



CODE ENFORCEMENT BOARD MINUTES: WEDNESDAY, AUGUST 7, 2024

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, August 7, 2024 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 four (4) Board members: Jim Johnson, Chairman; Lance Howard (Vice-Chairman); David Spille; and Rick Rowland. Board Member Bill Sharp was absent.

Also present: Thomas Nienaber, City Attorney; Brandi Roundtree, Assistant City Clerk; Jeremy Kleier, Community Services Superintendent; Jacob Carpenter, Code Enforcement Officer; Mike Macaluso, Code Enforcement Officer; Randy Corpus, Code Enforcement Officer; Jeremiah Rice, Code Enforcement Officer; Randy Childress, Fire Marshal; and Patrick Cottingham, Police Officer.

In the audience: Fran Metzger, contested case; Ayodele Akinyemi, contested case; Beth O'Connell, contested case; Dr. Shri Rao, contested case; Bryan Fodge, continued case; Adam Jones, continued case; Dennis Helmer, continued case; and Craig Payne, observer.

APPROVAL OF MINUTES:

Chairman Johnson called for a motion to approve the minutes of the July 3, 2024 meeting of the Code Enforcement Board. Board Member Howard motioned to accept the minutes as read with a second from Board Member Rowland. Board Member Spille was absent from the July 3, 2024 meeting and abstained from the vote. **Motion carried by unanimous vote.**

SWEARING IN:

The Code Enforcement Officers were sworn in by Chairman Johnson.

CONTESTED CASES (6):

**Contested Case # 2024-792-OC
6900 Houston Road
Contested by: Dr. Shri Rao**

**City of Florence vs. AIM Ageless Integrated Medicine
Citation # 24-914 (1-3)**

Officer Rice presented the case as follows: No one appeared on behalf of AIM Ageless Integrated Medicine. Case was for an occupational license violation. Three citations were issued for a total of \$500.00. No city expenses were incurred. Officer Rice stated no application has been filed with the Finance Department for the current or past year.

Board Member Rowland made a motion to uphold the citations. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Dr. Shri Rao appeared on behalf of AIM Ageless Integrated Medicine after the case was heard. Dr. Rao provided documentation provided to him from the city's Finance Department. Officer Macaluso and Officer Rice reviewed the documentation and requested a continuance to the next meeting to confirm the paperwork and see what needs to be done to bring the occupational license into compliance.

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Superseding the previous decision, Board Member Rowland made a motion to continue the case to the September meeting. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2024-518-ZG
214 W. Dilcrest Circle
Contested by: Beth O'Connell

City of Florence vs. Eugene Hodge
Citation # 24-1127 (1-2)

Officer Rice presented the case as follows: Case was for an unlicensed/disabled vehicle in the driveway. The vehicle was removed, and the property is in compliance.

Beth O'Connell appeared before the board.

Board Member Howard made a motion to dismiss the citation. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2023-49-PM
56-58 Bustetter Drive
Contested by: Ayodele Akinyemi

City of Florence vs. MAMIK, LLC
Citation # 23-216 (1-3)

Officer Carpenter presented the case as follows: Inspection completed on 2/1/23 observed dead tree limbs hanging creating an unsafe premises and an accessory structure in disrepair. Three citations were issued in the amount of \$1,000.00 with a city expense in the amount of \$92.00. One payment was made in the amount of \$300.00. A total of \$750.00 is currently owed. Property is in compliance.

Ayodele Akinyemi appeared on behalf of MAMIK, LLC and requested the citations be dismissed.

Board Member Spille made a motion to dismiss the citations. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2023-458-OC
7551 Industrial Road
Contested by: Drew Adams

City of Florence vs. PS Partners III LTD Florence
Citation # 23-192 (1-9)

Officer Macaluso presented the case as follows: Officer Macaluso stated the company is working with the city's Finance Department to bring the occupational license into compliance and requested a thirty (30) day continuance on behalf of PS Partners III LTD Florence.

Board Member Howard made a motion to continue the case to the September meeting. Board Member Spille followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2024-611-NU/ZG/PM
81 Belmont Court
Contested by: Fran Metzger

City of Florence vs. Robert & Frances Urbina
Citation # 24-1304-1

Officer Macaluso presented the case as follows: Inspection completed on 6/12/24 observed high grass and weeds, an unlicensed/disabled vehicle on the property, and overgrown landscaping, courtesy notice sent. Follow up inspection completed on 6/24/24, no change, issued citation in the amount of \$150.00. No city expenses were incurred. Property is in compliance.

Fran Metzger appeared before the board.

Board Member Spille made a motion to dismiss the citation. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

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PARKING CASES: (6) PAID (2)

Case No.	City of Florence vs.	Citation Location	Citation No.
2024-45-TL	Jeffrey Moore	Meadow Creek/Creekside	1309
2024-46-HR	Brett D. Noel	7762 Blue Orchard	3109
2024-47-HR	Wiliam Hernando	8 Smith Street	3110
2024-48-HR	Kelsey Warren	6104 Walnut Creek	3111 PD
2024-49-AC	Abdou Batwiy	203 Orchard Drive	3651 PD
2024-50-BB	Edith Caviness	216 Merravay Drive	3676

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

ANIMAL CONTROL CASES: (0) None

OCCUPATIONAL LICENSE CASES: (56) Paid (15)

Case No.	City of Florence vs.	Citation Location	Citation No.
2024-877-OC	The Children's Place	2028 Mall Circle Road	22-1582-3 PD
2024-878-OC	Boxlunch	2028 Mall Circle Road	22-1585-2 PD
2024-879-OC	Hot Topic	2028 Mall Circle Road	22-1589-2 PD
2024-880-OC	Rally House	2028 Mall Circle Road	22-1590-2
2024-881-OC	Dakota Watch Company	2028 Mall Circle Road	22-1597-2
2024-882-OC	Osaka Grill	2028 Mall Circle Road	22-1620-3 PD
2024-883-OC	Sbarro	2028 Mall Circle Road	22-1622-3 PD
2024-884-OC	Namdar Realty DBA Florence Mall Realty LLC	2028-2164 Mall Circle Road	24-158-2
2024-885-OC	Commonwealth Dental PSC	7348 US Route 42	20-314-4 PD
2024-886-OC	La Torta Loca II Inc. DBA La Torta Loca	8645 Haines Drive	23-2451-2 PD
2024-887-OC	Denigan I LLC	7222 Isaac Lane	22-1557-5
2024-888-OC	Energy Insurance	4895 Houston Road	23-1971-3
2024-889-OC	Untied Household Rental Inc.	7107-7129 Turfway Road	22-1546-11
2024-890-OC	Schmidt Flooring	6700-6704 Dixie Hwy	23-1996-4
2024-891-OC	Richard A. Fleg	7474 Industrial Road	24-537-2
2024-892-OC	FNJP Investments LLC	16 Spiral Drive	24-539-2 PD
2024-893-OC	Flover LLC	8741 US 42 Hwy	24-538-2 PD
2024-894-OC	Greene Law	7000 Houston Road	24-858-2 PD
2024-895-OC	AnnieMac Home Mortgage	7000 Houston Road	24-860-2
2024-896-OC	Millenniel Tile	7000 Houston Road	24-864-2
2024-897-OC	Innovative Home Loan	7000 Houston Road	24-865-2
2024-898-OC	Emily Morin MA, LPCA	7000 Houston Road	24-869-2
2024-899-OC	Carrie Collins, LPCC	7000 Houston Road	24-870-2
2024-900-OC	All Women, PLLC, Women's Healthcare	7000 Houston Road	24-919-2 PD
2024-901-OC	Hearts Matter LLC	7000 Houston Road	24-920-2 PD
2024-902-OC	Vicious	2028-2164 Mall Circle Road	24-143-8
2024-903-OC	Outback Steakhouse	8030 Mall Road	24-1096-1 PD
2024-904-OC	Southern Cross	71 Cavalier Blvd	21-2341-14
2024-905-OC	IDT Institute of Dental Technology	6900 Houston Road	24-907-4
2024-906-OC	Positive Solutions	6900 Houston Road	24-916-4
2024-907-OC	Inner Sanctum LLC	6900 Houston Road	24-925-4

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2024-908-OC	Assisting Hands Home Care	6900 Houston Road	24-929-2
2024-909-OC	Vicious	2028-2164 Mall Circle Road	24-143-9
2024-910-OC	Outback Steakhouse	8030 Mall Road	24-1096-2 PD
2024-911-OC	Daniel Schafer	71-75 Cavalier Blvd.	22-1169-15
2024-912-OC	The TCG Vault	71-75 Cavalier Blvd.	22-1182-12
2024-913-OC	Advantage Roofing	71-75 Cavalier Blvd.	22-1183-17
2024-914-OC	Cortech	71-75 Cavalier Blvd.	22-1193-16
2024-915-OC	Ben Schwartz & Sons	71-75 Cavalier Blvd.	22-1214-9
2024-916-OC	Massage by Samantha	71-75 Cavalier Blvd.	24-169-5
2024-917-OC	Kinetsu World Express	71-75 Cavalier Blvd.	24-171-5 PD
2024-918-OC	Dixon Plumbing	71-75 Cavalier Blvd.	24-174-5
2024-919-OC	Aseguro Insurance LLC	71-75 Cavalier Blvd.	24-176-5
2024-920-OC	IHS Florence Kentucky LLC	7960 Connector Drive	23-209-10
2024-921-OC	Ambleside Properties	4512 Dixie Highway	23-187-8
2024-922-OC	Locust Lane Apartments LLC	210-256 Locust Ave.	22-1711-15
2024-923-OC	Mall Road Dental Center	8197 Mall Road	22-1468-11
2024-924-OC	Slate Ridge Holdings LLC	8104 US 42	22-343-14
2024-925-OC	Vicious	2028-2164 Mall Circle Road	24-143-10
2024-926-OC	Rent-n-Roll	4512 Dixie Highway	23-188-9
2024-927-OC	Correa Family LLC	7205 Houston Road	21-614-27
2024-928-OC	IDT Institute of Dental Technology	6900 Houston Road	24-907-5
2024-929-OC	Positive Solutions	6900 Houston Road	24-916-5
2024-930-OC	Inner Sanctum LLC	6900 Houston Road	24-952-5
2024-931-OC	Raymond E. Orfaly Revocable Trust	8228 US 42 Hwy	23-161-9
2024-932-OC	Vicious	2028-2164 Mall Circle Road	24-143-11

Officer Macaluso requested Case No. 2023-501-OC, Citation # 23-226-3 issued to Acute Hearing Solutions at 7392 Burlington Pike be dismissed. Board Member Rowland made a motion to reopen the case. Board Member Howard seconded the motion. **Motion carried by unanimous vote.** Board Member Howard made a motion to dismiss the citation. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

Officer Macaluso requested Case No. 2024-66-OC, Citation # 22-1361-1 issued to CoCo James at 4895 Houston Road be dismissed. Board Member Rowland made a motion to reopen the case. Board Member Howard seconded the motion. **Motion carried by unanimous vote.** Board Member Howard made a motion to dismiss the citation. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

Officer Macaluso requested Case No. 2024-536-OC, Citation # 24-401-1 issued to Cindy Shutterfly at 7210 Turfway Road be dismissed. Board Member Rowland made a motion to reopen the case. Board Member Howard seconded the motion. **Motion carried by unanimous vote.** Board Member Howard made a motion to dismiss the citation. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

Officer Rice requested Case No. 2024-427-OC, Citation # 24-139-1 and Citation # 24-139-2 issued to Rue 21 at 2028-2164 Mall Circle Road be dismissed. Board Member Rowland made a motion to reopen the case. Board Member Howard seconded the motion. **Motion carried by unanimous vote.** Board Member Howard made a motion to dismiss the citation. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

FIRE PREVENTION CASES: (0) None

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CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (73) Paid (13)

Case No.	City of Florence vs.	Citation Location	Citation No.
2024-549-OL/ZG	Home Depot USA	99 Spiral Blvd	24-1211-4 PD
2024-550-ZG/OL	Nicholas Payne	7349 Burlington Pike	23-1572-4 PD
2024-551-ZG	Cole Lo Florence KY LLC	4800 Houston Road	23-580-34
2024-552-OL/ZG	Cole Lo Florence KY LLC	4800 Houston Road	24-483-16
2024-553-OL/ZG	Home Depot USA	99 Spiral Blvd	24-1211-5 PD
2024-554-ZG	Haines Plaza LLC	8645 Haines Drive	23-140-1
2024-555-ZG	Cole Lo Florence KY LLC	4800 Houston Road	23-580-35
2024-556-OL/ZG	Cole Lo Florence KY LLC	4800 Houston Road	24-483-17
2024-557-NU/PM/ZG	Vincent, Brenda, & Raymond Burns	26 Julia Avenue	22-663-38
2024-558-WS 2A	Kenny Martin	10141 LaPalco Court	24-1259-1
2024-559-NU/PM	William H. Merritt & Chasity D. Crowe	127 Lloyd Avenue	24-1141-3
2024-560-ZG	Josh Phillips	24 Morris Street	24-288-4
2024-561-OL/ZG	Home Depot USA	99 Spiral Blvd	24-1211-6 PD
2024-562-WS	Theresa, David & Daniel Wolfe	8969 Steeplebush Drive	24-1258-1 PD
2024-563-WS	Brian Haines	3038 Toulouse Drive	24-1257-1 PD
2024-564-CO	Kridha LLC	7124 Turfway Road	24-959-1 PD
2024-565-WS	Thomas Kent Dailey	198 W. Dilcrest	24-1256-1
2024-566-NU	Mountain Agency LLC	949 Burlington Pike	24-1184-1 PD
2024-567-NU	Travis Burr III	37 Goodridge Drive	23-1487-37
2024-568-NU	Travis Burr III	37 Goodridge Drive	24-845-7
2024-569-ZG	Cole Lo Florence KY LLC	4800 Houston Road	23-580-36
2024-570-OL/ZG	Cole Lo Florence KY LLC	4800 Houston Road	24-483-18
2024-571-OL/ZG	Home Depot USA	99 Spiral Blvd	24-1211-7 PD
2024-572-NU	Sandra Ante	8567 Winthrop Circle	24-1224-1
2024-573-NU	Jenny Rice	320 Center Street	24-1268-1
2024-574-NU/PM	Yestika Arias Martinez	313 Honeysuckle Terrace	24-1104-1
2024-575-NU	Keller Edwards	6050 Belair Drive	23-2118-17
2024-576-ZG	Brendan M. Bamford	11 Dorcas Avenue	24-448-14
2024-577-ZG	Houston Glenway LLC	6825 Houston Road	23-272-2
2024-578-ZG	Cole Lo Florence KY LLC	4800 Houston Road	23-580-37
2024-579-OL/ZG	Cole Lo Florence KY LLC	4800 Houston Road	24-483-19
2024-580-NU/PM/ZG	Vincent, Brenda, & Raymond Burns	26 Julia Avenue	22-663-39
2024-581-NU/PM	Florence Mall Realty LLC	2028-2164 Mall Circle Road	24-952-3
2024-582-NU	Oscar L Frye IV	8481 Pheasant Drive	22-2196-10
2024-583-WS	Jordel Properties LLC	42 Shelby Street	24-1285-1 PD
2024-584-OL/ZG	Home Depot USA	99 Spiral Blvd	24-1211-8
2024-585-PM	Donald & Donna Klein	18 Girard Street	23-1627-6
2024-586-NU	Travis Burr III	37 Goodridge Drive	23-1487-38
2024-587-NU	Travis Burr III	37 Goodridge Drive	24-845-8
2024-588-OL/ZG	Cole Lo Florence KY LLC	4800 Houston Road	24-483-20
2024-589-NU	Miscellaneous Land LLC	4700 Houston Road	24-1288-1
2024-590-NU/PM	Florence Mall Realty LLC	2028-2164 Mall Circle Road	24-952-4
2024-591-ZG	Josh Phillips	24 Morris Street	24-288-5
2024-592-OL/ZG	Home Depot USA	99 Spiral Blvd	24-1211-9
2024-593-PM	Lori T. Franklin	35 Stonegate Drive	23-2343-4

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2024-594-NU/PM	Florence Mall Realty LLC	2028-2164 Mall Circle Road	24-952-6
2024-595-ZG	Brendan M. Bamford	11 Dorcas Avenue	24-448-15
2024-596-NU/PM	Florence Mall Realty LLC	2028-2164 Mall Circle Road	24-952-8
2024-597-WS	Florence 650 LLC	1120 Bill Wentz Drive	24-1339-1 PD
2024-598-ZG/OL	Nicholas Payne	7349 Burlington Pike	23-1572-5 PD
2024-599-NU	Burr Travis III	37 Goodridge Drive	23-1487-39
2024-600-NU	Burr Travis III	37 Goodridge Drive	24-845-9
2024-601-NU	Keller Edwards	6050 Belair Drive	23-2118-19
2024-602-PM	NKH Investment LLC	6809 Burlington Pike	24-104-1
2024-603-NU/PM	Nap Village at the Mall	8039 Burlington Pike	24-726-3
2024-604-ZG	Brendan M. Bamford	11 Dorcas Avenue	24-448-16
2024-605-ZG	Cole Lo Florence KY LLC	4800 Houston Road	23-580-38
2024-606-OL/ZG	Cole Lo Florence KY LLC	4800 Houston Road	24-483-21
2024-607-NU/PM	Florence Mall Realty LLC	2028-2164 Mall Circle Road	24-952-9
2024-608-OL/ZG	Home Depot USA	99 Spiral Blvd	24-1211-10
2024-609-ZG/PM	Pong Heilian	6420 Dixie Hwy	24-1274-1 PD
2024-610-NU/PM	Florence Mall Realty LLC	2028-2164 Mall Circle Road	24-952-10
2024-611-NU/ZG/PM	Robert & Frances Urbina	81 Belmont Court	24-1304-1
2024-612-PM/ZG	Queenethal Johnson	207 Burgess Lane	24-1307-1
2024-613-ZG	Real Invest LLC	20 Shelby Street	24-1084-1
2024-614-NU/PM	Florence Mall Realty LLC	2028-2164 Mall Circle Road	24-952-12
2024-615-NU/PM	Florence Mall Realty LLC	2028-2164 Mall Circle Road	24-952-13
2024-616-NU	Keller Edwards	6050 Belair Drive	23-2118-20
2024-617-PM	NKH Investment LLC	6809 Burlington Pike	24-104-2
2024-618-ZG	Brendan M. Bamford	11 Dorcas Avenue	24-448-17
2024-619-NU/PM	Florence Mall Realty LLC	2028-2164 Mall Circle Road	24-952-14
2024-620-PM	Chester M. Mutters	416 Foster Avenue	23-993-15
2024-621-NU/PM	Florence Mall Realty LLC	2028-2164 Mall Circle Road	24-952-15

Officer Rice requested Case No. 2024-530-NU/PM/ZG, Citation # 24-1007-1 issued to 7897 Mall Road LLC at 7897 Mall Road be dismissed. Board Member Howard made a motion to dismiss the citation. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

CONTINUED CASES (9):

Continued Case # 2024-356-PM
112 Tee Street

Represented by: Noell Saunders/ Tom Torline

City of Florence vs. New Hopeful LLC
Citation # 24-275-1

Officer Corpus presented the case as follows: The property is in compliance. Officer Corpus requested the citations be dismissed on behalf of New Hopeful LLC.

Board Member Howard made a motion to dismiss the citation. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

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Continued Case # 2024-342-PM
7415 Burlington Pike
Represented by: Dennis Helmer, Attorney

City of Florence vs. Eighteen Limited
Citation # 23-2438-1

Officer Corpus presented the case as follows: The property is in compliance with the exception of the rear stairway and deck.

Attorney Dennis Helmer appeared on behalf of Eighteen Limited and stated he received a stop work order for the rear stairway. Board Member Spille inquired if the stop work order was due to not having a permit to complete the work. Attorney Helmer confirmed and stated they need to have a plan approved and submitted to the county before the work can resume.

Board Member Spille made a motion to continue the case ninety (90) days to the November meeting. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2024-506-CO/NU
7600 Burlington Pike
Represented by: Adam Jones

City of Florence vs. PCW Cinci 1, LLC
Citation # 24-1120-1

Officer Macaluso presented the case as follows: The dumpster was removed, and the property is in compliance.

Adam Jones appeared on behalf of PCW Cinci 1, LLC.

Board Member Rowland made a motion to dismiss the citation. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2024-172-OC
7210 Turfway Road

City of Florence vs. Bryan Frodge
Citation # 23-2305 (1-6)

Continued Case # 2024-173-OC
7210 Turfway Road
Represented by: Bryan Frodge

City of Florence vs. Taryn Frodge
Citation # 23-2306 (1-6)

Officer Macaluso presented the cases as follows: Occupational licenses are in compliance.

Bryan Frodge appeared before the board on behalf of himself and Taryn Frodge, his wife.

Board Member Spille made a motion to dismiss the citations for Case # 2024-172-OC. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Board Member Spille made a motion to dismiss the citations Case # 2024-173-OC. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2024-808-OC
6900 Houston Road
Represented by: David Sheldon

City of Florence vs. Significant Healing Well Care Practice
Citation # 24-930 (1-2)

Officer Macaluso presented the case as follows: Occupational license is in compliance. No one appeared on behalf of Significant Healing Well Care Practice.

Board Member Howard made a motion to dismiss the citations. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

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Continued Case # 2024-368-PM

39 Goodridge Drive

Represented by: Michael Keeney, Attorney

City of Florence vs. Virginia Vizcarra & Luis Lopez

Citation # 23-2185-1

Officer Carpenter presented the case as follows: Case was for the sidewalk and driveway in disrepair. Officer Carpenter stated there was a water leak, and the sidewalk and part of the apron was ripped out to repair the water leak. The property owners felt the city was responsible for the repairs due to the leak being caused by work being done on the street by city contractors. The insurance company investigated the claim and found that the city was not responsible due to the work being done by contractors and not the city. Therefore, the property owners repairing the sidewalk. Officer Carpenter requested a thirty (30) day continuance on behalf of the property owners. Attorney Nienaber stated he spoke with Attorney Keeney who stated the property owners are waiting on a final inspection. Attorney Nienaber informed him that no additional inspections would be completed and the work needs to be completed.

Board Member Rowland made a motion to continue the case to the September meeting. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2024-157-ZG

8527-8529 US 42

Represented by: Carlo Wessels, Attorney

City of Florence vs. Rookwood Place #6

Citation # 23-2434 (1-2)

Officer Corpus presented the case as follows: Chairman Johnson noted that no one appeared on behalf of Rookwood Place # 6.

- Officer Carpenter: I have not heard anything about this. The only thing I do have is an e-mail from Mr. Schwartz with the Planning Commission, stating that they are subject to the requirements in the section 3199. I have had no communication with them. I want to uphold the citations, and if they don't come to compliance, start citing weekly.
- Attorney Nienaber: This is the case where we had a full-blown hearing where they had lawyers and witnesses. If you are going to act on this you are going to have to make findings based on the hearing that we had here.
- Board Member Howard: If I remember correctly, all he had to do was apply for a minor site plan to approve the color of the building. It's that simple. It's more than likely going to be approved but he just doesn't want to do it.
- Attorney Nienaber: I've spoken with Mr. Wessels on more than several occasions and he has indicated that when he called out there it's either \$450 or \$650 to file for their approval and Carlo, Mr. Wessels, said we'll be more than happy to file the application for the permit. We just don't believe that it's appropriate that planning and zoning charge an application fee of several hundred dollars.
- Officer Macaluso: Everyone applying for a minor site plan has to pay the same fee.
- Attorney Nienaber: Mr. Wessels' and the tenant's argument was that they got all of the permits they thought they were supposed to have and they painted and nobody said anything and the paint is virtually the same so they believe they should not have to file for yet another permit. So, that's where its at.
- Board Member Howard: What are our options at this point?
- Officer Macaluso: You can either uphold it or dismiss it. You have to go off of the facts. The fact of the matter is they don't want to pay to have the permit. Unfortunately, we do the enforcement for the Planning and Zoning Commission and the Planning Commission, through Michael Schwartz, says they are subject under that zoning requirement to have

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a permit and they have agreed that they need a permit, they just don't want to pay the money.

Attorney Nienaber: They put on proof that they don't believe that they are because yada yada yada, so.

Board Member Rowland: Did they get a permit to begin with?

Attorney Nienaber: Yes, they obtained some permits. I don't know what the exact name of the permits were. They went in and redid the interior and did some other work. This is a new business. Is it a coffee shop?

Officer Corpus: It's a nail salon. It is one building and two businesses. There is Biggby Coffee and DLUX Nail Salon.

Board Member Spille: They took out a building permit to do the remodel.

Officer Corpus: Yes

Board Member Spille: I wasn't here for that hearing. But then they decided to change the façade with the paint? Did they acquire occupancy?

Attorney Nienaber: Yes, I believe they have received their occupancy.

Board Member Spille: So, they finalized their occupancy and then came back and wanted to change the color on the façade?

Attorney Nienaber: They filed for a permit to do the remodeling to put the nail salon in. They got the permit. They did the interior work, and they did the exterior work. They requested an occupancy permit. Someone came out and inspected it. They issued them the certificate of occupancy.

Board Member Spille: So, that permits done?

Attorney Nienaber: That's done. They are operating their business, and the county comes in and says you need another permit because they changed the color of the exterior. I believe their argument was we applied and submitted our plans, and you all approved them. You all being the Planning Commission.

Officer Macaluso: What was approved was through the building department. What didn't get filed or approved was through the Planning Commission. They are two different entities.

Board Member Spille: So, the architect sent a change order or a plan review for a change on the plans with the building department that they accepted but they did not submit it to planning and zoning.

Officer Macaluso: It is in a certain district and there are certain requirements within the district that come through the planning commission. There was nothing filed.

Board Member Howard: If we extend this thirty more days he is not going to show up, he is going to continue to do nothing, correct?

Attorney Nienaber: I don't know.

Board Member Spille: There is only one way to find out.

Board Member Howard: I am in favor of upholding it and letting him fight it out with whoever but I don't want to cause any more trouble for you guys if we uphold it.

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Community Services
Superintendent Kleier: We don't know what else we can tell them that we haven't told them already.

Chairman Johnson: Your recommendation is to uphold the citation.

Board Member Howard made a motion to uphold the citations. Board Member Rowland seconded the motion. **Motion carried by unanimous vote.**

Following another case Mr. Nienaber advised the board to make Findings of Facts.

Attorney Nienaber: Mr. Chairman, before moving on you should make findings of facts and conclusions in terms of upholding that citation. I know that during the dialogue before there were a number of statements of fact that were suggested, and this body needs to adopt those if they want to uphold the citation.

Board Member Spille: I would think that would fall back on the architect. That is the architect's job generally. If the owner wants to change, they normally go back to the architect and the architect files it with the county and if he only filed with the building department and didn't copy the planning and zoning they would have to go after the architect.

Attorney Nienaber: The hearing occurred two-three months ago, it's been a long time. They had attorneys here. Based upon that hearing, you need to make some findings.

Board Member Howard: Isn't the findings as simple as we have done our job. They need the permit. Planning and zoning says they need the permit. There is nothing more we can do.

Attorney Nienaber: They didn't apply for the exterior painting permit.

Board Member Howard: We are not telling him he needs the permit. Planning and Zoning is telling him he needs the permit. Go get the permit.

Board Member Spille: He should go back to his architect that designed the building and made the changes. That is up to him to submit that to planning and zoning.

Board Member Howard: The color is beautiful, but I am not that one that makes that decision. Planning and Zoning says they need this permit and the fee for that is whatever it is.

Board Member Spille: The owner has to have an architect stamp to get a permit on a business.

Attorney Nienaber: For that reason and the reasons previously suggested, those reasons are your findings of fact, and the basis upon which the motion was made to uphold and second and upholding the citation adopts those findings of fact and conclusions.

Board Member Howard: I think so, yes.

Attorney Nienaber: Take another vote with that being said.

A second vote was taken on the motion made by Board Member Howard and seconded by Board Member Rowland to uphold the citations. **Motion carried by unanimous vote.**

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Continued Case # 2022-277-OC
60 Cavalier Blvd.
Represented by: John Schaffstein

City of Florence vs. Eileen Schaffstein
Citation # 21-2742 (1-3)

Officer Macaluso presented the case as follows: No one appeared on behalf of Eileen Schaffstein. Officer Macaluso stated the occupational license is not in compliance and recommended upholding the citations.

Board Member Rowland made a motion to uphold the citations. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

ATTORNEY'S REPORT:

Attorney Nienaber recommended action be taken regarding the property located at 37 Goodridge Drive as the property owner refuses to keep the property in compliance. Officer Macaluso stated the front yard is being mowed; however, the back yard is extremely overgrown, and the city has received multiple complaints against the property. Officer Macaluso stated the property is being cited regularly with no compliance from the property owner.

Board Member Howard inquired as to what actions the board can take against the property. Attorney Nienaber stated Community Services Superintendent Kleier can request the board to send a recommendation of foreclosure to City Council. Board Member Howard inquired if the property is at that level of non-compliance. Community Services Superintendent Kleier confirmed that the property is at that level of non-compliance where it is causing issues in the neighborhood.

ADJOURNMENT:

Chairman Johnson reminded the Board the next meeting will be held on September 4, 2024.

There being no further business to come before the Board, Chairman Johnson called for a motion to adjourn. Board Member Howard so moved, with a second from Board Member Rowland. **Motion passed with unanimous approval of the Board**, the time being 10:50 a.m.

ATTEST:


Melissa Kramer, Secretary

APPROVED:


Jim Johnson, Chairman

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