

**CODE
ENFORCEMENT
BOARD**

City Commission Chambers
301 S. Ridgewood Ave., Daytona Beach, FL 32115

Members: Weegie Kuendig, Chairman; Turner Hymes, Vice-Chairman; Cheryl House; Neil Harrington, Thomas A.D. Jones, Karen Robey and Valoree McLean

MAY 9, 2019*

*Corrected to \$800 a month instead of \$800 a week on case #17

Members present:

Mrs. Weegie Kuendig, Chairman
Mrs. Turner Hymes, Vice-Chairman
Mr. Neil Harrington
Ms. Valoree McLean
Ms. Karen Robey

Mr. Charles Cino, Esquire, Board Attorney

Staff present:

Mr. Anthony Jackson, Esq. Assistant City Attorney
Captain Scott Lee, Daytona Beach Police Department
Officer Steven Jessmer, Daytona Beach Police Department
Mr. Steve Alderman, Code Inspector
Mr. Tom Clig, Code Inspector
Mr. Mike Fitzgerald, Code Inspector
Mr. Danny Garcia, Code Inspector
Mr. Jerome McCoy, Code Inspector
Mr. Clifford Recanzone III, Code Inspector
Mr. John Stenson, Lead Code Inspector
Mr. Charles Smarr, Audio/Video
Ms. June Barnes, Board Secretary

Approval of Minutes by: Marylouise "Weegie" Kuendig Chairman

The Vice-Chairman called the meeting to order at 9:00 a.m.

Ms. Barnes called the roll and Mr. Jones was absent. Motion was made to excuse Mr. Jones by Ms. Robey with Mrs. Hymes seconding. Motion approved (5-0).

Mrs. Kuendig asked if the minutes of the April 11, 2019 meeting had been read and asked for any corrections. There were none. Mr. Harrington motioned to approve the minutes of the April 11, 2019 meeting and Mrs. Hymes seconded. Motion approved (5-0).

Mrs. Kuendig asked for disclosure of Ex Parte Communications and there was none.

Mrs. Kuendig asked if there were any announcements and Ms. Barnes announced the following cases.

CASE # 5 - CEB 04-19-83 - Kinsey & Debbie Whaley is cited for failure to correct violations of The Land Development Code, Art. 9. Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7), at **683 Kingston Ave.** Violation(s) – Failure to maintain garage roof. First Notified – 11/20/2018.

Compliance 4-29-2019

CASE # 22 - CEB 05-19-85 - Craig L. Newson is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 6 Sec. 6.2.H.7.A.i, at **1154 Essex Rd.** Violation(s) – Outside storage and parking in the yard. First Notified – 1/31/2019.

Compliance 5-8-2019

CASE # 26 - CEB 05-19-92 - Trong H. & Stephanie Nguyen is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **221 Williams Ave.** Violation(s) – Failure to obtain Rental License. First Notified – 1/26/2019.

Compliance 5-8-2019

CASE # 27 - CEB 05-19-94 - Howard & Carol Scott is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **605 Ora St.** Violation(s) – Failure to obtain Rental License. First Notified – 2/19/2019.

Compliance 5-7-2019

CASE # 28 - CEB 05-19-98 - Harpreet Suri is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **334 Georgetown Dr.** Violation(s) – Failure to obtain Rental License. First Notified – 12/24/2018.

Compliance 4-30-2019

CASE # 29 - CEB 05-19-99 - Amir Kazemi is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **325 Dagoon Holly Dr.** Violation(s) – Failure to obtain Rental License. First Notified – 2/15/2019.

Compliance 4-26-2019

CASE # 30 - CEB 05-19-88 - Darel Stephen Mikula is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), at **216 N Halifax Ave.** Violation(s) – Furniture & storage, property maintenance. First Notified – 12/18/2018.

Compliance 4-25-2019

CASE # 31 - CEB 05-19-89 - Henry L. & Valerie A. Mickle is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2), at **327 Jackson Ave.** Violation(s) – Paint fascia. First Notified – 1/15/2019.

Compliance 4-29-2019

CASE # 33 - CEB 05-19-93 - Lelia D. Richardson is cited for failure to correct violations of The Land Development Code, Art. 13 Sec. 13.4.S.1; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.B; Art 6 Sec. 6.8.D; Art 6 Sec. 6.8.E; Art 6 Sec. 6.8.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 304.11, 304.4 & 304.6), at **300 Hillside Ave.** Violation(s) – Permit, retainer wall, overhangs, paint, roof, broken windows, holes in structure, property maintenance, structural members. First Notified – 2/6/2019.

Compliance 5-8-2019

Ms. Barnes swore in members of the staff who will be testifying.

Mrs. Kuendig announced the rules for the meeting and called the first case which was a lien review.

LR – 1 - CEB 12-08-343 - 175 Ekana Circle - Scot A. Lawson (new owner is Ronald L. & Christina L. Helgemo) is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 3 & 2.12. Violation(s) – Failure to replace the two dead live oak trees with a caliper of at least 2.5 inches and a minimum height requirement of 10 feet. All newly planted trees shall be staked and guyed immediately after installation and shall remain supported until the root system and trunk have been established. First Notified – 9/10/2008. **Order Imposing Fine-Lien of \$50.00 per day effective January 8, 2009. Compliance 4/4/2019. \$10,000.00 plus \$24.00 recording costs = \$10,024.00.**

Mr. Ronald Helgemo and Mrs. Christina Helgemo came forward and were sworn in.

Barbara Collins, Code Inspector, stated the case started in 2018 and went into foreclosure. She stated it was regarding 2 dead oak trees that the City had instructed Scot Lawson, the owner at the time to replace. The trees were never replaced. Mr. and Mrs. Helgemo purchased the property and has replaced the oak trees. She stated she is requesting to reduce the amount of the fine to \$2,000.

BOARD ACTION: Mr. Harrington motioned to reduce the fine to \$750 with Mrs. Hymes seconding. Motion was approved (5-0).

CONTINUED CASES:

CASE # 1 - CEB 03-19-47 - Robert Hsieh is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **210 Williams Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/27/2018.

Mr. Jackson, Assistant City Attorney, stated the case is still in action and is requesting to continue the case for resolution of grandfathering and what the next moves will be.

Mrs. Keundig asked exactly what needs to happen to fix it.

Mr. Jackson stated that another department needs to determine if the property is grandfathered as a rental.

BOARD ACTION: Mr. Harrington motioned that the case be continued until the next meeting with Ms. McLean seconding. Motion approved (5-0).

CASE # 2 - CEB 09-18-95 - Paul W & Beatrice I Zivitski is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **840 N Halifax Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/26/2018.

Mr. Paul Zivitski came forward and was sworn in.

Mark Jones, Rental Inspector, came forward and was sworn in.

Mr. Jackson stated he was able to inspect the property on May 8, 2019 and there were only some minor issues remaining to be completed. He stated he is asking to amend to the next cutoff for compliance.

Ms. Keundig asked what needed to be done.

Mr. Jones stated the respondent has done a nice job in remodeling 3 of the units and described a couple of remaining minor issues.

Mr. Zivitski stated that is correct and he should have them done Monday.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mrs. Hymes motioned the same with Ms. Robey seconding. Motion was approved 5-0.

CASE # 3 - CEB 04-19-76 - Paul A. Czajkowski Revocable Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **& 309-307 Seaview Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/8/2019.

Respondent was not present.

Mr. Jackson stated the case is for failure to obtain a rental license and the property was inspected on April 17. He stated the case started at the April Meeting and was given until May 17 and staff is asking to amend to the next cutoff for the remaining issues.

Mrs. Kuendig asked if there was anyone living in the property and Mr. Jones stated yes.

Mr. Jones stated there are 2 buildings and 3 units on the property. He stated the property owner still needs to fix a couple GFIs, window, damaged screens, paint and rotted wood.

Mr. Kuendig asked about the roof over the door and Mr. Jones stated that is the rotted wood.

Mr. Jones stated he is having some issues with getting some jalousy windows repaired and the respondent feels he can have it done by the next cutoff.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Ms. Robey motioned the same with Mrs. Hymes seconding. Motion was approved 5-0.

CASE # 4 - CEB 09-18-109 - Dennis L and Lucinda A Trovinger is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S (Ref. FBC Supp. IPMC 105.1), at **1212 Sunset Cir.** Violation(s) – No permit for carport. First Notified – 6/5/2018.

Mr. Dennis Trovinger, owner, and Mr. Greg Marcot, General Contractor, came forward and were sworn in.

Mr. Jackson stated the case is before you for a progress report and the determination of a compliance date. He stated the case was supposed to go before the Board of Adjustments for a variance and inspector Clig reports and he did not know the status and has had no communication. He stated the inspector is asking to amend to the next cutoff.

Tom Clig, Code Inspector, stated that the case did not go before the Board of Adjustments and is asking for the next cutoff for compliance.

Mr. Trovinger stated they missed the cutoff for the Board by one day because they had met with planning and they asked for a new survey. He stated they emailed and dropped off a hard copy of the survey to the City and requested to be put on the docket but had heard nothing and had gotten no response. He stated the survey had been sent to the City on April 15th.

Mr. Marcot stated they had to wait a while on the modification survey from the previous meeting with planning. He stated communication was a problem from the beginning.

Motion was made to continue the case for monthly progress reports and approved.

Mr. Jackson stated the Board of Adjustments meeting had already been cancelled for June and are requesting to amend for 2 months.

BOARD ACTION: Mrs. Kuendig asked for motion amend the motion and continue the case until the July 11, 2019 meeting for a progress report and the determination of a compliance date. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion approved 5-0.

CASE # 6 - CEB 03-19-35 - Frank Benjamin Sampson, Jr. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.13.2, 305.3, 504.1, 605.1); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294,

at **326 Hobart Ave.** Violation(s) – Damaged exterior surfaces, peeling paint, windows do not open, damaged interior walls and ceiling, leak under sink, non-working fans, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 8/11/2018.

Mr. Frank Sampson, son of the owner and Mr. Frank Sampson, owner, came forward and were sworn in.

Mr. Jackson stated Inspector Garcia reports the property remains in non-compliance and he has had no communication with the respondent. He stated the inspector learned this morning that the owner intended to evict the tenant. He stated the inspector is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Ms. Barnes swore in Daniel Garcia, Code Inspector.

Mr. Garcia listed the violations and stated that originally he went to the property and inspected and had had minimal contact with the respondent but since then he has not been able to get inside the house to re-inspect.

Mrs. Kuendig asked the inspector if work had been done on the outside of the house and Mr. Garcia stated yes.

Mr. Sampson stated the tenant could not afford the rent and complained. He stated she was being evicted within the next 24 hours by the Sheriff's office. He stated he had not kept in contact with the Code Inspector during the eviction process. He stated all that was left on the outside was painting and he would need to obtain a permit for the windows. Mr. Sampson provided the Board a copy of the eviction papers.

Mrs. Kuendig asked the respondent if he thought he could get the work done within a month once the tenant has been evicted and Mr. Sampson stated yes.

Mrs. Kuendig asked the inspector if he would be willing to give them more time since they will have just gotten the tenant out.

Mr. Garcia stated he is willing to amend to the next cutoff one more time provided he can get inside to inspect the property.

Mr. Sampson, Sr. stated they would be changing the locks as soon as she is out.

Mrs. Hymes asked the respondent if he was agreeing that everything should be in compliance in one month.

Mr. Samson, Sr. stated yes.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mrs. Hymes motioned the same with Ms. Robey seconding. Motion was approved 5-0.

CASE # 7 - CEB 03-19-62 - Kelly Rose, Kristen Risch, Peggy Snyder & Kimberly Wade is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7, 304.2, 304.13), at **308 Kingston Ave.** Violation(s) – Vacant structure, damaged fence, peeling paint, siding coming undone and broken windows. First Notified – 10/12/2018.

Ms. Kelly Rose came forward and was sworn in.

Mr. Jackson stated Inspector Garcia is asking to amend to the next cutoff, and that the respondent has been in communication with Mr. Garcia the whole time. He stated they are awaiting completion of the demolition.

Mr. Garcia stated he has had contact with the respondent every other day during the demolition process and they should have it done by the next cutoff.

Ms. Rose stated there was only one room left of the house to be demolished and it should be done pretty quickly.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mrs. Hymes motioned the same with Ms. Robey seconding. Motion was approved 5-0.

CASE # 8 - CEB 03-19-48 - Robert Matuszczak is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **266 Lexington Dr.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/15/2018.

Respondent was not present.

Mr. Jackson stated Inspector Garcia reports that respondent has permits since April 25th but the roof repair has been delayed. He stated the inspector is asking to amend until the next cutoff for compliance. He stated the violation is for a Rental License (RTL) but the roof repair is what is holding up the issuance of the license.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mrs. Robey motioned the same with Ms. McLean seconding. Motion was approved 5-0.

CASE # 9 - CEB 03-19-58 - Virgil Rosenfeld & Ellen Rosenfeld Trust is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.13); City Code Ch. 90 Sec. 90-297, at **228 Bay St.** Violation(s) – Damaged stair, railing, broken window, damaged fence and failure to obtain Business Tax Receipt (BTR). First Notified – 10/24/2018.

Mr. Danny Rice came forward and was sworn in.

Mr. Jackson stated the repairs needed for Code have been done. He stated the only thing left is to obtain the Business Tax License (BTR). He stated the license cannot be obtained until the respondent satisfies state requirements. He stated the inspector is asking to amend to the next cutoff so that the State OCC License requirements can be taken care of. He stated Inspector Garcia followed up with state licensing inspector in the Building Department to confirm.

Mrs. Kuendig asked if the life safety issues were resolved.

Mr. Garcia stated there are no life safety issues currently and the door had been bolted. He stated a tenant had been evicted and there was one more that would be evicted today.

Ms. McLean asked if the room that was an issue was not going to be rented.

Mr. Garcia stated it would not be rented at this time.

Mr. Rice stated he has submitted the paperwork, which was accepted on April 17th, to reduce the number of units from 9 to 8 with the state and is waiting to receive the license which should be within 30 days. He stated at some point they may put a doorway in to make the extra space and extra bedroom for one unit.

Mrs. Kuendig asked if permits were needed and Mr. Rice stated no.

Mr. Garcia stated they may need a permit to create the 2 bedroom unit if there are walls that have to be removed.

Mr. Rice stated they were not ready to do that yet and plan to let it remain empty.

Ms. McLean asked about the issue of walking across the roof without a railing been resolved.

Mr. Garcia stated the railing had been fixed and the door bolted.

Captain Scott Lee, Daytona Beach Police Department, came forward and was sworn in. He stated the life safety issued had been addressed, the emergency fire escape door had been secured and the Building Department determined it was in compliance and all structural issues had been repaired. He stated the fire escape door issue was not cited in the original violation and if it becomes a violation, they will recite to include it.

Mrs. Kuendig asked if there was an issue with the stairs that first responders had a problem with.

Captain Lee stated those issues had been addressed but the stairs cited in this case were a structural issue and had been repaired and fixed.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion was approved 5-0.

CASE # 10 - CEB 04-19-74 - George Schaier & Angela Wiley is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.13); Art. 6 Sec. 6.19.A.3, at **307 Adeline St.** Violation(s) – Broken window, missing fence, outside storage, trash and debris. First Notified – 9/21/2018.

Mr. George Schaier and Ms. Angela Wiley came forward and were sworn in.

Mr. Jackson stated inspector reports progress had been made except he needs a permit for some stakes.

Mr. Schaier stated he put the stakes up to keep the drug dealers from parking there.

Mr. Garcia stated he inspected the property this morning and all that is left is for the respondent to do is either remove the stakes or get a permit for them. He stated there was also a fence that needs to be removed and respondent told him it was done this morning.

Mr. Schaier stated he would get a permit for the stakes and did remove the fence this morning.

Mr. Garcia stated they will need a survey.

Mr. Schaier stated he had the survey from when he purchased the property.

BOARD ACTION: There was no action by the Board as compliance is already set for June 5, 2019.

CASE # 11 - CEB 04-19-75 - Luretha Wiley is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.2, 304.6, 304.14, 308.1); Art. 6 Sec. 6.19.A.3, at **1019 Cedar Highlands Blvd.** Violation(s) – Outside storage, trash & debris, torn screens, damaged exterior wall, overgrown grass onto sidewalk and damaged fence. First Notified – 1/28/2019.

Respondent was not present.

Mr. Jackson stated Mr. Garcia reports the property is in compliance as of yesterday, May 8, 2019.

CASE # 12 - CEB 12-18-159 - Audrey Houston is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 604.3, 704.2); Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp IPMC 304.14); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90.297), at **727 School St.** Violation(s) – Electrical system hazards, insect screens, no smoke detectors, structural appearance standards - roof, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/26/2017.

Mrs. Kuendig pointed out that the respondents were first notified in October of 2017.

Audrey Houston, owner, and Debbie Filer, owner through her deceased mother, came forward and were sworn in.

Mr. Jackson stated compliance was set for April 3 and is confused as to the status. He stated the inspector reports that the respondents have obtained permits for the roof on May 7th and received them on the 8th and is asking to amend to the July cutoff for the roof to be replaced.

Mr. Jerome McCoy, Code Inspector, stated Florida Interstate Roofing has pulled the roof permit but work has not begun yet. He stated they were looking at about 2 months.

Mrs. Hymes asked if Florida Interstate Roofing was only for the roof or if it would cover the other violations.

Mr. McCoy stated the only permit issued was for the roof. He stated there have been no other permits pulled.

Mr. Jackson asked the inspector if he had contact with the owners.

Mr. McCoy stated he has had contact with the owner but he has not been able to inspect inside of the property.

Ms. Robey clarified that the respondent said the property is not going to be rented and that's why they were addressing the roof issue only as she would not need a Business Tax License (BTR).

Mrs. Kuendig asked if they were going to get permits to fix the electrical.

Mr. McCoy said he had not been able to get inside to see what work has been done.

Mrs. Kuendig asked if they need an inspection inside if they are not renting.

Mr. McCoy stated they already know about the violations on the inside.

Mrs. Kuendig asked what the respondents had done on the inside of the house.

Ms. Houston stated nothing on the one next door and the roof had to get fixed first because the ceiling had fallen.

Ms. Robey asked when the respondent would start on the inside repairs.

Ms. Houston stated as soon as the roof was done.

Mr. Harrington stated the Board should just set a compliance date.

Mrs. Hymes asked the respondent if she was aware that the inspector needed to come in to inspect.

Ms. McLean asked when the work would start.

Ms. Houston stated she would speak with the roofers today to find out.

Mr. Jackson reminded the respondent they need to contact the inspector when things come into compliance.

Mrs. Kuendig asked the inspector if he had been in contact with the respondent and Mr. McCoy stated that he has.

Mr. Harrington suggested they move forward with a compliance date. There was discussion as to how much time the respondents would need.

Mr. Jackson stated the Board may want to consult with Mr. Cino regarding hearing what the respondent may have to say.

Mrs. Kuendig asked if Ms. Filer would like to add anything and she declined.

Mr. Harrington stated the respondent knows what needs to be done and the Board needs to set a compliance date and move forward.

Ms. Filer stated she has not seen the permit and was not involved in obtaining the contract and would like to get a copy. She was directed to contact Permits & Licensing by Mr. Cino.

Mrs. Hymes asked to clarify that the contract was for the entire roof.

Ms. Houston stated yes.

Mr. McCoy stated the permit said the contract was for the full roof.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until July 3, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion was approved 5-0.

CASE # 13 - CEB 01-19-08 - Evelina Brockington is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4, 302.5, 302.7, 302.8, 304.1.1.7, 304.2, 304.3, 304.6, 304.7, 304.8, 304.13, 304.15, 308.1, 309.1, and 504.3), at **626 South St.** Violation(s) – Property owner responsibility. Vacant structure and land. Sanitation. Weeds, Rodent harborage. Accessory structure (fencing). Junk vehicles. Unsafe condition (exterior walls). Peeling paint. Address numbers. Exterior walls. Damaged roof. Decorative features (lattice). Broken windows. Damaged exterior doors. Rubbish/garbage. Infestation. Plumbing system hazard (lack of service). First Notified – 10/23/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine and Inspector Stenson reports the respondent is making progress and is requesting one more month to complete the work.

Mrs. Kuendig asked if the permits have been applied for.

Mr. Stenson stated the respondent has permits for the roof and is working and has made significant progress which is not indicated in the photos.

Mrs. Hymes left the Chamber at 10:00 a.m. Mrs. Kuendig called a 5 minute break at that time and the proceeding resumed at 10:05 a.m.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mr. Harrington motioned the same with Ms. Robey seconding. Motion was approved 4-0.

CASE # 14 - CEB 01-19-05 - Steven L. & Judy L. Suter is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13, 304.7, 304.2 and 304.4), at **626 Clark St.** Violation(s) – Broken windows, damaged roof, peeling paint and structural members (carport). First Notified – 11/1/2018.

Respondent was not present.

Mr. Jackson stated the case is before the Board for an imposition of a fine and the inspector reports that the respondent is almost done and is requesting to amend to the next cutoff.

Mrs. Kuendig stated she knew the permit was issued on January 25.

Mr. Stenson stated the owner lives out of town and he has had communication with him on May 8. He stated the owner will return on May 13th to finish the work. He stated the property should be in compliance by the next meeting.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mr. Harrington motioned the same with Ms. Robey seconding. Motion was approved 4-0.

CASE # 15 - CEB 03-19-44 - Catherine M. Fischer & Stephanie D. Fischer is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.2), at **141 Kingston Ave.** Violation(s) – Maintenance Code - dirt and grime, faded missing and peeling paint, damaged fencing, outside storage, and trash and debris. First Notified – 12/12/2018.

Mrs. Catherine Fisher, mother and co-owner, came forward and was sworn in. Mrs. Fisher presented the Board with a letter, paraphrased by the Chairman for the record, stating the work that had been done, that she had just gotten a part-time job and was unable to get time off to attend the hearing but was available by phone if needed.

Mr. Jackson stated the case is before the Board for an imposition of a fine and inspector Fitzgerald reports that the respondent isn't doing much and is asking for a fine in the amount of \$100 per day to a maximum of \$10,000.

Code Inspector, Mike Fitzgerald, described the work that had been done.

Mr. Harrington asked if the case was complaint driven and Mr. Fitzgerald stated the case was generated from a Code Walk.

Mr. Harrington asked on a scale of 1-10 how bad was the property.

Mr. Fitzgerald stated according to minimum code, the paint should not be cracking or fading which has been fixed in the front but not on the side.

Mr. Harrington stated he believed there were health or financial issues.

Mr. Fitzgerald stated the owner had a baby a few months ago and was living with her parents who are disabled.

Mrs. Kuendig asked who was doing the work.

Mrs. Fischer stated that this was her daughter's residence and not her residence and that she and her husband were not able to help her daughter and that the baby's father, who is unemployed is doing the work. She stated the front and the bottom of the front had been done.

Mrs. Kuendig asked if the father of the baby had a job and Ms. Fischer responded he does odd jobs.

Mrs. Kuendig asked if he lives at the house and Ms. Fischer stated yes.

Mr. Harrington asked the inspector if the outside storage had been taken care of.

Mr. Fitzgerald stated the outside storage and the gate had been taken care of.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Ms. Robey motioned the same with Ms. McLean seconding. Motion was approved 4-0.

CASE # 16 - CEB 03-19-53 - Angela Reed is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.2.H.7.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.2, 302.1, 302.7, 302.8, 304.2); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **125 Vermont**. Violation(s) – Recycle storage, vehicle parts, glass, landscape, motorcycle parts, paint, unlicensed vehicle, debris, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 11/15/2018.

Ms. Angela Reed came forward and was sworn in.

Mr. Jackson stated the inspector is Steve Alderman and he reports the property remains in non-compliance and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Inspector Steve Alderman stated he spoke to the title company and they were supposed to close on the sale of the property but were waiting until today to see if a fine was imposed. He stated all that is remaining is that the house needs to be painted. He stated the new owner is aware and that he plans to tear off the current siding and install new siding so is waiting until the new siding is installed before he paints the house.

Ms. McLean stated once the respondent clears this meeting if there is no fine she will be able to close on the house.

Ms. Reed stated yes. She stated the attorney needs to make sure there are no liens or fines on the house before they can close. She stated the buyer, Scott, sent her a letter stating that was the reason they had not closed.

Mrs. Kuendig asked the respondent what was the reason they had not closed.

Ms. Reed stated because they were not certain she would not be fined.

Mr. Cino stated a fine would change the closing.

Mrs. Kuendig asked how it would change the closing if they postponed until next meeting. She stated the house was still in non-compliance.

Mrs. Kuendig asked if the property was cleaned up and Mr. Alderman stated yes.

Mr. Cino asked if the buyer was aware of the Code Violations.

Mr. Alderman stated he was aware and attended the last meeting.

Ms. Reed stated the buyer was at the last meeting and the title company is waiting to make sure there are no liens on the property before closing. She stated all that was left was just the painting.

Ms. McLean stated once the house closes and it changes hands, the buyer can start the work.

Mrs. Kuendig asked if the new owner would need to be re-noticed and the process would start over again.

Mr. Jackson stated his position was that they would not need to restart the notification as the purchaser is stepping into her shoes and has knowledge, by choice, of what needs to be done to correct the violations and bring the property into compliance.

Mr. Cino stated the buyer had appeared at a previous meeting and is aware so the Board is fine to continue.

Mrs. Kuendig stated he does not own the property yet.

Mr. Cino stated he has knowledge.

Mr. Jackson stated the Board can add the new buyer once the sale closes and he will be on notice.

Ms. Reed stated the new owner, who is a roofer, was having difficulty finding a surveyor and also needed a contractor for the electrical and siding and is asking for 60 days. She stated he will do additional work to make the house really nice.

Mrs. Kuendig stated the house would still be in non-compliance and they could not close tomorrow because they didn't have the survey.

Ms. Reed stated the violation was only for the painting and that the owner would need the survey to remove the old siding and install new siding before he paints which is over what was required to be done. She stated he would be putting in some new walls and new electrical.

Mrs. Kuendig asked if all of that work would need permitting.

Ms. Reed stated that it would need permits.

Mrs. Kuendig stated he doesn't want to paint the house.

Ms. Reed stated he could not paint it until the new siding went up.

Mrs. Kuendig stated that he does not have a survey yet.

Mr. Harrington asked if the buyer is doing this before the sale closes.

Ms. Reed stated yes but that he was having trouble finding someone to do the survey. She stated the surveyor has been hired but it will be 2 more weeks before he is able to come to the site. She stated the buyer would ask for 60 days.

Mrs. Kuendig asked the inspector if the City is recommending a \$100 per day fine.

Mr. Alderman stated due to the explanation and progress, and the title company notified him yesterday that they were frustrated with the delay in finding a surveyor so they are sending a surveyor from Hollywood Florida. He stated he is willing to give the respondent more time. He stated the respondent probably needed an additional 30 days with a progress report.

Mr. Cino stated she would need at least 60 days.

Ms. Robey asked the respondent if she planned to stay local and Ms. Reed stated yes.

Mr. Cino stated that if the Board gives the respondent 60 days and it does not close they will be back where they are now.

Ms. Reed stated the buyer will still be doing the work even if the sale does not close as a roofer.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Ms. Robey motioned the same with Mr. Harrington seconding. Motion was approved 4-0.

Mr. Cino asked Mr. Jackson if they would be adding the new owner to the case once it closed and he stated yes.

Mrs. Kuendig asked for motion to amend the order to include the addition of the buyer's name to the case once the sale closes. Ms. Robey motioned the same with

Mr. Jackson stated the City did not want to confuse the sale with the violations on the property and whether they sell it or not, they need to come into compliance. He stated they would just like notification when the property closes.

Mrs. Kuendig stated her understanding is they don't need to amend the motion and that it should remain requiring respondent to return next month.

Mr. Jackson stated yes and if there was someone else standing there we would work with that.

Mr. Cino stated the buyer could not be added to the Notice until the closing.

Ms. Robey stated they had waited because they had a fine looming before their close tomorrow and now they would be able to continue with the sale.

Mr. Jackson stated the reason for amending is not the sale but that they are making progress and getting it done by next month.

CASE # 17 - CEB 02-19-30 - Charles C. & Lorraine Buncombe is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.2, 304.7), at **408 Zelda Blvd.** Violation(s) – Maintenance responsibility, roofs and drainage. First Notified – 10/22/2018.

Charles Christopher Buncombe Jr. came forward and were sworn in.

Mr. Jackson stated the case is before the Board for the imposition of a fine and the inspector reports the property remains in non-compliance. He stated there has been no updated communication and the inspector is requesting a fine of \$100 per day to a maximum of \$10,000.

Mr. Alderman stated he spoke to him last week and the respondent said he was in no position to make any changes. He stated there had been no progress.

Mr. Buncombe stated he had spoken to a roofer but he does not have \$7,000 to pay them. He stated he makes \$800 a month and is trying to find a way to set up a payment plan.

Ms. McLean told the respondent he needed to stay in contact with the inspector.

Mr. Jackson stated the property is owner occupied and the City would like to see it repaired so is willing to give the respondent another month to come into compliance.

Mr. Harrington asked the respondent if his property was homesteaded.

Mr. Buncombe stated it was not. He stated it was homesteaded with his wife who is deceased. He stated it was homesteaded for his taxes.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mr. Harrington motioned the same with Ms. McLean seconding. Motion was approved 4-0.

CASE # 18 - CEB 02-19-29 - Mark Spritzler as Trustee of the Perfect World Programming Trust u/a/d September 8, 2017 is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S, at **117 S Grandview Ave.** Violation(s) – No permit/posted Stop Work Order (SWO). First Notified – 10/11/2018.

Mr. Steve Van Aernam, General Contractor and Certified Roofer, came forward and was sworn in.

Mrs. Kuendig stated a Mr. Headley, a Property Manager and now we have the contractor.

Mr. Jackson stated the Property Manager is in attendance.

Mr. Van Aernam stated that is correct.

Mr. Harrington asked the respondent if he has a contractor's license and he stated he was a Certified General and a Certified Roofing contractor.

Mr. Harrington stated the Notice was for not having a permit.

Mr. Van Aernam stated that had been remedied and that was old information.

Mr. Jackson stated Mr. Alderman reports the status of the property is they are real close to being in compliance and is asking to amend to the next cutoff to let them complete the job. He reminded the Board when it says no permit that means they need to obtain the permits for the work to be done and get it finalized.

Mrs. Kuendig asked the inspector if the permits had been issued.

Mr. Alderman stated they had issues with the previous contractor and Mr. Van Aernam came on board and pulled a new permit. He stated as Monday, the concrete had been re-poured and since then the project was almost completed.

Mr. Van Aernam explained the work he had performed and offered to provide photos to the Board.

Mrs. Kuendig asked the respondent when he expected to be finished.

Mr. Van Aernam stated he is waiting for the windows to come in and he would have the door frame built and in by Monday or Tuesday. He stated the interior is done but they had issues getting the engineering. He stated the existing joists in the floor were on dirt and had to be reengineered. He stated the Building Department has inspected and approved.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mr. Harrington motioned the same with Ms. McLean seconding. Motion was approved 4-0.

CASE # 19 - CEB 03-19-57 - James Carson Warters, Jr. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.2, 302.1, 302.7, 304.8, 304.10, 702.1), at **1700 N. Halifax Ave.** Violation(s) – Clear door access, storage on porch, landscape maintenance, paint structure, trash & debris, garage maintenance, roof repair, deck maintenance, outside storage - yard, porch and front of garage. First Notified – 11/6/2018.

Mr. James Warters came forward and was sworn in.

Mr. Jackson stated the inspector reports Mr. Warters is making good progress and is asking to amend to the next cutoff.

Mrs. Kuendig asked the inspector what needed to be done.

Mr. Alderman stated the respondent is doing the work himself and described the work that has been done. He stated he is doing a good job and needs to continue and finish the work.

Mr. Warters asked when the next cutoff would be and stated he wasn't sure if he would be done but is working as diligently as he can and will continue until the work is done.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Ms. McLean motioned the same with Ms. Robey seconding. Motion was approved 4-0.

CASE # 20 - CEB 03-19-68 - Nancy Lee Kelley & Barbara Ann Plentz & Toni Signoretti is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4.a, at **333 Boylston Ave.** Violation(s) – Parking on the grass. First Notified – 10/15/2018.

Respondent was not present.

Mr. Harrington asked if they had set a progress report for parking on the lawn.

Ms. Robey stated the respondent was putting in a driveway.

Mr. Jackson stated the case is before the Board for a progress report with a compliance date in June and the inspector reports that the permits were pulled in March but there has been nothing done.

Mrs. Kuendig asked the inspector if he was in contact with the respondent.

Mr. Alderman stated he went by there last week, nobody was there and that nothing done.

Mrs. Kuendig stated she remembers from a previous hearing that there was an illness in the family.

BOARD ACTION: No Board action was taken as compliance is already set for June 5, 2019.

CASE # 21 - CEB 03-19-69 - Chester E. Perkowski is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.19.A.2; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.8.G; Art. 6 Sec. 6.10.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 304.6, 304.7, 304.9), at **315 Silver Beach Ave.** Violation(s) – Illegal/Not valid signs, retainer wall damage, rotted overhangs, rotted mansard roof, rotted siding, overgrown property and damaged window (slider). First Notified – 12/11/2018.

Respondent was not present.

Ms. McLean asked if this was the case where the owner was going to demolish the office building.

Ms. Robey stated yes and that the respondent had to acquire financing.

Mr. Jackson stated the case is before the Board for a progress report and Inspector Alderman reports he hasn't heard anything from the respondent, no demo permit has been set and the compliance was already set for June.

BOARD ACTION: No action was taken as compliance is already set for June 5, 2019

NEW CASES:

CASE # 23 - CEB 05-19-86 - Charles L & Bertha J. Hogan is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8), at **806 Forest Ln.** Violation(s) – Repair roof damage, replace rotten fascia or trim & paint, clean or paint exterior walls & doors where there is dirt & grime; remove unlicensed or inoperative vehicle from the property. First Notified – 1/17/2019.

Ms. Bertha J. Hogan came forward and was sworn in.

Mr. Jackson stated that the inspector reports Ms. Hogan told him the case is in compliance as of this morning but he has not inspected yet. He stated the inspector is asking for a finding of non-compliance and if it is done, the property will be put into compliance.

Mr. Cino asked the respondent if she wanted to add anything.

Ms. Hogan stated the property was in compliance, her granddaughter lives in the house and she finished the painting last night.

Board Action: Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by June 5, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved 4-0.

CASE # 24 - CEB 05-19-91 - A Helping Hand, LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2 & 304.7), at **732 Mason Ave.** Violation(s) – Clean or paint exterior surfaces, repair missing roof materials. First Notified – 3/1/2018.

Respondent was not present.

Mr. Jackson stated the case is before the Board for a finding of Compliance or Non-compliance and the inspector is Barbara Collins. He stated the inspector reports the property is in non-compliance and is asking for the next cutoff to bring the property into compliance.

Barbara Collins, Code Inspector, stated she was originally dealing with the tenant and stated the owners had also been cited for failure to obtain a Business Tax Receipt (BTR). She stated the tenant is responsible for doing it but he does not have funds so she spoke to the owner and told him he was responsible. She stated she is asking for a finding of Non-compliance and to amend to the next cutoff.

Board Action: Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by June 5, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Mr. Harrington motioned the same with Ms. Robey seconding. Motion approved 4-0.

CASE # 25 - CEB 05-19-95 - Jerlene P. Stiggons is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.4, 304.5, 304.6, 304.7, 304.13, 304.13.2, 304.14, 304.15, 305.1.1, 305.2, 305.3, 305.6, 604.3.2), at **1124 Lakewood Park Dr.** Violation(s) – Exterior structure members, foundation walls, exterior walls, roof & drainage, windows, door, frames, openable windows, insect screens, interior structure - unsafe conditions, interior structural members, interior surfaces, interior doors, abatement of electrical hazards with fire exposure. First Notified – 2/28/2019.

Ms. Jerlene Stiggons came forward and was sworn in.

Mr. Jackson stated the case is before the Board for a finding of Compliance or Non-Compliance. He stated the inspector, Tom Clig, reports the property is in non-compliance and was fire damaged. He stated on March 1, 2019 the property was condemned by the Chief Building Official and the inspector is asking for a finding of non-compliance and until the next cutoff to bring the property into compliance.

Mr. Clig stated the roof had collapsed. He stated he spoke with the owner once and she told him she was waiting for her taxes for repairs and needs to be demolished.

Mr. Keundig asked the respondent if she lives there.

Ms. Stiggons said she did not live there and stated that she had a Senior Program with the City and they had remodeled the property in 2017 but the storm came and damaged it. She stated when she came up here after the fire, they told her it was her responsibility to fix the roof. She stated the cost to fix the roof was about \$5000. She stated someone had stolen her identity and that she did not have the funds to fix it. She stated she has an appointment on the 16th for approval with her credit. She stated she filed an appeal with the Building Board.

Mrs. Kuendig asked the respondent if the building was going to be demolished and if she needed a permit and Ms. Stiggons responded yes.

Ms. Stiggons stated that she had a list of demolition companies.

Mr. Clig stated the demolition permit would take about 60 days and he is willing to give her the time.

Board Action: Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by July 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved 4-0.

CASE # 32 - CEB 05-19-90 - Sandi & Jeff Sage is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Ref. FBC Supp. IPMC (304.2, 304.6, 304.7, 304.9, 304.13, 304.13.2, 304.15, 704.2; 304.13.1), at **738 N. Grandview**. Violation(s) – Broken windows, window frames and door frames, hole in wall, peeling paint, ceiling damage, roof leak, roof perimeter (entrance), windows inoperable, screens, hot water heater wiring, smoke detectors, exterior mold. First Notified – 12/17/2018.

Respondent was not present.

Mr. Jackson stated the case is before the Board for a finding of Compliance or Non-compliance and the inspector reports the property remains in Non-compliance and is asking for the next cutoff to come into compliance. He stated the inspector has had no contact with the respondent since January and that nothing has been done.

Mr. Alderman stated he had lost the pictures so the Board will not be able to see the property. He stated the violations smaller interior stuff since it is partially rental and structural maintenance. He stated he heard the owner may want to sell because he is getting older.

Board Action: Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by June 5, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Mr. Harrington motioned the same with Mr. Harrington seconding. Motion approved 4-0.

CASE # 34 - CEB 05-19-96 - Melissa A. Chaney is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.6.2.H.7.a.i, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **316 Fletcher Ave**. Violation(s) – Outside storage, off street parking, junk vehicles, failure to obtain

Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/28/2019.

Respondent was not present.

Mr. Jackson stated the case is before the Board for a finding of Compliance or Non-Compliance and the inspector is John Stenson. He stated the inspector reports the property remains in Non-compliance. He stated the case was complaint driven and is asking for the property to be brought into compliance by the next cutoff.

Mr. Cino asked the Board Secretary if service was done on the property and Ms. Barnes stated it was posted by the Inspector.

Mrs. Kuendig asked the inspector if this was a rental property.

Mr. Stenson stated it is a rental property and he has had no contact with the respondents. He stated he posted the Notice of Violation and the Notice of Hearing on the property.

Board Action: Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by June 5, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. McLean motioned the same with Mr. Harrington seconding. Motion approved 4-0.

CASE # 35 - CEB 03-19-66 - Christopher J. Higgins is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **175 Centennial Ln.** Violation(s) – Driveway installed without a permit. First Notified – 11/30/2018.

Mr. Christopher Higgins came forward and was sworn in.

Mr. Jackson stated the case is before the Board for a finding of Compliance or Non-compliance and the inspector reports the property remains in Non-compliance. He stated there was a permit which expired in December of 2018 for the installation of the driveway. He stated he needs a right-of-way agreement prior to inspection. He stated the respondent is working on it and the inspector is asking for a finding of Non-compliance and to amend to the next cutoff.

Mr. Higgins stated he received the paperwork to reinstate the permit today.

Mr. Jackson stated he needs to re-establish the permit and get it finalized.

Mr. Higgins stated the permit was pulled and the driveway was finished 8 years ago but the permit was never closed out by the contractor. He stated it was originally supposed to be concrete but he installed pavers.

Board Action: Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by June 5, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Ms. McLean seconding. Motion approved 4-0.

Mrs. Kuendig asked if there was any Miscellaneous Business and there was none.

The meeting was adjourned at 11:05 a.m.