

SPECIAL MASTER CODE ENFORCEMENT HEARING OF MARCH 15, 1999

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MASTER CODE ENFORCEMENT HEARING
MARCH 15, 1999

Present: Chris Edwards, representing the Town Attorney; Karen Hancsak, Town Clerk; Edward Hillery, Director of Public Safety; and Lt. Stefan Katz.

Meeting called to order at 8:35 A.M.

A. Special Master Randy Zeldin approved the minutes of January 12, 1999.

B. VIOLATION HEARING

CASE #CE99-02 Mr. Daniel Marantz
RE: 6285 North Ocean Blvd.

Attorney Edwards summarized the Affidavit and Notice of Violation by stating that the respondent was in violation of Section 26-47 of the Ocean Ridge Code of Ordinances.

Special Master Zeldin noted that the respondent was present. At this time Mr. Marantz, Lt. Katz, and Director Hillery were sworn in.

The following stipulation was reached by both parties and Special Master Randy Zeldin advised that his final order would incorporate that the respondent acknowledges that the violation does exist and that FPL will top the tree branches that are tangled in their lines when their schedule permits. The respondent agreed that he would further top the tree within thirty (30) days if the trimming completed by FP&L did not meet code requirements.

CASE #CE99-03 Mr. Tirrel Fender
RE: Muck Lot 36 and 37, Boynton Subdivision

Special Master Randy Zeldin clarified that although the respondent was not present he was properly noticed with a hand delivered Notice of Violation and Affidavit.

Atty Edwards advised that he spoke with the respondent via telephone and he agreed to stipulate that the violation does exist and respondent would pay an initial \$50.00 fine and correct the condition within ten (10) days failing which would constitute a \$100.00 daily fine until brought into compliance. Special Master Randy Zeldin stated that he would prepare a final order.

SPECIAL MASTER CODE ENFORCEMENT HEARING OF MARCH 15, 1999

CASE #CE99-10 Mrs. Alene Dennis
RE: 5006 Old Ocean Blvd.

Special Master Randy Zeldin clarified that the respondent was not present, however, had been noticed by certified mail with the signed receipt returned.

Atty Edwards advised that he spoke with the respondent via telephone and she agreed to stipulate that the violation does exist and she would correct the violation prior to May 15, 1999 failing which would constitute a \$100.00 daily fine. Special Master Randy Zeldin stated he would prepare a final order.

CASE #CE99-04 Mr. Eddie L. Thompson
RE: 4 Coconut Lane

Special Master Randy Zeldin clarified that the respondent was not present, however, had been hand delivered the Notice of Violation and Affidavit on Feb. 18, 1999 at 3:52 PM by Sgt. Tinfina.

Atty Edwards commented that Lt. Katz had discussed the violations with Mr. Thompson. Lt. Katz advised that several of the violations have been corrected, however, the respondent was requesting an additional thirty (30) days to achieve full compliance failing which he understood that a daily fine (set by the Special Master) would be imposed until compliance is achieved.

Special Master Randy Zeldin stated that he would prepare an order stipulating that the respondent agrees that the violations exist and that he would be given thirty (30) days from this date to achieve full compliance failing which would constitute a \$100.00 daily fine.

CASE #CE99-05 Mr. Direndra Lee Kesavalu
RE: 5907 North Ocean Blvd.

Special Master Randy Zeldin clarified that the respondent was not present but was properly noticed via certified mail with a signed returned receipt.

Atty Edwards advised that he spoke to the respondent who referred him to his attorney, Sam Monis. Atty Edwards attempted to reach Atty Monis, however, he did not return his phone call. He added that Mr. Kesavalu was aware of the hearing and his attorney should have been present.

Director Hillery commented that this case involved a burned structure that is currently under investigation for suspected arson by the State Fire Marshal. He added that the insurance will not pay anything towards this residence, therefore, no one wants to do anything.

SPECIAL MASTER CODE ENFORCEMENT HEARING OF MARCH 15, 1999

Lt. Katz entered a letter as Exhibit #1 from Joe Sherpitis, Chief Structural Inspector, with the Palm Beach County Building Dept., dated Jan. 13, 1999 which stated that the damage was irreparable and the structure should be demolished once a demolition permit is received.

Special Master Randy Zeldin questioned an appropriate time frame for the removal of the structure. Director Hillery commented that he did not feel the owner would comply by just appropriating a time certain. He added that he felt imposing a daily fine would possibly prompt the owner to act more quickly and suggested fifteen (15) days to actually raise the structure.

Special Master Randy Zeldin clarified that the relief sought by the town involved a per diem fine. He questioned whether this structure presented a life safety issue to which he was advised that it was dangerous because there was a lot of debris and the structure possibly had unsafe walls. Lt. Katz added that the property was fenced at this time, however, it may be possible for trespassers to climb over and gain access.

Special Master Randy Zeldin found that the respondent does indeed have a structure that was destroyed by fire and has sustained irreparable damage as relayed by the County which now constitutes a life safety factor in addition to a blighting situation and ordered that the structure be properly removed within a fifteen (15) day time frame failing which would constitute a \$250.00 daily fine until corrected.

CASE #CE99-11

Ms. Lilia Lizano

Lot 2, Ocean Shore Estates (Adams Road)

Special Master Randy Zeldin stated that the respondent was not present and clarified that she was notified via certified mail of the Affidavit and Notice of Violation.

Lt. Katz stated that this violation involved an Australian pine hedge that is over the 10' permitted height. He added that he felt thirty (30) days was adequate to correct this situation.

Special Master Zeldin found that all facts are true and correct to wit of an Australian pine hedge exceeding the 10' height and ordered that the respondent correct the violation within thirty (30) days failing which would constitute a \$50.00 daily fine until compliance is achieved.

C. Adjournment

The meeting was adjourned at approximately 9:00 AM.

Town Clerk