

Ms. Payton stated that this case came before the Board in May 2017 and further stated that Cason Environmental & Demolition Services, LLC was awarded the contract in July 2017. They completed the asbestos survey at a cost of \$1,700, and County staff has accepted their bid for demolition at \$5,700, but demolition has not started yet. Mr. Banks inquired if there is an estimated start date and Ms. Payton replied that there is not, that she has contacted Purchasing staff with no response but that the bid has been accepted. Mr. Banks inquired if there is a completion date in the contract and Ms. Payton replied that there is not. Chairman King inquired if any action is required on this case today; Ms. Payton replied that this is an update for the Board and no action needs to be taken.

6. NEW BUSINESS

A. CEB CASE #17-408617

Robert & Savitri Vaverchak

Location of Violation:

530 E. Timberlake Circle, Mary Esther

Ordinance Violation and Public Nuisance.

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health and Sanitation, Article III Nuisances, Division 3 Litter, Section 11-136 Public Nuisances; Article VI Building Code, Section 6-133 Amendments to, Subsection 104.5.

Ms. Payton stated that on January 4, 2017 she received a call from a citizen reporting a house that had burned in a fire more than a year prior. The citizen stated that the home had been boarded up but nothing else had been done since, and there is also a cluster of trees out front that had been struck by lightning, one had fallen over the driveway and was unsafe. On January 5, 2017 Ms. Payton visited the site and found a dead tree had fallen with limbs in the driveway. The other standing trees looked like they may have received damage in the fire and were dead. Inspection of the exterior of the home showed boards covering the garage door and the side garage window and damage around the attic vent above the garage. There was soot covering the inside of the windows on both floors and burnt wood around the exterior windows and roof system. There were two holes, one of them a damaged vent and the other may have been caused by the fire department. These holes allow animals access into the home.

Ms. Payton stated that she attempted to contact the owners, sending the first Notice of Violation via Certified Return Receipt mail to the address of record on January 11, 2017. The post office attempted delivery 4 times over a 1 month period, with no successful delivery or signatures and the Notice was returned to Ms. Payton. She then sent notices to other addresses she had located for the owners.

On May 10, 2017 staff received another complaint from a citizen who lives near the property. The complaint stated the same issues, as well as that children had been observed inside and outside the home, the lawn was no longer being maintained, and there was concern that the dead trees would fall.

June and July saw no response from the owners so Ms. Payton sent a Notice of Violation and Notice of Hearing and if there was no response from the Vaverchaks, she would post notice on the property as required by Code.

Ms. Payton then stated that she spoke with one of the complainants who stated that she spoke with one of the owners and informed her that County Code Enforcement was attempting to contact them. Ms. Payton further stated that on August 14, 2017 Mrs. Vaverchak contacted her and stated that her husband was out of the country, but that he had received the notice at his residence. Mrs. Vaverchak further stated that they were in litigation with the insurance company because the damage was extensive, that they had received only \$47,000 and they could not repair the home for that amount. Ms. Payton stated that she explained the CEB process and about fines that could be assessed, and the owner stated that she would contact her attorney.

Ms. Payton stated that two weeks later she received a call from the Vaverchak's attorney. He inquired as to what the issue is, because the home is secure. Ms. Payton explained to him that sometimes the home is not secure, that it is a violation of County Code, it is a public nuisance and the fire damage occurred over a year ago. She then told him that the home needs to be completely secured, the dead trees need to be taken care of, and the yard needs to be regularly maintained. Ms. Payton then told the attorney that she plans to move forward with the Code Board Meeting on September 21, 2017, and he could submit a request for Board consideration which may allow extra time for them to litigate with the insurance company for additional funds. Ms. Payton stated that she also explained to him that following hurricane damage in this area, insurance companies have accepted videos/photos which provides documentation of the damage and allows repairs to begin. The attorney then told Ms. Payton that they would like to ask for more time. Ms. Payton asked him to submit the request in writing, he did so and his letter is included as Exhibit B of the Board's package today.

On September 14, 2017, Ms. Payton received a call from Mrs. Vaverchak in which she stated that they hired someone to take care of the dead trees and maintain the yard, and that she would email a copy of the contract. Ms. Payton received the contract and the trees are scheduled to be removed on September 28, 2017.

Mr. Miller asked about the amount that the Vaverchaks may have received from the insurance company and Ms. Payton stated that it was \$47,000. Mr. Miller stated that the trees could be taken down and the exterior of the house could be repaired for less than that amount and it would look like a maintained structure. Mr. Banks stated that if they accept the insurance company's offer they may be locked in to that amount.

Discussion ensued concerning the insurance money and acceptance of it, and the actual date of the fire.

Chairman King stated that before the visitors speak, he would like to hear what staff recommends in this case. Ms. Payton stated that she told Ms. Vaverchak and her attorney that she was moving forward with the Code Board proceedings because she feels like there has been enough time to at least secure and correct the exterior of the home and yard. She further stated that she recommends that the Board issue the standard 30 or 60 day Notice and if compliance not met, then assess fines.

Ms. Alley inquired if the Vaverchaks have been given notice and if so, what was requested of them to bring the property into compliance. Ms. Payton stated that yes they have - to maintain the yard, remove the trees and replace the exterior doors and windows. Ms. Payton stated that she told them they are in violation of the Maintenance Provision of the Code, which provides that all structures are to be maintained in the condition for which they were designed.

Speakers/Visitors

Christina Davenport – 531 E. Timberlake Drive, Mary Esther

Ms. Davenport stated that she lives across the street from the house in question. She further stated that the home was rented at the time of the fire, that Ms. Vaverchak lives in New York State and her spouse lives overseas. She stated that the fire occurred approximately 1.5 years ago and after the fire, Mr. Vaverchak sent her an email stating that he had gotten word about the fire and asked her if she knew what happened. She stated that she sent him pictures and he was very much aware of what had happened. She stated that at first the lawn was being maintained and that the trees were not necessarily damaged in the fire, they had been struck by lightning prior to the fire. After a few months, Ms. Davenport tried to contact the Vaverchaks to ask what they were doing about the home. She used the same phone numbers and email address she had used previously, and she received no response from them. Because she could not get them to respond, she made her first complaint to Okaloosa County. Ms. Davenport further stated that for approximately the last 6 months, there has been no yard maintenance, then Ms. Vaverchak contacted her a few months ago to state that she had someone to maintain the grass, but that has not happened. She further stated that some of the neighbors have cut the grass. Ms. Davenport stated that personally she would like to see the exterior of the home repaired and repainted, she is worried about nearby home values declining and she is also worried about the children in the neighborhood getting hurt on the property, she has seen them playing there.

Ronnie Davenport – 531 E. Timberlake Drive, Mary Esther

Mr. Davenport stated that he also lives across the street and is married to Christina Davenport. He further stated that he believes the fire was closer to 2 years ago because they received an email from Mr. Vaverchak the day after the fire. He states that he and his wife have done many things to help out the Vaverchaks over the years because they live out of state, but after that initial email the day following the fire, the communication basically stopped. Mr. Davenport felt that the Vaverchaks took advantage of the situation, that they didn't have respect for anyone in the neighborhood and cut off the lines of communication. Mr. Davenport further stated that there is no Homeowner's Association for that neighborhood because they have such great neighbors, that the Vaverchaks have taken advantage of the good neighbors who did so much for them with no respect in return. Mr. Davenport feels that they have been given ample time to rectify the situation but have not done so.

Ms. Payton stated that she would like to add that this is a very nice neighborhood where everyone takes care of their property.

Mr. Miller restated that he feels that the exterior of the home can be easily repaired and secured for approximately \$20,000. He further stated that he feels that this may satisfy the neighbors at this time.

Discussion ensued related to the condition of the interior of the home and what language the proposed motion should include.

Motion made by Skip Miller, seconded by Cathy Alley - because this dwelling, otherwise known as real property, is unsafe, unsecured and deteriorated due to fire and is potentially a menace to the health, safety and general welfare of the citizens of this neighborhood in Okaloosa County, that we, as per staff's request, give 30 days notice to bring the home into compliance, and if compliance not met, issue a \$250 per day fine retroactive to today's date, and to include all County administrative fees; approved unanimously.

7. OTHER BUSINESS

Ms. Payton stated that Ms. Fay Seketa is up for her Board term renewal in October, but Ms. Seketa was not able to make today's meeting. Ms. Payton further stated that she was unable to contact Ms. Seketa before today's meeting to inquire about the renewal, but she will contact her soon.

8. ADJOURN

There being no further business before the Board, Chairman King declared the meeting adjourned.

Prepared by:



Karen Rossi
Administrative Assistant II
10.03.17