

Code Enforcement Board of Indian River County
ORDER FINDING VIOLATION

IN THE MATTER OF:

Case No. 2022050078

SCHROER, NANCY and HERB
510 BROOKEDGE TER
SEBASTIAN, FL 32958

TENANTS
7985 100TH AV
VERO BEACH, FL 32967

, Respondents

RE: VIOLATION of the Code of Laws and Ordinances of Indian River County, Florida.

DESCRIPTION OF SITE OF VIOLATION:

Location: 7985 100TH AV VERO BEACH
Tax Parcel ID No.: 31-38-33-00003-0050-00009.0
Zoning: RS-3
Legal Description: VERO LAKE ESTATES SUB UNIT L BLK E LOT 9 PBI 5-86

THE CODE ENFORCEMENT BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A HEARING HELD JUNE 27, 2022, AND BASED ON THE EVIDENCE, THE CODE ENFORCEMENT BOARD HAS ADJUDGED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSION OF LAW

1) Respondent is the legal owner and/or occupant of the subject property, and was duly notified of the hearing, in accordance with Chapter 162, Florida Statutes. The following Respondent(s) or respondent representatives were present at the June 27, 2022, Code Enforcement Board meeting:

Cathie Keller & Christopher Keller

2) The subject property is zoned RS-3. The following violation(s) exist on the subject property:

- ALTERATION OF RIGHT-OF-WAY WITHOUT VALID PERMIT [placement of fill and structures in the R.O.W./Easement without a permit or approval]
- ILLEGAL STRUCTURE IN COUNTY R.O.W. OR EASEMENT [construction of a fence, wall, driveway in the R.O.W./ Easement without a permit or approval]
- ENCROACHMENT/OBSTRUCTION IN R.O.W. OR EASEMENT [placement of fill, structures, and drainage improvements in the R.O.W./ Easement without a permit or approval]
- NO BUILDING PERMIT, VIO. OF FLA. BUILDING CODE [construction of a fence, wall, driveway, and accessory building without required building permits]
- ZONING DISTRICT USE VIOLATION [construction of an accessory dwelling unit without site plan approval]

3) The above described is a violation of the following Section(s) of the Code of Laws and Ordinances of Indian River County:

Code Chapter/ Section

- CHP 312 / .06(1)(A)
- CHP 312 / .06(1)(B)
- CHP 312 / .06(1)(C)
- FBC 105 / 105.1 FBC
- CHP 911 (ZON) / .04(2)(C)

ORDER
(Case No. 2022050078)

1. **IT IS THE ORDER OF THIS BOARD** that the Respondents shall comply with the herein cited sections of the Code of Laws and Ordinances of Indian River County, Florida, **on or before JULY 11, 2022, & SEPTEMBER 23, 2022, (hereinafter compliance date)**, by taking the following actions:

By July 11, 2022, submit & obtain permits for any unpermitted improvements (fence/shed structure) or obtain demolition permits to remove all unpermitted improvements from the County right-of-way and on the property and;

By September 23, 2022, relocate the fence from County right-of-way and easement and get final inspections. Relocate shed structure to conform with County code or remove shed and get final inspection. Remove all unauthorized fill, driveway, and drainage improvements from the County right-of-way/Easement and restore the right-of-way/Easement back to its original condition

Respondents shall not use, or permit the use of, said property in violation of the cited code sections at any time thereafter. **If the violation continues beyond or recurs after the specified compliance date, a fine up to \$250 per day for each day of noncompliance shall be imposed.**

2. **UPON COMPLIANCE, RESPONDENT SHALL NOTIFY THE CODE INSPECTOR** at 1801 27th Street, Vero Beach, Florida 32960, Telephone (772) 226-1249, who shall inspect the property and advise the Code Enforcement Board as to the correction of the violation.

3. **IF RESPONDENT HAS NOT ABATED OR CORRECTED THE VIOLATION** on or before the compliance date, **THIS BOARD SHALL RECONVENE in the Commission Chambers of County Administration Building A, 1801 27th Street, Vero Beach, Florida at 2:00 p.m. on Monday, JULY 25, 2022, & SEPTEMBER 26, 2022,** to hear further evidence on the issue of compliance and to impose a fine amount up to \$250 per day for each day the violation continues beyond the compliance date. **RESPONDENT IS HEREBY FURTHER NOTIFIED TO REAPPEAR** before this Board for such compliance hearing, at the aforesaid time and place, **UNLESS THIS MATTER HAS BEEN SATISFACTORILY RESOLVED AND THE CODE INSPECTOR HAS BEEN DULY NOTIFIED** and has acknowledged correction of the violation.

4. **REPEAT VIOLATIONS:** A repeat violation of the same Code provision by the violator, even if committed at a different location, can result in the issuance of a notice of violation, without an opportunity to correct, and a hearing before the Code Enforcement Board resulting in imposition of fines of up to \$500.00 for each day the repeat violation continues, beginning with the day the repeat violation is found by the Board to have occurred. *Rf. F.S. 162.04(5); 162.06(3); 162.09(1) and (2)(a).*

5. **BE ADVISED THAT** in accordance with County Code Section 973.04, **if the Code Enforcement Board determines at the compliance hearing that the violation(s) constitute a public nuisance posing a serious threat to public health, safety and welfare or if the violation is irreparable or irreversible in nature,** then the Board shall advise the County, no sooner than 30 days after the compliance hearing, to enter onto the property and abate the nuisance, with costs of the abatement to be recorded as a lien against the property.

TAKE NOTE THAT ANY FINE IMPOSED BY THIS BOARD AGAINST YOU CONSTITUTES A LIEN AGAINST THE REAL PROPERTY ON WHICH THE VIOLATION EXISTS AND UPON ANY OTHER REAL OR PERSONAL PROPERTY WHICH YOU OWN. YOUR CONTINUED NONCOMPLIANCE MAY RESULT IN FORECLOSURE, JUDICIAL SALE AND LOSS OF YOUR PROPERTY. THEREFORE, IF FOR ANY REASON YOU ARE UNABLE TO COMPLY WITHIN THE STATED TIME, PLEASE NOTIFY THE CODE INSPECTOR IMMEDIATELY.

DONE AND ORDERED JUNE 27, 2022, in open session at the County Commission Chambers of County Administration Building A, 1801 27th Street, Vero Beach, Florida.

EXECUTED by the Chairperson of the Indian River County Code Enforcement Board, and attested and countersigned by the Recording Secretary of such Board this _____ day of _____, 2022.

ATTEST: _____
Lisa Plesnarski
Recording Secretary

Dana DiFrancesco, Chairperson
Indian River County Code Enforcement Board

Copy furnished to: Respondent
Code Officer DAPHNE DRISKELL

REVIEWED AS TO LEGAL FORM:

Ryne Hartt
Board Advising Attorney