

SPECIAL MASTER CODE ENFORCEMENT HEARING OF JULY 9, 2002

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MASTER CODE ENFORCEMENT HEARING  
Nov. 12, 2002

Present: Kathleen Dailey, Town Manager; Karen Hancsak, Town Clerk; and Sgt. Dan Tinfina.

Meeting called to order at 10:00 A.M.

- A. The minutes of November 12, 2002 were actually adopted at the end of the hearing.

Special Master Torcivia explained that this was an informal hearing and rules of evidence were not required, however, the Town may have exhibits that a respondent has the right to make objections to. She added that the Town would present their case and she would render a decision and issue a Final Order since the respondent was not present.

At this point all individuals that were prepared to give testimony were sworn in.

B. VIOLATIONS

CASE NO. CE2002-14

Lester L. Graves, 15040 Windover Way, Ft. Lauderdale FL 33333

RE: 45 Coconut Lane or legally described as Lot 11, Block 2, Boynton Beach Park Subdivision

NATURE OF VIOLATION

Violate Section 26-47 of the Town Code of Ordinances by permitting an Australian pine tree to exceed the height necessary for such tree to extend onto the rear property of an adjacent property owner if such tree should fall. Such excessive growth shall apply to adjacent private and public property and shall constitute a nuisance as described in this Chapter

The respondent was present.

Special Master Torcivia accepted the following evidence presented by the Town: Two Photographs taken on Aug. 15, 2002 showing the Australian pine trees as Exhibit #1; the Affidavit and Notice of Violation, Section 26-47, receipt for certified mail and the executed return receipt for the Certified Letter as #2, and a photograph taken 11/12/02 shown from the vacant lot to the east.

Mr. Peter Graves, son of owner Lester Graves who is now deceased, stated that the property was transferred to him but evidently never recorded properly and he may have to reopen probate. He added that he has been paying taxes since 1993. He stated he

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received the letter on 8/31/02. Mr. Graves also stated that he was under the impression that the Town used to mow the property but he has noticed that it is now full of mangroves. Town Clerk Hancsak advised him that the Town has not provided lot mowing services since approximately 1992-93.

Special Master Torcivia questioned if the property owner to the east has a building permit to which she was advised that it was approved at the Town level but she was unsure at the County level. Sgt. Tinfina stated that Lt. Katz had recommended it be brought into compliance within 30 days failing which would constitute a \$100 daily fine. It was clarified that there were approximately 7-8 trees.

Mr. Graves commented that he had spoken to Lt. Katz about 10 days ago and was given the name of the Town's landscape contractor. He met with him approximately 2 days later and was advised that because the trees are approximately 60' high the proposal he received this last Friday was for \$7,200. He added that he did not have that type of funding. Special Master Torcivia asked if he had obtained any other proposals. He stated he had not.

Special Master Torcivia stated that she was finding violation, however, she was going to be more lenient because the trees are so high and the Town has not cited the property before this. She stated that her Final Order would include obtaining proof of obtaining a survey by Nov. 22, 2002 failing which could constitute a \$100 daily fine. She stated that she would like a status hearing on Dec. 10, 2002 to see what the survey shows, to see a list of proposals and how the funding will be accomplished before she sets a final removal date.

CASE NO. CE2002-12

Daniel Dolan, 6060 North Ocean Blvd., Ocean Ridge FL 33435

RE: 6060 North Ocean Blvd. or legally described as the NLY 135.52' of ELY 163.16' of Muck Lot 38 LYG West of SR A1A in Amended Plat of Boynton Sub

NATURE OF VIOLATION

Violate Section 26-47 of the Town Code of Ordinances by permitting an Australian pine tree to exceed the height necessary for such tree to extend onto the rear property of an adjacent property owner if such tree should fall. Such excessive growth shall apply to adjacent private and public property and shall constitute a nuisance

Respondent was not present.

Special Master Torcivia commented that she had received a copy of Mr. Dolan's stipulation.

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Sgt. Tinfina commented that the violation was actually for violation of Section 14-154A1 and 14-154A2 and the correct sections were in the Notice of Violation.

Special Master Torcivia advised that she would grant the stipulation and would find that the respondent is in violation and agrees to correct the violation by Dec. 31, 2002 failing which would constitute a \$100 daily fine.

Special Master Torcivia accepted the following evidence as Town exhibits: the letter received from Mr. Dolan stipulating to correcting the violation as Exhibit #1; and the Affidavit and Notice of Violation and receipt for certified mail and the executed return receipt for the Certified Letter as #2.

C. Adjournment

The meeting was adjourned at approximately 10:30 AM.

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Town Clerk