



CODE ENFORCEMENT BOARD MINUTES: WEDNESDAY, MARCH 3, 2021

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, March 3, 2021 in the Council Chamber of the Florence Government Center with Code Enforcement Board Chairman, Jim Johnson presiding.

CALL TO ORDER & ROLL CALL:

Chairman Johnson called the meeting to order and requested a roll call. Present were the following five (5) Board members: David Spille, Lance Howard, Rick Rowland, Bill Sharp, and Jim Johnson.

Also present: Hugh O. Skees, Attorney; Brandi Roundtree, Assistant City Clerk; Jeremy Kleier, Community Services Superintendent; Mike Macaluso, Code Enforcement Officer; Brian DeCarlo, Code Enforcement Officer; David Rose, Code Enforcement Officer; Rodney Deno, Code Enforcement Officer; Randy Childress, Fire Marshal and Chris Billiter, Police Sergeant. In the audience: Christopher and Melanie Siler, contesting; Ryan Simmons, contesting, Sean Miller, contesting; Kevin Lubrano, contesting; Steve Hicks, contesting; Gina Smith, continued case; John Sedenberg, contested case; Caitlin Roberts, continued case.

APPROVAL OF MINUTES:

Chairman Johnson called for a motion to approve the minutes of the February 3, 2021 meeting of the Code Enforcement Board. Board Member Sharp motioned to accept the minutes as read with a second from Board Member Howard. **Motion carried by unanimous vote.**

SWEARING IN:

The Code Enforcement Officers were sworn in by Chairman Johnson.

CONTESTED CASES (5):

**Contested Case # 2021-44-ZG
8694 Eden Court**

**City of Florence vs. Christopher & Melanie Siler
Citation # DR-2021-10**

Officer Rose presented the case as follows: Boone County Zoning Regulation ZG-3655 states "No fence can be located in a public right of way, front yard, corner side yard or an area which will obstruct the triangle sight line for any motorist or pedestrian." On 1/21/21 Officer Rose observed fence located in side yard of corner lot, courtesy notice was sent. 1/26 Spoke with Mr. Siler regarding the violation, offered to send another courtesy notice in March to allow more time to come into compliance. Same day, received an email from Steve Egbers, Associate Property Manager with Vertex Professional Group. Mr. Egbers stated that even though Mr. Siler received approval from the Home Owners Association for the fence, the approval letter stated- "please be advised that you may need to obtain the proper building or zoning permits through the city or county as the association approval does not affect those permits." Mr. Siler stated that he reached out to the City of Union and was informed that they do not require permits. Officer Rose confirmed that a permit is not needed for a fence; however, the fence must meet all other code requirements. 1/28, Mr. Siler called and informed Officer Rose that he received a permit for his fence when he had his pool installed. Officer Rose explained that the permit was for the pool and not the fence. Mr. Siler informed Officer Rose that a member of City Council informed him that he should take his permits to a Code Board meeting. Officer informed Mr. Siler there had not been a citation issued at that time. Mr. Siler requested a hearing for the March Code Board meeting. 2/1, Community Services Superintendent Kleier explained to Mr. Siler a citation was required. 2/2, first citation was issued. 2/4, received pictures of the pool permit, HOA approval letter, pool inspection, and gas line via email. 2/23, a follow up inspection occurred, no change. At this time, the property is not in compliance.

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Christopher and Melanie Siler appeared on behalf of their case. Mr. Siler stated that at the time the fence and pool were installed, he thought they lived in the City of Union. They thought they were doing their due diligence by checking with the City of Union, their Home Owners Association, and Boone County regarding permits and zoning regulations. Their gas line runs along the fence and if they move their fence, it would interfere with the gas line to the heated pool. Moving their fence would also create a financial hardship. Mrs. Siler stated that the trees block more of the sightline than the fence. She reiterated that they believed they went through all of the proper channels by checking with the City of Union and Boone County. She inquired as to why it took a year and a half for someone to say that their fence is in the wrong place.

Chairman Johnson stated the City of Union should have informed them that their property was not located within the city limits of Union. Furthermore, the fence company should have also informed them that they had to have the fence installed by the current zoning code in Florence.

Mr. Siler requested an exception for their fence. Chairman Johnson stated the Code Board is not able to issue a variance. The Code Board is only able to provide more time to move the fence and come into compliance.

Mr. Siler requested six months to allow them time to move the fence. Mr. Spille motioned to continue the case to the September hearing. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

Mr. Siler questioned if he could obtain a permit with Boone County for the fence. Mr. Skees informed Mr. Siler that he would need to apply for a variance with the Boone County Board of Adjustment.

Chairman Johnson instructed Mr. and Mrs. Siler to call Officer Rose once the property was in compliance to be placed on the next Code Board Agenda to request dismissal of the fine.

Contested Case # 2021-21-ZG
44 Creekside Drive
Contested by: Ryan Simmons

City of Florence vs. Doug Simmons
Citation # DR-2021-05 & DR-2021-07

Officer Rose presented the case as follows: 12/3/20 observed two trailers in the back yard, sent courtesy notice. 12/11/20 follow up inspection completed, no change. 12/14/20 received call from Doug Simmons stated trailers should be moved by the end of December. 12/21/20, 12/31/20, & 1/8/21 follow up inspections completed, no change. Mr. Simmons called the week of 1/8 stating the trailer would be moved. 1/15 inspection completed, no change, first citation issued. 1/26, second citation issued. 1/27 Mr. Simmons requested to contest the citations. Trailer has been moved and the property is now in compliance as of 3/3.

Ryan Simmons appeared on behalf of his father, Doug Simmons, and stated he agrees with Officer Rose. Mr. Simmons stated it took so long to have the trailer moved due to the weather. Mr. Sharp motioned to dismiss the citations. Mr. Howard followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2020-425-PM
287 Merravay Drive
Contested by: Sean Miller

City of Florence vs. Evelyn Vice
Multiple Citations

Officer Macaluso presented the case as follows: 8/13/20 received a complaint from resident that the property is in disrepair and wanted to know the process of code enforcement. Resident gave Officer Macaluso access to their backyard to observe the disrepair at the property located at 287 Merravay Drive. Officer Macaluso observed shed in disrepair, peeling paint, trash and debris, overgrown landscaping, and car in disrepair in front driveway. First courtesy notice sent. 9/9/20 no change, observed additional high weeds and grass; received another anonymous complaint. 11/25/20 inspection completed, issued first citation; 1/18 second citation issued; 1/28 third citation issued. 2/2 received call from Mr. Miller wanting to contest the citations and requesting a call from Community Services Superintendent Kleier. Mr. Kleier was unable to make contact with Mr. Miller. Inspection completed on 3/2 shed has a hole in it; peeling paint on the front door and soffit; peeling paint on trim around the house; car is still in disrepair; and there is a truck with bags of garbage in the bed of the truck.

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Sean Miller appeared on behalf of Evelyn Vice and stated that he did paint the barn and he is working on completing repairs to come into compliance. Mr. Miller stated that he is currently living in the house and is in the process of purchasing the house from the current owner. Mr. Miller stated the garbage in the truck is from cleaning up around the house and he planned on removing the garbage today. He does not pay for garbage service. Mr. Miller also explained that he works from 6:00 am to 6:00 pm and has trouble contacting the Code Officer during business hours. Mr. Miller requested Officer Macaluso walk through the property with him to identify all violations to be sure all necessary repairs are completed. Mr. Miller requested time to complete repairs and have the car sold and moved out of the driveway. Mr. Spille motion to continue the case to the May meeting. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2021-46-ZG 8403 Stratford Court

City of Florence vs. Kevin Lubrano Citation # DR-2021-12

Officer Rose presented the case as follows: The fence on the property is in an improper location. 1/28 courtesy notice issued. Spoke with Mr. Lubrano on 2/2. Mr. Lubrano requested a citation to be able to come to code board. Citation issued on 2/3.

Kevin Lubrano appeared and stated he is not disputing whether or not his fence is violating the code. Mr. Lubrano stated he did not understand the logic behind the zoning code, because when he parks his car in his driveway, it also blocks the line of sight. He further stated he purchased the house in January 2020 and the fence was there when the house was purchased. The fence was built in 2013 and he wanted to know what his options were. Mr. Lubrano requested clarification where it stated that the fence is not permitted in the side yard.

Officer Macaluso read the Boone County Zoning Regulations: "Section 3655 Fences: subsection # 5 Fences shall be permitted within the front and corner side yard (City of Florence only) according to the following standards:

- a. Fences in front or corner side yard areas may only be constructed on property located on a corner lot in an Industrial One (I-1) zone."

Mr. Lubrano requested time so that he can come into compliance. Mr. Howard motion to continue the case to the September meeting. Mr. Rowland followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2015-464-PM 306 St. Jude Circle

City of Florence vs. Steve Hicks Citation # DS-2015-234 & DJ-2015-127

Case has been previously ruled upon. Community Services Superintendent Jeremy Kleier requested the case be reopened. Mr. Rowland made a motion to reopen this case. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

Community Services Superintendent Kleier presented the case as follows: Case is six years old. Previous citations issued for high weeds and grass and front door trim in disrepair. Case began in August of 2015, and violations not corrected until September 2016. As of this time, the violations for these citations are in compliance. However, there is a current violation with his fence being in disrepair at this time. A courtesy notice has been sent to the property.

Steve Hicks appeared and stated his son was living at this property when the citations were issued. He is a disabled veteran and was not doing well; therefore, at the end of 2015, he moved his son out of the house. Mr. Hicks was unaware that there were any citations or liens filed against his property. Once his son moved out of the house, his daughter moved in, and completed repairs on the house. The house was put up for sale in August of 2020. Mr. Hicks currently has a buyer and they are waiting on the outcome of the hearing to proceed with the sale. Mr. Hicks stated that the fence slats have been removed, but the posts are still there. The buyers requested Mr. Hicks to leave the posts to allow them to repair the fence once they move into the property.

Chairman Mr. Johnson stated that the posts would have to come down or the fence be repaired to be able to dismiss or reduce any fines on this property. Mr. Rowland inquired if the fence violation was included with the original citations. Mr. Kleier clarified that there has been no citation issued for the fence violation, only a courtesy notice was sent.

Mr. Howard motioned for the files and liens be dismissed with the exception of the city expense in the amount of \$72.00. Mr. Rowland followed with a second. **Motion carried by unanimous vote.**

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PARKING CASES: (12) PAID (2)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-15-ZE	Nancy Louise Scott	Orchard Drive	158 - PD
2021-16-TR	Midwest Logistics Systems	7400 Woodspoint Drive	405
2021-17-JS	Matthew Meyer	Barnwood Ct.	2576
2021-18-BB	Charles Vinson	Valley Drive	2604
2021-19-BB	Matthew Meyer	Barnwood Ct.	2605
2021-20-PC	Jessica Collins	Orchard	2634
2021-21-PC	Francois Zabo	Fair Court	2635 - PD
2021-22-PC	Thomas	Fair Court	2636
2021-23-PC	Erin Gubser	Fair Court	2637
2021-24-PC	Cara Boles	Orchard	2638
2021-25-PC	Tiffany Beatty	Fair Court	2639
2021-26-PC	Justin Ziegler	Lexington/Virginia	2640

No one appeared to contest the stated parking violations. Mr. Sharp motioned to uphold all parking violations. Mr. Howard followed with a second. **Motion was carried by unanimous vote.**

ANIMAL CONTROL CASES: (0) None**OCCUPATIONAL LICENSE CASES: (0) Paid (0)****FIRE PREVENTION CASES: (2) PAID (0)**

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-2-FP	Don Meagher	37 Grand Ave	RC-2021-02
2021-3-FP	Don Meagher	37 Grand Ave	RC-2021-03

CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (20) Paid (2)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-33-PM	Stone Street Property Group LLC	44 Ridgeway Avenue	BD-2021-10
2021-34-ZG	Sandra Ante	8567 Winthrop Circle	BD-2021-11
2021-35-PM/ZG	Amanda Hitchcock	2 Roger Lane	BD-2021-12
2021-36-PM	Spiral Drive LLC	11 Spiral Drive	BD-2021-13 - PD
2021-37-ZG/NU	Denigan I LLC	6550-6552 Nicholas Street	BD-2021-14
2021-38-ZG	Conner Aarington	927-929 Virginia Av	BD-2021-15
2021-39-ZG	Ben Heuser	925 Virginia Ave	BD-2021-16
2021-40-ZG	Barbara Stanton Irrevocable Supp needs trust	425 Kentaboo Ave	BD-2021-17 - PD
2021-41-ZG	Doug Simmons	44 Creekside Drive	DR-2021-07
2021-42-ZG/NU	Randall & Pamela Miller	106 Hillside Drive	DR-2021-08
2021-43-ZG	Lawrence & Genevie Hogan	113 Joann Drive	DR-2021-09
2021-44-ZG	Christopher Siler	8694 Eden Court	DR-2021-10
2021-45-ZG/NU	Randall & Pamela Miller	106 Hillside Drive	DR-2021-11
2021-46-ZG	Kevin Lubrano	8403 Stratford Ct.	DR-2021-12
2021-47-PM/ZG	Danny Lauciello	7 Greystone Ct.	DR-2021-13
2021-48-ZG	Lawrence & Genevie Hogan	113 Joann Drive	DR-2021-14
2021-49-ZG	Lawrence & Genevie Hogan	113 Joann Drive	DR-2021-15
2021-50-ZG	Randall & Pamela Miller	106 Hillside Drive	DR-2021-16
2021-51-PM/ZG	Evelyn Vice	287 Merravay Drive	MM-2021-09
2021-52-PM/ZG	Burger King #1851	7958 US 42	MM-2021-10

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CONTINUED CASE (3):

Continued Case # 2020-341-PM/ZG
7410-7415 Eagle Creek Court
Represented by: Gina Smith

City of Florence vs. Dutch Properties, Inc.
Multiple Citations

Officer Macaluso presented the case as follows: Property owner sent a proposal of their improvements. City sent a response stating their concerns. County Administrator has also sent a list of items that need to be corrected to approve the new site plan. Property manager is in the process of completing the list to obtain their site plan change.

John Sedenberg appeared on behalf of Dutch Properties, Inc. and requested additional time. Letter from Boone County Planning Commission was not received until the end of February. They have a landscaper that has committed to being able to start planting within two weeks once approval is received. Mr. Sedenberg requested a sixty day continuance. Mr. Spille motioned to continue the case until the May 5, 2021 hearing. Mr. Rowland followed with a second. **Motion carried by unanimous vote.**

Continued Case #2020-49-PM
8456 Village Drive
Represented by Debra Garijo-Gillon

City of Florence vs. Richard Gillon
Citation # BD-2020-25

Officer DeCarlo presented the case as follows: Officer DeCarlo received a voicemail from Mrs. Gillon on Tuesday stating she was unable to get off of work for the hearing and they have been unable to complete any of the repairs due to the weather. Officer DeCarlo recommended that the citation be upheld due to the length of time it is taking to complete repairs. Mr. Spille motioned to uphold the citation. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2020-65-PM
205 Kentaboo Ave.

City of Florence vs. Caitlin Roberts
Multiple Citations

Officer Macaluso presented the case as follows: Inspection completed, fascia board and piece of soffit are still missing. Officer Macaluso stated that the weather is most likely the reason the repairs were not completed.

Caitlin Roberts appeared and stated they needed additional time to complete the repairs due to the inclement weather. Mr. Spille motioned to continue the case until the April 7, 2021 hearing. Mr. Rowland followed with a second. **Motion carried by unanimous vote.**

ATTORNEY'S REPORT:

Attorney Hugh O. Skees advised no new developments on any litigation to report.

ADJOURNMENT:


Chairman Johnson reminded the Board the next meeting will be held on April 7, 2021.

There being no further business to come before the Board, Chairman Johnson called for a motion to adjourn. Board Member Sharp so moved, with a second from Board Member Howard. **Motion passed with unanimous approval of the Board**, the time being 10:55 a.m.

ATTEST:


Melissa Kramer, Secretary

APPROVED:


Jim Johnson, Chairman

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