



Legislation Details (With Text)

**File #:** 24-306      **Version:** 1      **Name:**

**Type:** Report      **Status:** Agenda Ready

**File created:** 5/21/2024      **In control:** City Council

**On agenda:** 7/9/2024      **Final action:**

**Title:** Approve the current lien for the property located at 215 Riverside Dr to \$50,000.00, as recommended by the Code Enforcement Board. On August 17, 2023 the property owner was found to be in violation of: Permit Required, App. A Art. 15 Sec. 2 (a) (d); For the unpermitted alterations to the windows, exterior walls, plumbing, and door. The fine period was from July 5, 2023 to December 27, 2023 (5 Mos.) and the lien ran at \$500.00 per day leaving (repeat violation) leaving a total fine balance of: \$87,510.00. (Police Chief)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1. Council Staff Report(2).pdf, 2. Cost Aff -215.pdf, 3. LR App.pdf, 4. BCPAO.pdf, 5. 2. Rpt NOH.pdf, 6. 2. Rpt NOH (2).pdf, 7. Facts 18-620.pdf, 8. CE-18-620 Order.pdf, 9. 5. Order.pdf, 10. BCPAO(2).pdf, 11. Perm(2).pdf

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**CITY COUNCIL AGENDA ITEM**

**Memo Date:** May 21, 2024  
**Agenda Date:** July 9, 2024  
**Prepared By:** Darla Crawl, (Code Enforcement Coordinator)  
**Through:** Evander Collier, IV (Police Chief)

**Requested Action:**  
 Approve the current Code Enforcement Lien for the property located at *215 Riverside Dr*, be reduced to *\$50,000.00* as recommended by the Code Enforcement Board.

**BACKGROUND:**

**CASE # 23-767**

**Code Enforcement Offense:** The owner, *Parkside Properties LLC*, was found to be in **repeat violation** of "*Permit Required App. A Art. 15 Sec. 2 (a)*" by the Code Enforcement Board during a public hearing held on *August 17, 2023*.

**Violation Details:**

- **Type:** Repeat Violation
- **Penalty Imposed:** \$500.00 per day
- **Duration:** From 7/5/2023 to 12/27/2023
- **Total Fine:** \$87,510.00

The Code Enforcement Board at the regular meeting *March 21, 2024*, recommended that the fine be reduced to **\$50,000.00**.

**Lien Reduction Request:** *Parkside Properties LLC* is requesting a reduction of the lien to cover only the Cost of Staff **(\$2,531.31)**.

Approve the current Code Enforcement Lien for the property located at *215 Riverside Dr*, be reduced to **\$50,000.00** as recommended by the Code Enforcement Board

**Factors Considered for Lien Reduction (Section 6-707 of the City Code):**

1. The gravity of the violation
2. The time in which it took the violator to come into compliance
3. The accrued amount of the code enforcement fine or lien
4. Any previous or subsequent code violations
5. Any financial hardship
6. Any other mitigating circumstance which may warrant the reduction or satisfaction of the penalty or fine

**Staff Assessment and Findings:**

- **Ownership at Time of Violation:** Yes, the current owner owned the property when the violations occurred.
- **Residency:** The property is used as an apartment rental, not as a residence by the applicant.
- **Number of Violations:** One
- **Number of Inspections:** 17
- **Property Taxes:** Paid through 2023
- **Other Liens:** No outstanding liens, including water liens
- **Property Condition:** Inspected on *July 9, 2024*, and found in compliance before the Code Board Hearing; another inspection will occur prior to the Council Meeting.
- **Current Market Value:** \$903,650 (Brevard County Property Appraiser, categorized as Low-Rise Apartments)
- **Staff Cost:** \$2,531.34

**COUNCIL PROCEDURE:**

After a recommendation is rendered by the Code Enforcement Board, the city council may:

- Approve
- Approve with conditions
- Deny the application to satisfy or release the lien

If approved with conditions, the satisfaction or release of the lien will not be prepared or recorded until the conditions are met. The violator has thirty (30) days to comply with the conditions. Failure to comply will result in automatic denial of the application. If denied, or automatically denied due to non-compliance, the violator is barred from reapplying for a reduction or forgiveness of the lien for one year from the date of denial.

**PRIORITY AREA CONNECTION:**

Public Safety/Community Standards.

**BUDGETARY IMPACT:**

Budgeted	N/A
If not budgeted, is amendment/transfer attached?	N/A

**PREVIOUS ACTION:**

City Council at the regular meeting April 23, 2024, recommended that staff research the claims of the Property Appraiser's Office changing the listed mailing address.