ms. Buck reviewed the cited violations and showed photos including aerial photos taken of the property both in and out of compliance to demonstrate. Ms. Buck explained some of the case history of the site, once known as the Old Miller Egg Farm and more recently the site of an auto salvage yard. Ms. Buck showed an aerial photo of the subject site and explained it once was once one parcel but then split in half by two brothers. Ms. Buck explained the severity of the violations and showed photos of numerous junk vehicles, RV's, junk, debris, and thousands of tires on the property. Ms. Buck noted that this is the worst site she has seen in over 20 years working in Code Enforcement. Ms. Buck said Mr. Edward Miller did not cooperate with the request to bring the property into compliance but after he recently died, his brother Joe Miller worked to clear the property. Ms. Buck said that Mr. Charles Vogt with the FL Department of Health was present to answer any questions.

Ms. Buck said a fine in the amount of \$100.00 per day was imposed on August 25, 2018 and the property was brought into compliance July 11, 2025. There were a total of 2,512 days out of compliance totaling fines in the amount of \$251,200.00. There were thirteen extensions of time granted. Mr. Charles Vogt said Mr. Miller has been working diligently to bring the property into compliance. Mr. Petrulak noted the Respondent did not comply with the Board's Order for the Respondent to cease using the RV on site as living quarters by November 2015 and that the fine could have been imposed beginning at an earlier date. In response to a Board member question, Mr. Vogt said the possibility of environmental health issues will be explored due to the history of the property. Mr. Vogt said that in his extensive history working with Code Enforcement this was the worst and most complex case he has seen in his career.

The Respondent Mr. Joseph Miller was present and explained he was appointed executor of the Estate. Mr. Miller said his brother, Ed Miller, passed away on March 1, 2025. Mr. Miller shared some information about the property clean up and said his brother left behind two horses, 4,000 scrap tires, approximately 50 junk vehicles, and 25 dumpsters of debris. Mr. Miller said the tires and junk vehicles have been removed and the property cleanup is almost entirely complete. Mr. Miller said the septic tank has been abandoned and staff was provided with the documentation. Mr. Miller also said he has obtained a permit to replace a collapsed culvert at the property entrance. Mr. Miller said the artesian well on the property was leaking and has been repaired and sealed. Mr. Miller also said he is in the process of fence installation. Mr. Miller asked for leniency from the Board in assessing the fine. Mr. Miller said he calculated he has spent approximately \$108,018.80 to clean up the property. Ms. Buck gave the 2024 assessed value of the 11.06 acre property as \$279,680.00. Mr. Miller said he may sell the property to his son to establish a commercial tire location at the site. Mr. Myers expressed concern about the sale of tires and proper handling in the future. Mr. Miller assured it would be handled properly and said his son owns several stores and has a plan for recycling. Mr.

Kordiak asked for clarification if the Health Department had completed their investigation of the property. Mr. Vogt explained the issue of the septic tank and well have been resolved and now that the property is cleared there is better access to critical areas. Mr. Voght said the Respondent has resolved all cited issues at this time and that he still needs to look at critical areas of concern.

Ms. Buck gave staff's recommendation to acknowledge compliance and impose a fine in the amount of \$12,560.00 which represents 5% of the overall fine amount. Ms. Buck explained the reason for the request for 5% instead of a reduction to 10% of the total fine is because Mr. Miller inherited the issues and lien with the property after his brother passed and also due to the magnitude of the problem and the money spent to complete cleanup.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmerman, the Board voted unanimously (7-0) to acknowledge compliance and impose a fine in the amount of \$12,560.00.**

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

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

### **EVIDENTIARY HEARINGS**

#### **Case #2024100070 Hayburn Asset Management, LLC**

IRC Code Enforcement Officer Dustin Vaught spoke regarding property at 2355 82<sup>nd</sup> Ave. SW. Mr. Vaught reviewed the zoning district use, tree removal, and excavation/mining exemption violations and showed photos to demonstrate. Mr. Vaught explained this is an agriculturally exempted vacant parcel and there was a lean-to structure built, vehicles being stored, and piles of tree debris. Mr. Vaught also noted the pond seen in the photos. Mr. Vaught said he researched the case with environmental staff and they are requesting an after-the-fact Type C permit for the pond and an after-the-fact permit for the unpermitted tree removal. Mr. Vaught gave staff's recommendation for the Respondent to bring the property into compliance by ceasing the unpermitted storage of all vehicles, trailers, and miscellaneous items and equipment on the subject property and remove the lean-to structure, obtain an after-the-fact permit from the Environmental Planning Division for the unpermitted removal of trees as well as an after-the-fact Type C pond permit for the pond and have final inspections by the Environmental Planning Division within 60 days, or by October 24, 2025, or be subject to a fine imposed in an amount up to \$250.00 per day.

There was discussion about the unpermitted tree removal violation. Mr. Vaught clarified that the Environmental Department did not recommend imposing a fine and are only requesting the Respondent obtain an after-the-fact permit. Mr. Clements made a motion for an amended recommendation, for the Respondent to bring the property into compliance by ceasing the unpermitted storage of all vehicles, trailers, and miscellaneous items and equipment on the subject property and remove the lean-to structure within 30 days, or by September 19, 2025; and by obtaining an after-the-fact permit from the Environmental Planning Division for the unpermitted removal of trees, as well as an after-the-fact Type C pond permit for the pond and have final inspections by the Environmental Planning Division within 60 days, or by October 24, 2025, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Pete Clements, SECONDED BY David Myers. OPPOSED By Joe Petrulak. The Board voted (6-1) to accept staff's amended recommendation for the Respondent to bring the property into compliance by ceasing the unpermitted storage of all vehicles, trailers, and miscellaneous items and equipment on the subject property and remove the lean-to structure within 30 days, or by September 19, 2025; and by obtaining an after-the-fact permit from the Environmental Planning Division for the unpermitted removal of trees, as well as an after-the-fact Type C pond permit for the pond and have final inspections by the Environmental Planning Division within 60 days, or by October 24, 2025, 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 #2024120013 Meadows, Carolina**

IRC Code Enforcement Officer Dustin Vaught spoke regarding property at 3475 2<sup>nd</sup> Place. Mr. Vaught reviewed the cited overgrown weeds, junk, trash, and debris, vehicle parking/storage, and junk vehicle violations and showed photos to demonstrate. Mr. Vaught said the overgrown weeds, junk vehicle, and vehicle parking/storage violations have been brought into compliance. Mr. Vaught said he has been in contact with the Respondent who is making progress with cleanup and has been arranging for bulk trash pickup to dispose of items. Mr. Vaught said there is still some junk, trash, and debris and vegetative debris especially around the right-of-way.

Mr. Vaught gave staff's recommendation for the Respondent to bring the property into compliance within 30 days, or by September 19, 2025, by removing the accumulation of junk, trash, and debris from the subject property and disposing of at an approved disposal facility and maintaining compliance in the future, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Joe Petrulak, SECONDED BY David Myers, the Board voted unanimously (7-0) to accept staff's recommendation for the Respondent to bring the property into compliance within 30 days, or by September 19, 2025, by removing the accumulation of junk, trash, and debris from the subject property and disposing of at an approved disposal facility and maintaining compliance 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.

**Case #2025050158 Brehm, Anthony R. & Theresa Lorraine**

IRC Code Enforcement Officer Dustin Vaught spoke regarding property at 26 32<sup>nd</sup> Avenue. Mr. Vaught reviewed the cited overgrown weeds violation and showed photos to demonstrate. Mr. Vaught said the property has a history of non compliance. Mr. Vaught said he spoke to the

Respondent last week and she indicated she was making progress and was trying to arrange for a landscaping service to maintain the property. Mr. Vaught said he did not hear anything further from the Respondent and upon inspection today he found the property remains out of compliance. Mr. Vaught gave staff's recommendation for the Respondent to bring the property into compliance within 30 days, or by September 19, 2025, by mowing the overgrown grass and weeds and maintaining at a height of 12 inches or less in the future, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Karl Zimmermann, SECONDED BY Jim Kordiak, the Board voted unanimously (7-0) to accept staff's recommendation for the Respondent to bring the property into compliance within 30 days, or by September 19, 2025, by mowing the overgrown grass and weeds and maintaining at a height of 12 inches or less 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.

**Case #2025050179 Bille, Adam F. & Ashly**

IRC Code Enforcement Officer Dustin Vaught spoke regarding property at 380 8<sup>th</sup> Terrace. Mr. Vaught reviewed the cited property maintenance violation pertaining to a dilapidated fence and showed photos to demonstrate. Mr. Vaught said he observed they had started to repair the fence when he inspected the property last Friday. Mr. Vaught said he had not spoken to the property owner until today and he estimated completion within the next few days. There was discussion about the pool enclosure seen in the photos. Mr. Vaught said there is an outer fence securing the pool area. Mr. Vaught gave staff's recommendation for the Respondent to bring the property into compliance within 30 days, or by September 19, 2025, by repairing the dilapidated fence, or be subject to a fine imposed in an amount up to \$250.00 per day. Mr. Clements made a motion for an amended recommendation, for the Respondent to bring the property into compliance within 14 days, or by September 8, 2025, by repairing the dilapidated fence, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Pete Clements, SECONDED BY Jim Kordiak, the Board voted unanimously (7-0) to accept staff's amended recommendation for the Respondent to bring the property into compliance within 14 days, or by September 8, 2025, by repairing the dilapidated 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 #2025040061 Vero Beach Gardens, LLC**

IRC Code Enforcement Officer Dustin Vaught spoke regarding property at 850 5<sup>th</sup> St. SW. Mr. Vaught reviewed the cited junk, trash, and debris violation and showed photos to demonstrate.

Mr. Vaught explained this is a vacant property and there is an issue with homelessness in the area and a complaint was received about junk, trash, and debris on the property and adjacent canal. Mr. Vaught said he has been working with the Sheriff's Office to address the issue. Mr. Vaught said at his site inspection last Friday he observed the junk, trash, and debris remained throughout and he also observed a trailer on the property. Mr. Vaught said instead of re-citing the case he will have this case remain with the junk, trash, and debris citation and will open a new case to cite the zoning district use violation pertaining to the unpermitted trailer storage. Mr. Vaught gave staff's recommendation for the Respondent to bring the property into compliance within 30 days, or by September 19, 2025, by removing the junk, trash, and debris from the subject property and disposing of at an approved disposal facility and maintaining compliance in the future, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Karl Zimmermann, SECONDED BY Joe Petrulak, the Board voted unanimously (7-0) to accept staff's recommendation for the Respondent to bring the property into compliance within 30 days, or by September 19, 2025, by removing the junk, trash, and debris from the subject property and disposing of at an approved disposal facility and maintaining compliance 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 #2025020021 Mcauliffe, Kevin & Colby**

IRC Code Enforcement Officer Dustin Vaught spoke regarding property at 1915 13<sup>th</sup> Ave. SW. Mr. Vaught reviewed the cited junk vehicle and vehicle parking/storage violations and showed photos to demonstrate. Mr. Vaught said the vehicle parking/storage violation was brought into compliance. Mr. Vaught explained the original hearing date was July 28, 2025 and upon his most recent inspection he observed there is still a junk vehicle on the property. Mr. Vaught gave staff's recommendation to impose a fine in the amount of \$100.00 per day, beginning August 23, 2025, until the property is brought into compliance. In response to a question from Chairman Schlitt, Ms. Buck explained that when a fine is imposed it customarily begins on the Saturday following the compliance date.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to accept staff's recommendation to impose a fine in the amount of \$100.00 per day, beginning August 23, 2025, until the property is brought into compliance.**

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

#### **Case #2024060118 Capone, Richard J.**

Code Enforcement Board member Pete Clements said he would abstain from voting on this case, noting a conflict of interest. **A Form 8B is on file in the Board of County Commissioners Office.** IRC Code Enforcement Officer Dustin Vaught spoke regarding property at 1440 Covington Run Rd. SW. Mr. Vaught reviewed the cited zoning district use violation pertaining to an unpermitted storage container and showed photos to demonstrate. Mr. Vaught said there is an agricultural exemption on the property for cattle and he observed two cows present at his last inspection. Mr. Vaught said upon his most recent inspection he observed there has been some fencing erected but not on the east side of the property where the storage container is located. Mr. Vaught said he spoke with the Respondent two weeks ago and he explained to him that he still needed access to the container to inspect to verify its use is directly related to the agricultural use on the property. Mr. Vaught said he has not had any contact from Mr. Capone since that time.

Mr. Vaught explained the original hearing was held on June 23, 2025 and one extension of time has been granted. Mr. Vaught gave staff's recommendation that a fine in the amount of \$100.00 per day be imposed, beginning August 12, 2025, until the property is brought into compliance.

**ON MOTION BY Joe Petrulak, SECONDED BY David Myers. Pete Clements abstained from voting. The Board voted unanimously (6-0) to accept staff's recommendation to impose a fine in the amount of \$100.00 per day, beginning August 12, 2025, until the property is brought into compliance.**

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

### **ADMINISTRATIVE HEARINGS**

**Case #2017070106 Anderson, Joseph M.**

**Case #2018030112 Anderson, Joseph M.**

IRC Deputy Attorney Susan Prado spoke about property located at 351 12<sup>th</sup> Street SW and explained there is a case that originated in 2017 and also a case that originated in 2018 pertaining to the subject property. Ms. Prado said these cases are being brought before the Board for recommendation to move forward with foreclosure proceedings.

Ms. Prado said case #2017070106 was opened in July 2017 and reviewed the following violations cited at the March 18, 2018 evidentiary hearing: no building permit, vehicle parking/storage, boat/trailer storage, illegal parking in the right-of-way, junk vehicle storage, and junk, trash, and debris. Ms. Prado said that Notice was served for this hearing via posting March 16, 2018 after attempts at regular and certified mail were unsuccessful and showed an Affidavit of Service and photo of the posting from the former Code Enforcement Officer for the evidentiary hearing date. Ms. Prado explained that the property remained out of compliance and showed photos to demonstrate. Ms. Prado said there were some extensions of time granted and the case came before the Board again at a compliance hearing held on August 27, 2018 at which time the Board imposed a fine in the amount \$100.00 per day. Ms. Prado showed a copy of the recorded Order Imposing Fine. Ms. Prado said the property remains out of compliance and noted it is not a homesteaded property and, therefore, it is open to foreclosure by the County. Ms. Prado said that Notice was served for this hearing via posting and showed a photo of the posted Notice taken on August 13, 2025 for today's hearing posted by Code Enforcement Officer Dustin Vaught. Ms. Prado showed some photos taken on August 12, 2025 by Mr. Vaught which demonstrate the property remains out of compliance. Ms.

Prado gave staff's recommendation for the Board to approve moving forward with foreclosure proceedings pursuant to FL 162.09(03).

**ON MOTION BY Joe Petrulak, SECONDED BY David Myers, the Board voted unanimously (7-0) to grant staff's request to move forward with foreclosure proceedings on the subject property pursuant to FL 162.09(03).**

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

Ms. Prado said case #2018030112 was opened in March 2018 and reviewed the cited no building permit and swimming pool maintenance violations. Ms. Prado said the Board determined the property was in violation at an evidentiary hearing held on July 23, 2018. Ms. Prado said that Notice was served for this hearing via posting on July 13, 2018 after attempts at regular and certified mail were unsuccessful and showed an Affidavit of Posting and photo of the posting from the former Code Enforcement Officer. Ms. Prado said the case came before the Board again at a compliance hearing held on September 24, 2018 at which time the Board imposed a fine in the amount \$100.00 per day. Ms. Prado showed a copy of the recorded Order Imposing Fine. Ms. Prado said that Notice was served for this hearing via posting and showed a photo of the posted Notice taken on August 13, 2025 for today's hearing posted by Code Enforcement Officer DustinVaught. Ms. Prado showed some aerial photos to demonstrate the location of the pool on the property as well as the expired permits for the pool. Ms. Prado said the property remains out of compliance and noted it is not a homesteaded property and, therefore, it is open to foreclosure by the County. Ms. Prado gave staff's recommendation for the Board to approve moving forward with foreclosure proceedings pursuant to FL 162.09(03). In response to a question from Mr. Petrulak, Ms. Prado explained the County can bid on the property after it is foreclosed, or it can be sold to the highest bidder who can then come before this Board to request a lien reduction.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to grant staff's request to move forward with foreclosure proceedings on the subject property pursuant to FL 162.0903.**

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

### **EVIDENTIARY HEARINGS**

#### **Case #2025030163 Tellez, Catalina Angeles**

IRC Code Enforcement Officer Michael Folger spoke regarding property located at 8486 103<sup>rd</sup> Ct. Mr. Folger reviewed the junk, trash, and debris, and zoning district use violations pertaining to miscellaneous construction debris onsite and showed photos to demonstrate. Service was obtained August 4, 2025 via posting. Mr. Folger said the case was initiated March 26, 2025 for Code violations on the vacant lot. Mr. Folger said he has spoken to the Respondents who said they intended to build on the property but as of today's date, no permit applications have been received and upon inspection today he observed construction debris remains throughout the property.

Mr. Folger gave staff's recommendation for an extension of 30 days, or until September 19, 2025, for the Respondent to bring the property into compliance by removing all junk, trash, and debris and miscellaneous construction debris from the subject property and any adjacent properties and dispose of at an approved disposal facility, and to cease the unpermitted storage on the vacant lot, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Joe Petrulak, SECONDED BY Pete Clements, the Board voted unanimously (7-0) to accept staff's recommendation for an extension of 30 days, or until September 19, 2025, for the Respondent to bring the property into compliance by removing all junk, trash, and debris and miscellaneous construction debris from the subject property and any adjacent properties and dispose of at an approved disposal facility, and to cease the unpermitted storage on the vacant lot, or be subject to a fine in an amount up to \$250.00 per day.**

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

**Case #2025040047 HD FL Investments, LLC**

IRC Code Enforcement Officer Michael Folger spoke regarding property located at 7815 102<sup>nd</sup> Ct. Mr. Folger reviewed the cited alteration of right-of-way without a valid permit, junk vehicle, and junk, trash, and debris violations and showed photos to demonstrate. Service was obtained August 4, 2025 via posting. Mr. Folger said a 2<sup>nd</sup> driveway and a culvert were added to the property and the driveway comes out into the right-of-way. Mr. Folger explained the junk vehicle and junk, trash, and debris violations were brought into compliance. Mr. Folger said the remaining issue is the culvert and unpermitted driveway improvement in the right-of-way and showed photos taken today which demonstrate the violation.

Mr. Brian Crain, tenant of the property, and Shannon Krieger, property manager, were present. Mr. Crain said he has been in contact with the property owner who lives out of state. Mr. Crain said the owners would like to know what they need to do to obtain an after-the-fact right-of-way permit. Mr. Crain said he was only aware of the driveway culvert and was not aware of the culvert that runs the length between the subject and adjacent property. Chairman Schlitt asked if there was a survey that shows the drainage easement. Ms. Buck said there is a drainage easement on the south side of Lot 8 and on the north side of Lot 9 and that records do not show a Declaration of Covenant being approved to place the culvert within the easement. Mr. Murphy clarified that a Declaration of Covenant would have been required to place the culvert in the easement. Ms. Prado said it appears Lots 8 and 9 are deeded together and the culvert cannot be permitted in that location absent an abandonment of the easement or Declaration of Covenant. Ms. Prado said the Respondent would need to take a few steps to try to properly permit the culvert starting with applying for unification of title to Lots 8 and 9 before requesting an abandonment of the easement and Declaration of Covenant for the easement. Mr. Murphy suggested Mr. Crain refer the property owner to Mr. Folger for further information. Mr. Folger noted this is a separate issue that may need to be re-cited and clarified that today's hearing pertains to the cited violations and the remaining issue of the unpermitted driveway culvert.

Mr. Folger gave staff's recommendation for an extension of 30 days, or until September 19, 2025, for the Respondent to obtain an after-the-fact permit and final inspection for the unpermitted

alteration of the right-of-way, or restore the right-of-way to its original condition 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 Joe Petrulak, the Board voted unanimously (7-0) to accept staff's recommendation for an extension of 30 days, or until September 19, 2025, for the Respondent to obtain an after-the-fact permit and final inspection for the unpermitted alteration of the right-of-way, or restore the right-of-way to its original condition and obtain final inspection, or be subject to a fine in an amount up to \$250.00 per day.**

Note for the record that the Respondent's representatives Bryan Crain and Shannon Krieger were present for this hearing.

**Case #2025040130 O'Neil, Gianna & Diego**

IRC Code Enforcement Officer Michael Folger spoke regarding a property located at 9220 102<sup>nd</sup> Ave. Service was obtained August 4, 2025 via posting. Mr. Folger reviewed the cited alteration of right-of-way without a valid permit, no building permit, junk, trash, and debris, and boat/trailer storage violations and showed photos to demonstrate. Mr. Folger said the alteration of right-of-way without a valid permit violation has been brought into compliance. Mr. Folger said the no building permit violation pertains to a fence and accessory structures constructed without permits. Mr. Folger showed photos of the cited violations including miscellaneous junk, trash, and debris, construction material, and trailers stored in the yard. Mr. Folger also showed aerial photos which showed changes made to the property over time with the addition of a slab and accessory structure as well as a fence added without permits. Mr. Folger said there is also material being stored between the two houses.

Mr. Folger gave staff's recommendation for an extension of 30 days, or until September 19, 2025, for the Respondent to bring the property into compliance by obtaining a building permit for the unpermitted structures, modify according to approved specifications, and obtain final inspection, or remove structures from the property, remove the accumulation of junk, trash, and debris and dispose of at an approved disposal facility, and cease the parking of trailers on the yard and park on a designated stabilized driveway, or be subject to a fine imposed in an amount up to \$250.00 per day.

The Respondents Gianna O'Neill and Diego Rosas were present. Ms. O'Neill said they brought the right-of-way violation into compliance as Mr. Folger noted and said they are working on the trailer storage and junk, trash, and debris removal. Ms. O'Neill said she is working on getting plans from an engineer for a permit application and they will be submitting an application for after-the-fact permits for the structures and fence. Mr. Kordiak said he felt the Respondents need more than 30 days time to accomplish what is needed and made a motion to amend staff's recommendation to an extension of 60 days, or until October 24, 2025.

**ON MOTION BY Jim Kordiak, SECONDED BY Joe Petrulak, the Board voted unanimously (7-0) to accept staff's amended recommendation for an extension of 60 days, or until October 24, 2025, for the Respondents to bring the property into compliance by obtaining a building permit for the unpermitted structures, modify according to**

**approved specifications, and obtain final inspection, or remove structures from the property, remove the accumulation of junk, trash, and debris and dispose of at an approved disposal facility, and cease the parking of trailers on the yard and park on a designated stabilized driveway, or be subject to a fine in an amount up to \$250.00 per day.**

Note for the record that the Respondents Gianna O'Neill and Diego Rosas **were** present for this hearing.

**Case #2025040157 Wilson, Michael J. & Melanie**

IRC Code Enforcement Officer Michael Folger spoke regarding property located at 8826 104<sup>th</sup> Ct. Service was obtained via posting August 4, 2025. Mr. Folger reviewed the cited encroachment/obstruction in right-of-way or easement, junk, trash, and debris, junk vehicle, and no building permit violation for various unpermitted structures on the property and showed photos to demonstrate. Mr. Folger said the initial complaint was received about debris in the right-of-way for an extended period and this violation was brought into compliance. Mr. Folger explained he additionally cited several unpermitted buildings that were erected on the property and an expired fence permit.

The Respondent Mr. Michael Wilson was present. Mr. Wilson said he did not know where the debris in the right-of-way came from but it was removed. Mr. Wilson said he had the fence permit renewed and had final inspection for the fence this morning. Mr. Wilson said that he needs some time to obtain the required building permits. Mr. Wilson said he has had the buildings on the property for 20 years. Mr. Wilson said the other violations are in compliance and he asked for some time to see if there are viable options to permit the buildings, or he may have to remove the structures.

Mr. Folger gave staff's recommendation for an extension of 30 days, or until September 19, 2025, for the Respondent to bring the property into compliance by obtaining after-the-fact permits for the unpermitted structures and modifying the structure as necessary in accordance with the permit specifications and obtain final inspection, or remove the structures, or be subject to a fine imposed in an amount up to \$250.00 per day. Mr. Petrulak made a motion to amend staff's recommendation to give an extension of 60 days, or until October 24, 2025.

**ON MOTION BY Joe Petrulak, SECONDED BY Jim Kordiak, the Board voted unanimously (7-0) to accept staff's amended recommendation for an extension of 60 days, or until October 24, 2025, for the Respondent to bring the property into compliance by obtaining after-the-fact permits for the unpermitted structures and modifying the structure as necessary in accordance with the permit specifications and obtain final inspection, or remove the structures, or be subject to a fine in an amount up to \$250.00 per day.**

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

**LIEN REDUCTION REQUEST**

**Case #2022050078 Schroer, Nancy & Herb**

IRC Code Enforcement Supervisor Kelly Buck spoke regarding property located at 7985 100<sup>th</sup> Ave. Ms. Buck explained the alteration of right-of-way without a valid permit, illegal structure in County R.O.W. or easement, encroachment/obstruction in R.O.W. or easement, no building permit, and zoning district use violations have been brought into compliance and showed photos taken of the property before and after compliance. Ms. Buck explained that a complaint was received from the County Public Works Department regarding residents that built about 6-10 feet on the County R.O.W. Ms. Buck showed an aerial map and photo which showed the unpermitted accessory structure built encroaching onto County property. Ms. Buck noted these items have been removed. Ms. Buck gave some brief case history and explained the case involved multiple departments including Public Works, the County Attorneys Office, and a hearing by the Board of County Commissioners who denied the Respondents request to purchase the property to avoid having to remove the items and restore the property to its original condition.

Ms. Buck said a fine in the amount of \$250.00 per day was imposed on June 24, 2023 and the property was brought into compliance on April 29, 2025. There were a total of 675 days out of compliance totaling fines in the amount \$168,750.00. Ms. Buck said there were 5 extensions of time granted and for reference the 2024 assessed value of the property is \$267,357.00. Ms. Buck gave staff's recommendation to impose a fine in the amount of \$16,875.00 which represents 10% of the overall fine amount plus \$3,200.00 for the costs to prosecute for a total fine in the amount of \$20,075.00.

Representative of the Respondents Cathie Keller was present. Ms. Keller said the reason for the amount of time out of compliance is that it took some time to obtain plans from an engineer submit with the required permit application. Ms. Keller said she had also met with each of the County Commissioners to inquire about purchasing the land.

Ms. Buck reiterated staff's recommendation to impose a fine in the amount of \$16,875.00 which represents 10% of the overall fine amount plus \$3,200.00 for the costs to prosecute for a total fine in the amount of \$20,075.00. Ms. Buck noted the reason for the request for the costs to prosecute is the amount of staff time spent on the case by various departments. Ms. Prado said that at the June 27, 2022 evidentiary hearing she noted on the record that this property was previously cited for unpermitted boat/trailer storage on the County property which indicates the Respondent knowingly constructed the structures on County property.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann. Terence Schlitt ABSTAINED. The Board voted (6-0) to acknowledge compliance and impose a fine in the amount of \$20,075.00.**

Note for the record that representative of the Respondent Cathie Keller **was** present for this hearing.

**EVIDENTIARY HEARING**

**Case #2025060052 Duvall, Amber**

IRC Code Enforcement Officer Brandon Vazquez spoke regarding property located at 6586 4<sup>th</sup> Pl. Mr. Vazquez reviewed the cited overgrown weeds, and junk, trash, and debris violations and

showed photos to demonstrate. Service was obtained August 2, 2025 via posting. Mr. Vazquez said there are mattresses, household items, and other miscellaneous debris. Mr. Vazquez said the case was initiated June 10, 2025 and he has had no contact from the property owner. Mr. Vazquez gave staff's recommendation for an extension of 30 days, or until September 19, 2025, for the Respondent to bring the property into compliance by mowing the grass and weeds and maintaining at a height of 12 inches or less in the future; removing all junk, trash, mattresses, household items, and other miscellaneous debris and dispose of at an approved disposal facility, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Joe Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to accept staff's recommendation for an extension of 30 days, or until September 19, 2025, for the Respondent to bring the property into compliance by mowing the grass and weeds and maintaining at a height of 12 inches or less in the future; removing all junk, trash, mattresses, household items, and other miscellaneous debris and dispose of at an approved disposal facility, or be subject to a fine 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 #2025050057 Hillyer, Keith**

IRC Code Enforcement Officer Brandon Vazquez spoke regarding property at 7646 58<sup>th</sup> Ct. Mr. Vazquez reviewed the cited fence violation pertaining to a dilapidated fence and boat/trailer storage violation and showed photos to demonstrate. Mr. Vazquez said the boat/trailer storage violation has been brought into compliance. Mr. Vazquez explained the original hearing date was July 28, 2025. Mr. Vazquez gave staff's recommendation to impose a fine in the amount of \$100.00 per day, beginning August 23, 2025, until the property is brought into compliance.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to accept staff's recommendation to impose a fine in the amount of \$100.00 per day, beginning August 23, 2025, until the property is brought into compliance.**

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

#### **Case #2025030115 Gill, Tonya A.**

IRC Code Enforcement Officer Supervisor Kelly Buck spoke regarding property at 6196 7<sup>th</sup> St. Ms. Buck explained that at the evidentiary hearing held July 28, 2025, the Respondent was given 30 days, or until August 22, 2025, to bring the property into compliance by removing the wood, automobile parts, and other miscellaneous items and disposing of at an approved disposal facility, cease the parking/storing of vehicles, trailers, and other items within the County right-of-way and on

any yard area except on a designated stabilized driveway, obtain current registration for any junk vehicle(s) and demonstrate roadworthy condition to County staff, or cease the outdoor storage of vehicle(s), and coordinate with County staff members to schedule a meeting to review what is needed to bring the County right-of-way into compliance and then bring the right-of-way into compliance in accordance to required specifications. Ms. Buck reminded the Board of the events of the evidentiary hearing and that she and Right-of-Way Permitting Coordinator Wendy Smith from the Public Works Department were present along with the Respondent to review what is needed for compliance. Ms. Buck said the alteration of right-of-way is an issue because alterations and parking in the R.O.W. have hindered the conveyance of water. Ms. Buck showed photos taken by Code Officer Daphne Driskell last Friday which show multiple vehicles, including a golf cart, ATV, and truck parked in the R.O.W. along 7<sup>th</sup> street. Ms. Buck also noted a pipe and log seen in the middle of the street in the photos. Ms. Buck said the Respondent applied for a R.O.W. permit on July 28, 2025 as needed to remove the pipes in the R.O.W. The permit was issued by the Public Works Department on July 31, 2025. Ms. Buck said to her knowledge, there has been no conversation to date with the Respondent regarding removal of the pipes in the R.O.W.

Ms. Buck discussed the issue of parking in the R.O.W. and explained that although the Respondent has the right to park vehicles in the R.O.W. for up to 48 hours, there is an issue of different vehicles continuously being parked there and the County having to perform maintenance to repair damage. Ms. Buck said the Respondent was Ordered to obtain current registration for all unregistered vehicles on the property by August 22, 2025. Ms. Buck said the Respondent was also Ordered to schedule a meeting with staff to review what is needed to bring the R.O.W. into compliance. Ms. Buck said that Assistant Public Works Director Danny Ooley is present today along with County Road and Bridge staff to answer any questions.

Ms. Buck said the Respondent, Ms. Gill, contacted her District Commissioner Joe Earman, and said she never received a response about her permit application. Ms. Buck said she emailed Ms. Gill at that time to inform her she was emailed the permit on July 31<sup>st</sup>, sent her a copy of the permit on August 5<sup>th</sup> and reviewed everything that was discussed at the evidentiary hearing that was required of her to bring the property into compliance. Ms. Buck said she did not hear from Ms. Gill until August 21<sup>st</sup> at which time Ms. Gill requested a meeting. Ms. Buck said she just returned from vacation and has not followed up with the request. Ms. Buck said she went by the property this morning and observed a golf cart and vehicle parked in the R.O.W. along with a piece of wood and pipe in the R.O.W., as well as debris and vehicles parked on the yard.

Ms. Buck showed a photo taken along 62<sup>nd</sup> Avenue and explained there was no attempt to clean out the area of the pipe. Ms. Buck said that the County Road and Bridge Department was at the location this morning and daylighted the pipes. There was discussion about the 48 hour rule allowing vehicles to park in the R.O.W. as long as they are moved within 48 hours. Ms. Buck said the vehicles continuously parked in this area are causing damage to the drainage swale and the County is having to regrade and resod to repair drainage. Mr. Clements noted the cost to taxpayers to have to make these repairs to the County right-of-way. Ms. Buck said there is a history of non-compliance at this property and reminded the Board at the last hearing she submitted service requests from the Road and Bridge Department for repairs to this area totaling an approximate cost of over \$12,000.00. Mr. Myers noted difficulty of enforcement when the Respondent is always moving the vehicles and suggested perhaps the Ordinance should be re-written because of lack of enforceability. Ms. Prado spoke about the Ordinance allowing parking for up to 48 hours, but it does not allow for disturbance or destruction of the County right-of-way. Ms. Prado said in the R.O.W. section of the County Ordinances, disturbance or destruction of the County right-of-way is expressly disallowed in Chapter 913 and states that the County can give a Respondent 10 days Notice to repair damage done to the R.O.W. or the County can come make the repairs and lien the property for the cost.

Ms. Prado asked to question Mr. Danny Ooley about how often Road & Bridge staff have to daylight other culverts in comparison with the amount of work that has needed to be done in this area to repair the damage to the right-of-way. Ms. Buck said one of the issues is the Respondent is taking ATV's and golf carts and driving them through the drainage swale and up onto the property and Road & Bridge is having to regrade the swale.

Mr. Danny Ooley, Assistant Director of Public Works was present. *Mr. Ooley was read the Testimonial Oath.* Ms. Prado asked Mr. Ooley what the average work done daylighting culverts on other similarly situated parcels. Mr. Ooley said the normal time frame is once every 2-3 years. Ms. Prado asked Mr. Ooley if he had a record of how many times the Department has daylighted the culverts on the subject property in the past 2-3 years. Mr. Ooley said he does and the documents containing the dates, work done, and approximate costs have been provided to Code Enforcement. Mr. Ooley reviewed the documents provided to Code Enforcement and said it seems to be nonstop; noting it has been done at least 6 times since October 2024. Mr. Ooley also noted County staff have to wait for the Respondent to move vehicles out of the R.O.W. so that they can perform the work. Mr. Myers asked what is preventing staff from requesting a Continuing Order on this property. Ms. Prado explained that if the Board imposed a fine today and the Respondent brings the property into compliance, if the property falls out of compliance again within the next 5 years the fine is automatically reapplied at \$250.00 to \$500.00 per day. Mr. Petrulak noted that at the last meeting staff gave a cost estimate of \$12,168.00 for repair to the damaged drainage swale at the subject property.

Ms. Buck said the case originally came before the Board on July 28, 2025 with no extensions of time granted. Ms. Buck gave staff's recommendation to impose a fine in the amount of \$100.00 per day, beginning August 23, 2025, until the property is brought into compliance. Mr. Myers made a motion to amend staff's recommendation to impose a fine in the amount of \$250.00 per day until the property is brought into compliance.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (7-0) to accept staff's amended recommendation to impose a fine in the amount of \$250.00 per day, beginning August 23, 2025, until the property is brought into compliance.**

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

#### **Authorization For Notices To Appear**

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

#### **Adjournment**

There being no further business, the meeting was adjourned at 5:00pm.