

6 Sec. 6-900 (b) (1) a-d and Parking in Yard, Ch. 6 Sec. 6-900 (b) (9) of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on October 5, 2023 and property owner remains in violation.

Motion by Mr. Davis seconded by Ms. Hughes, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

6. CE-23-451 – 1056 Bellefonte Ave.

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner is in violation of **Permit Required, App A. Art. XV Sec. 2 (a), Storage of Rec. Vehicles, App A Art. XIII Sec. 14 (a-d) and Storing Outdoors, Ch. 6 Sec. 6-900 (b) (11)** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on October 5, 2023 and property owner remains in violation.

XXII. Permit Required App A Art. XV Sec 2 (a) \$50.00

Motion by Mr. Davis seconded by Ms. Hughes, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

NEW BUSINESS

None

FORECLOSURE:

None

LIEN REDUCTIONS

1. CE-19-1157 – 1221 Cypress Ln

Taken off. Property was not in full compliance.

2. CE-12-234 – 411 Thomas Ave.

The Code Enforcement Board held a public hearing on **5/17/2012**, at which time the Board found the owner, **Maximo Pean Trustee** in violation of the following:

- **Storing Junk, Sec 6-900 (b) (11)**
- **Pool Enclosures, Sec. 6-1002 (b)**
- **Pools and Spas, Sec. 6-1002 (a)**

The Code Enforcement Board provided the owner sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a Non-Compliance Hearing was held on **6/21/2012**.

The lien ran at **\$250.00** per day from **5/24/2012** until compliance was achieved on **10/29/2023**. Code records show onsite inspections were conducted by Officer's Dreiling, Murdick and myself. The case was closed leaving a fine of **\$125,539.80**. The current owner, **Hanson Asset Group LLC**, is requesting that the lien be reduced to **Cost of Staff**.

Staff utilized the following factors in making its recommendation to reduce the lien:

- Whether the current owner owned the property at the time the violation(s) occurred; **No**
- Applicant resides at the property: **No, this is a rental property**
- The number of violations related to the subject lien; **Three**
- Number of Inspections performed: **6**
- Property Taxes: **The taxes were paid this morning and are now paid through 2023**
- Other Liens: **Records show no outstanding liens on the property. No Water Liens**
- Property Inspection: **The property was inspected this morning, October 19, 2023 and was in compliance before the Code Board Hearing. An inspection will also occur prior to the Council Meeting**

The current market value of the subject property; the current market value is **\$126,270.00** according the Brevard County Property Appraiser as a **Single-Family Residence**. Property was cited with a home.

Staff submits their cost sheet and the in the total amount of **\$1,200.03**

Staff's recommendation is that the fine/lien be reduced to **\$1,200.03** which is the cost of staff to prosecute this case. This reduction is based on the gravity of the violations, the length of time it took the property to come into compliance, and the total amount of the City's Cost.

Property owner was sworn in: Joel Hanson, 2215 Humble Ave, MN

Mr. Davis had questions about the fine and pictures. Manager Bunt explained the pictures in Laserfiche were illegible and dark. Manager Bunt said most of the cases from 2007-20012 the fines seem to run high. Manager Bunt explained that he believed it was for the pool and pool enclosure that was down. Possible that it was a life safety issue. Mr. Hanson said he thought the first lien was on the previous owner and didn't know it existed. The second lien he had a property manager that was supposed to keep him informed. Said he wasn't aware when he looked at the pictures. Manager Bunt explained Mr. Hanson was talking about the 2020 case running lien. Mr. Hanson purchased the property in a tax deed sale in 2012 and was not aware of the running lien at the time of purchase. Attorney Babb-Nutcher asked Mr. Hanson if he did title work. Mr. Hanson stated he did not. Mr. Davis explained the process once Code Board makes their recommendation. Attorney Babb-Nutcher explained they needed to be heard separately. *More discussion amongst the Board members and staff.*

Motion by Ms. Hughes, seconded by Ms. Scott, to approve staff's recommendation of staff's cost to City Council and the lien reduction be in the amount of one thousand two hundred dollars and three cents (**\$1,200.03**). Vote on the motion carried unanimously.

3. CE-20-708 – 411 Thomas Ave.

The Code Enforcement Board held a public hearing on **1/21/2021**, at which time the Board found the owner, **Hanson Asset Group LLC** in violation of the following:

- **Parking in Yard, Sec. 6-900 (b) (9)**
- **Storing Outdoors, Sec. 6-900 (b) (11)**

The Code Enforcement Board provided the owner sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a Non-Compliance Hearing was held on **3/18/2021**.

The lien ran at **\$50.00** per day from **2/21/2021** until compliance was achieved on **1/6/2022**. Code records show onsite inspections were conducted by Officer's **Murdick and myself**. The case was closed leaving a fine of **\$15,950.00**. The current owner, **Hanson Asset Group LLC**, is requesting that the lien be reduced to **Cost of Staff**.

Staff utilized the following factors in making its recommendation to reduce the lien:

- Whether the current owner owned the property at the time the violation(s) occurred; **Yes**

- Applicant resides at the property: **No, this is a rental property**
- The number of violations related to the subject lien; **Two**
- Number of Inspections performed: **20**
- Property Taxes: **The taxes were paid this morning and are now paid through 2023**
- Other Liens: **Records show no outstanding liens on the property. No Water Liens**
- Property Inspection: **The property was inspected this morning, October 19, 2023 and was in-compliance before the Code Board Hearing. An inspection will also occur prior to the Council Meeting**

The current market value of the subject property; the current market value is **\$126,270.00** according the Brevard County Property Appraiser as a **Single-Family Residence**. Property was cited with a home.

Staff submits their cost sheet and the in the total amount of **\$2,317.19**

Staff's recommendation is that the fine/lien be reduced to **\$2,317.19** which is the cost of staff to prosecute this case. This reduction is based on the gravity of the violations, the length of time it took the property to come into compliance, and the total amount of the City's Cost.

Property owner was sworn in: Joel Hanson, 2215 Humble Ave, MN

Mr. Davis asked about the violations since Mr. Hanson was the property owner. Mr. Hanson stated he had a property manager taking care of the property as he lives in another state. He said he was unaware of the violations since he had a property manager. Mr. Davis explained that it was almost year to come into compliance. Manger Bunt explained that Mr. Hanson's son lived at the property and had the violations corrected. Mr. Hanson applied for a lien reduction and started renovations without a permit. That is why it took another year to come before the Board. *More discussion amongst the Board members and staff.*

Motion by Mr. Davis, seconded by Mr. Simpson, to approve staff's recommendation of staff's cost to City Council and the lien reduction be in the amount of two thousand three hundred seventeen dollars and nineteen cents (**\$2,317.19**). Vote on the motion carried unanimously.

Manager Announcements:

Manager Bunt had a quick announcement that he wanted to let the Board know that Officer Buonocore will be leaving Code Enforcement. He has accepted a job in another jurisdiction. This will be his last meeting.

OTHER BUSINESS:

None

Mr. Silva wanted to talk to the Board about his lien reduction. Attorney Babb-Nutcher explained that no other cases were on the Agenda. Mr. Silva stated he was last on the Agenda and he thought he was taken off of the agenda because he was late. Mr. Silva still wanted to talk and explain that he has been trying to get a lien reduction for 3 years and get on the agenda. Mr. Silva stated he found out today that he was removed. Mr. Davis asked if he was for the address 1221 Cypress lane and stated they could not hear the case. Mr. Silva continued to ask to be heard even after being told he was taken off of the agenda. Attorney Babb-Nutcher said it was her understanding that it was removed from the agenda because it doesn't qualify for a lien reduction before the board because there were still pending violations on the property. Mr. Silva continued to explain about his tenant called about the toilet being clogged. Mr. Silva sent out a handyman to take care of the blockage. The handyman dug up the front yard. Code Enforcement was driving by and seen work being done. Code Enforcement Officer stopped and took pictures of the work being done on the property and stated that the work needed to be permitted. Mr. Silva stated he was responding to an emergency. Mr. Silva continued to speak about the property and said it has been 2 years he has been trying to get on the agenda. Mr. Silva said he wanted a chance to be heard. Manager Bunt explained the city code for a lien reduction clearly states that the property must be in full compliance. Manager Bunt stated Mr. Silva has been trying like Mr. Hanson was however violations existed on the property. We cannot move the lien reduction forward with existing violations on the property. Mr. Silva was all set to go but like Mr. Hanson he had property tax issues he corrected. He was kept on the agenda then the plumbing issue happened. Code took into consideration it was an emergency but the Building Official said for him to keep it uncovered for inspection and apply for a permit. Mr. Silva did neither and he closed the hole. Manager Bunt explained that the person that did the work was an unlicensed contractor and because it's a rental property he must have a licensed contractor. It was taken off of this meeting so he could correct all of those problems so he could come back in November. Mr. Silva's problems are all because he does not meet the requirements of a property being in full compliance of all city codes. Once he does this he can come before the Board. Now he needs to get a permit for the work to the sewer line going to the house and get that taken care of he can come before the next Board meeting. Mr. Silva said why don't you hear me out if its ok with you and then let the next Board decide. Mr. Silva said just hear me out. Attorney Babb-Nutcher said the issue to go ahead and hear your case now and you're not qualified for a lien reduction they are going to deny it. Then you would be

prohibited from seeking another lien reduction for 1 year. Mr. Davis stated it was not in his best interested to be heard today. Manager Bunt spoke with Mr. Silva's office person and explained to her that Code was not trying to keep her from the Board. Mr. Silva made a comment. You are. Mr. Silva continued to speak and say it has been 3 years and he had pictures as he continued to interrupt Manager Bunt. Manager Bunt explained to the office person if the Board asks the question are they in full compliance and he says no they will deny you then you will have to wait another year. Manager Bunt said its better in the next 10 days to get the permit issue taken care of. Then come to the November Board and get your lien reduction. Mr. Davis said it is better to wait 30 days then a year. Mr. Silva explained that at least you got to know me today. You will see me in 30 days hopefully if they allow me to.

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on November 16, 2023.

ADJOURNMENT:

There being no further business the meeting adjourned at 8:33P.M.

Approved on this _____ day of _____, 2023.

George Brown, Vice Chairman

Darla Crowl, Recording Secretary