

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MASTER CODE ENFORCEMENT HEARING  
May 13, 2003

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

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

A. The minutes of April 8, 2003 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.

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

B. FINE ASSESSMENT HEARING AND STATUS HEARING

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

Town Attorney Spillias stated that the violation was brought into compliance on April 22, 2003 and the respondent was present to request a reduction.

Lynn Copeland, niece of Ms. Smith, advised that she was here to represent the property owner and submit a letter requesting a reduction in the fine.

Special Master Torcivia accepted the following evidence by the Town: Recovery Calculation Worksheet (\$285.87) as #1, and the Final Order of Violation dated April 8, 2003 prepared by Paulette Torcivia as #2.

Special Master Torcivia accepted a letter written to her by Ms. Marilyn Smith dated May 1, 2003 requesting a reconsideration of the fine as Respondent Exhibit #1.

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Special Master Torcivia commented that she realized the Towns' difficulty in attempting to keep properties with out of town owners in compliance, however, she did state that she felt the respondent acted promptly. Therefore, she stated would agreed to reduce the fine of \$550 to \$300, and the \$285.87 would still be due.

Ms. Copeland submitted a check in the amount of \$585.87 to the Town.

CASE NO. CE2003-04

Steven Bedigian, 205 S.E. 36<sup>th</sup> 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.

The respondent was present.

Special Master Torcivia accepted the following evidence presented by the Town: the Final Order addressed to Mr. Bedigian dated April 8, 2003 #1.

Special Master Torcivia advised Mr. Bedigian that a reduction request could not be considered until full compliance is achieved.

Lt. Katz testified that Item #1 and #2 of the Final Order were complied with by the date certain. He stated that regarding #3 the grass that could be mowed was taken care of however there is still some screening, mosaic tiles, shutters and white brick piled near the dirt pile. The dirt pile (being Item #4) has also not been complied with. He added that the respondent does have a bobcat on site and some dirt has been moved. He showed

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Special Master Torcivia photograph #5 and #7 from the last hearing that depicted the debris described above that was still there.

Special Master Torcivia questioned if the white brick could be relocated to be less obtrusive. Mr. Bedigian stated that the property was not brought into full compliance because of personal reasons and he was prioritizing his projects and full compliance should be accomplished in two weeks.

Special Master Torcivia stated that her order would state that the fines for #3 and #4 would continue at \$50 daily for each violation until brought into compliance and could be readdressed on June 3, 2003 as a status and fine assessment hearing.

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, John Barry, President of the Homeowners Assoc. was present.

Special Master Torcivia accepted the following evidence as Respondent exhibits: Letter from Mr. Barry addressed to the Town dated May 2, 2003 requesting a fine reduction for the reasons stated therein as #1, a copy of the executed contract with Carousel Development received on April 25, 2003 as #2, and the Building Permit Application dated April 25, 2003 as #3.

Special Master Torcivia accepted the following evidence as Town exhibits: the Final Order dated April 8, 2003 as Exhibit #1; and the Recovery Calculation Worksheet (325.73) as Exhibit #2.

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Special Master Torcivia advised the respondent that a fine reduction request could not be considered until full compliance is achieved.

Regarding the items listed in the Final Order it was determined that Item #1 was brought into compliance by the time certain and Item #2 was 7 days delinquent at \$250 per day (\$1,750 total).

Atty Spillias suggested that until full compliance is received after October the actual assessment could be deferred. However, he did request that the administrative costs be part of this order and collected prior to Sept. 30, 2003.

Special Master Torcivia stated that she believed the respondents attempted to achieve compliance for the permit/contract submittal and therefore she would float the fine until final compliance is achieved. She strongly suggested that the respondents keep a daily log regarding the progress of the job in the event compliance cannot be achieved by Oct. 14, 2003. She stated that the payment for administrative costs would be due prior to Sept. 30, 2003. She stated that she would like the respondent to request a status hearing by late August if they have encountered many problems and feel they may need a continuance.

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).

Respondent was not present.

Special Master Torcivia accepted the following Exhibits for the Town: the Final Order forwarded to DLJ Mortgage dated April 8, 2003 as #1, the Property Appraiser paper depicting the address for DLJ Mortgage as #2, and the Recovery Calculation Worksheet (\$292.65) as #3.

Town Clerk Hancsak testified that she mailed the Final Order to the addressed listed for DLJ Mortgage from the Property Appraisers Office.

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Lt. Katz advised that he has inspected the property several times, including this date, and it still is in non-compliance. He added that he has had no contact with anyone regarding the vacant property.

Special Master Torcivia stated that she would find that the property was still in violation and \$8,000 is due as of this date, along with the \$292.65 administrative costs and the daily fine of \$250 would continue until brought into full compliance.

C. Adjournment

The meeting was adjourned at approximately 11:45 AM.

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Town Clerk