

SPECIAL MASTER CODE ENFORCEMENT HEARING OF APRIL 8, 2003

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MASTER CODE ENFORCEMENT HEARING
April 8, 2003

Present: Karen Hancsak, Town Clerk; Lt. Stefan Katz, and Ken Spillias, Town Attorney.

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

A. The minutes of December 10, 2002 were adopted.

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. It was clarified that the agenda was incorrect in listing the case numbers as Status Hearings and should actually read Violations.

At this point all individuals that were prepared to give testimony were sworn in. Atty Spillias commented that he would cite the new corresponding section from the newly adopted Code of Ordinances as each case is discussed.

B. VIOLATIONS

CASE NO. CE2003-04

Steven Bedigian, 205 S.E. 36th Ave., Boynton Beach FL 33435-8658

RE: 10 Coconut Lane or legally described as Lot 3, Block 1, Boynton Beach Park Subdivision

NATURE OF VIOLATION

Violate Section(s) 13-136(c) and Section 14-154 of the Town Code of Ordinances by failing to spread fill within 10 days of delivery and creating a blighting influence on neighboring property and creating a hazard to public health, safety and welfare by failing to maintain the property according to the following standards: a) allowing stagnant water to exist in the pool along with a pile of rubbish, coconuts, and planted material creating an environment for vermin, rodents, etc., b) maintaining a fence that is missing slats, leaning over, and is weathered and deteriorated, c) landscaping – allowing stones, weeds, wood, pvc pipe, dirt and other rubbish and excessive lawn growth in excess of 12” to exist on the property (back and side yards) and d) allowing a temporary barrier fence to exist surrounding various parts of the property.

SPECIAL MASTER CODE ENFORCEMENT HEARING OF APRIL 8, 2003

The respondent was present.

Special Master Torcivia accepted the following evidence presented by the Town: the executed return receipt for the Certified Letter as Exhibit #1; fourteen photographs taken on March 7, 2003 showing the areas cited for blighting as Exhibit #2; and four photographs taken April 8, 2003.

Lt. Katz testified that on March 7, 2003 he inspected the property and observed the violations that included debris, and pool with stagnant water with coconuts and plantings inside it. He notified Mr. Bedigian and advised him that he was given until this meeting to comply. He added that the respondent advised that he was aware of the violations.

Special Master Torcivia clarified that nothing has been done to correct the violations. She suggested that the respondent and Atty Spillias go out to discuss a possible stipulation.

Upon their return the Special Master commented that she felt the pool was a big concern along with the holes in the fence and the orange barrier around it.

Atty Spillias suggested completing the improvements in stages which included: 1) cleaning up the pool and stagnant water within 15 days or \$100 daily fine 2) yard is to be cut and cleaned within 15 days or \$50 daily fine 3) pile of fill removed or spread (and seeded) or \$50 daily fine and 4) fence to be repaired/replaced within 60 days.

Special Master Torcivia stated that it appeared that ½ of the fence has been taken down so therefore it cannot be patched. The respondent commented that he could not deny the state of the place. He was asked how long the dirt has been there to which he advised since probably January and added that he had unexpected hardships in the past few months. Special Master Torcivia questioned whether he was using the property as a nursery based on photograph #7. He advised he was not.

Special Master Torcivia stated that she was finding violation; however, she was going to be stricter because of the safety concerns for children and the possibility of a breeding ground for mosquitoes. She stated that her Final Order would include cleaning out the pool within 48 hours (or Friday a.m.) failing which would constitute a \$100 daily fine, the fence permit must be applied for within two days and fence shall be installed within four days of acquiring permit and failing either would constitute a \$150 daily fine, the fill must be removed or spread within thirty days (May 8th) or a \$50 daily fine would be imposed, and the yard must be mowed and debris removed within fifteen days (April 23rd) or a \$50 daily find would be imposed. She stated that if the respondent does not comply within the time specified a Fine Assessment Hearing would be held on May 13, 2003 at 10:00 AM. She reminded the respondent that it was his responsibility to notify the Town when each violation has been corrected.

SPECIAL MASTER CODE ENFORCEMENT HEARING OF APRIL 8, 2003

CASE NO. CE2003-05

Ocean Park Manor, Vice President of the Home Owners Assoc., Rocco DiMatteo, 6520 N. Ocean Blvd., Ocean Ridge FL 33435

RE: 6520 North Ocean Blvd. or legally described as Lots 67 and 68, McCormick Mile Subdivision

NATURE OF VIOLATION

Violate Section 14-154 and Section 14-155 of the Town Code of Ordinances by the property presenting a blighting influence on neighboring properties and there presently exists an unsafe structure and public safety hazard to the public's safety and welfare by permitting the balcony to have exposed re-bar on the stairwell, balcony floors as well as the railings, and the concrete railings throughout various sections of the walkways and balcony, stairwell, etc. has deteriorated and is broken off, and sections of the balcony railings are broken off and have been replaced temporarily with sections of wood, and sections of the railings and stairwells have orange barrier webbing on them in place of permanent railings.

Respondent was present along with John Barry, President of the Homeowners Assoc. and they were both sworn in.

Special Master Torcivia clarified that the violations were still not in compliance.

Special Master Torcivia accepted the following evidence as Town exhibits: the Notice of the Hearing and executed return receipt for Mr. DiMatteo as Exhibit #1; the executed return receipt for Mr. Barry as #2, 13 photographs taken on March 7, 2003 as #3, and 9 photographs taken on April 8, 2003 as #4.

Lt. Katz reiterated the violations cited in the notice and commented that this was a multi-family 27 unit three story structure. He stated that the original contractor is no longer doing the work and the respondents are in the process of hiring another contractor to complete the work.

Special Master Torcivia questioned if there were currently people residing in the building to which she was advised there was. She then asked for the Town's recommendation. Atty Spillias commented that the building needs a lot of work and it should be completed as quickly as possible failing which the Town would recommend a \$250 daily fine, adding that the site was also obviously a blighting concern to the area.

Special Master Torcivia stated that the pictures appeared to show the building in terrible shape. Mr. Barry advised that he and Mr. DiMatteo were newly elected to the board in

SPECIAL MASTER CODE ENFORCEMENT HEARING OF APRIL 8, 2003

February and evidently the previous contractor was not properly experienced. He added that they are currently pursuing legal action with the contractor. He advised that Mr. DiMatteo has met with a potential contractor, Carousel Development and Hank Kreh, P.E., yesterday and the contract is under legal review. Special Master Torcivia questioned how many units were currently occupied to which she was advised that there were 27 units and 5 units occupied all year around.

Special Master Torcivia accepted the business card from Carousel Development and Hank Kreh as Exhibit #1 for the respondent.

Atty Spillias suggested that the work be totally completed in 4-5 months and block off the areas deemed unsafe within 48 hours with a \$250 daily fine if there is non-compliance. He added that a renovation permit should be applied for within 10 days or face the maximum fine of \$250 daily and added that the contract should provide necessary safety measures.

Special Master Torcivia stated that she is finding violation with this case, however, she will not assess a fine today for all the items she was requiring, however, the respondents needed to start correcting the violation immediately. She stated that her order would include that within 48 hours (Friday a.m.) the respondents must meet with Lt. Katz and tour the building to determine which areas need closed off failing which would constitute a \$250 daily fine. She stated that a building permit must be applied for and a copy of the contract with Carousel Development supplied to the Town within 10 days (April 18th) failing which would constitute a \$250.00 daily fine. She added into the Final Order that the actual renovation must be brought into compliance by Oct. 8, 2003 and if not completed a status hearing will be set for Oct. 14, 2003 where it will be necessary to appear with the contractor to explain the delay at which time she would determine a fine to be assessed.

Special Master Torcivia requested that this order be forwarded to Illinois and to the Hank Kreh, proposed contractor.

CASE NO. CE2003-01

Marilyn Smith, 479 Fox River Drive, Bloomfield Hills MI 48304

RE: Lot 12, Block 6, Boynton Beach Park Subdivision (19 Hudson Ave.)

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

SPECIAL MASTER CODE ENFORCEMENT HEARING OF APRIL 8, 2003

Respondent was not present.

Atty Spillias advised that two attempts were made to notify the respondent of the violation on the vacant lot with negative results. Lt. Katz commented that attempts were made to telephone the owner also with negative results.

Special Master Torcivia accepted the two unclaimed letters containing the Notice of Violation as Exhibit #1 and #2, and the proof of ownership from the Property Appraiser's Office as Exhibit #3. She stated that would find that proper notice was given and asked for the recommendation from the Town. Atty Spillias suggested a \$50 daily fine if not brought into compliance.

Special Master Torcivia advised that she would find that the respondent was in violation and that her Final Order would state that the violation must be corrected within 48 hours (April 10, 2003) failing which would constitute a \$50 daily fine. She added that if the respondent does not comply within the time specified a Fine Assessment Hearing will be held on May 13, 2003 at 10:00 AM.

CASE NO. CE2003-03

Carlton Forbes & DLJ Mortgage, 1520 NW 107 Drive, Pompano Beach FL 33071-6424

RE: Lot 32 and 33 Inlet Cay Subdivision (32 Spanish River Drive)

NATURE OF VIOLATION

Violate Section 14-154A1 of the Town Code of Ordinances by not maintaining the exterior of the structure on property to conform to Town Codes and Ordinances and to avoid a blighting influence on neighbors' property (i.e. weathered blue tarp hanging from roof and lying on the ground, central A/C unit lying in the yard, rotten fascia board located on the west side of the property and 3 boarded windows – 2 east side and 1 south side).

Respondents were not present.

Atty Spillias advised that the document from the Property Appraiser's Office at the time of the violation depicted Carlton Forbes and DLJ Mortgage, with the address shown above, as the owner, however, the document printed out today showed DLJ Mortgage strictly as the owner with a different address. Special Master Torcivia advised that she would find that proper notice was given because it was the responsibility of the owners to notify each other of the violation received.

Special Master Torcivia accepted the following Exhibits for the Town: the executed return certified receipt green card as #1, the two documents from the Property Appraiser's Office showing ownership as #2, eight photographs dated 1/23/03 as #3, and four photographs dated 4/8/03 as #4.

SPECIAL MASTER CODE ENFORCEMENT HEARING OF APRIL 8, 2003

Atty Spillias clarified that Lot 44 has since been released from Lots 32 and 33 and should not be part of the violation as described in the Notice of Violation. Atty Spillias commented that this property has been noticed several times and has been a troubled property for several years because no one is taking responsibility for the maintenance. Special Master Torcivia asked for the type of previous violations to which she was advised that four violations were for unrelated violations, three were violations for failure to obtain building permits, and one was for overgrown grass and weeds. Atty Spillias requested a \$250 daily fine.

Special Master Torcivia stated that she would find that the property was in violation and stated that the Final Order would reflect that the property must be brought into compliance by April 11, 2003 failing which would constitute a \$250 daily fine. She added that a Fine Assessment Hearing would be scheduled for May 13, 2003 at 10:00 AM.

C. Adjournment

The meeting was adjourned at approximately 11:55 AM.

Town Clerk