

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MASTER CODE ENFORCEMENT HEARING
DECEMBER 7, 2004

Present: Karen Hancsak; Town Clerk, Public Safety Lt. Stefan Katz, and Kristen Bennett, representing the Town Attorney.

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

A. The minutes of Nov. 9, 2004 were adopted.

Special Master Paulette 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.

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

B. STATUS AND FINE ASSESSMENT HEARINGS

CASE NO. CE#2004-19

Ocean Park Manor, President of Homeowners Association, John Barry, residing at Post Office Box 601, Oak Lawn IL 60454

RE: Lot 67 & 68 McCormick Mile Subdivision (6520 North Ocean Blvd., Ocean Ridge FL 33435)

NATURE OF VIOLATION

Violate Sections 67-174 and 67-175 of the Town Code of Ordinances by presenting a blighting influence because jalousies are missing from several windows and several doors are missing, the exterior surface of the building shows deterioration: peeling, mildew, oxidation or is unpainted, exterior shutters have been removed leaving marks on the walls, the external lighting consists of a series of extension cords with drop lights attached, and some external light fixtures are hanging loose by exposed electrical wiring **(Final Order/Granting Continuance had specific compliance dates with a last date of Dec. 3, 2004) (Meetings were held on July 6, 2004 and Oct. 5, 2004)**

The respondent, John Barry, was present and stipulated that notice of this hearing had been received.

SPECIAL MASTER CODE ENFORCEMENT HEARING OF DEC. 9, 2004

Atty Bennett summarized the prior meetings and orders and advised that the property is still in noncompliance. She stated that the Town would seek fines from today forward and not from the past.

Special Master Torcivia accepted the following as Town exhibits: the Final Order/Continuance dated Oct. 5, 2004 as #1; and the Administrative Cost Recovery Sheet in the amount of \$179.91 as #2.

Lt. Katz testified that he observed that the contractor was working on the windows yesterday, but no work had been done a couple of weeks ago, and he added that the contractor advised that after the windows/doors were completed in approximately one week the soffit/flashing on the side of the building would start. He added that the painting has not been completed and that only some electrical work had been completed.

Mr. Barry advised that 80-85% of the windows/doors were installed, which is necessary before the painting and roof repairs are completed. He approximated that they needed an additional 60 days.

Atty Bennett commented that while the Town is sympathetic the work is still not done since the first hearing in July and even some of the residents of this complex are complaining to the Town.

Special Master Torcivia advised that she would entertain a fine for the non-completion of the windows/doors and the electrical from Dec. 3, 2004 (as of today \$1,000.00) with an additional \$250 per day fine running until a final inspection is completed for this violation. She stated that she would grant a continuance on the painting until Feb. 7, 2005 and if it is not completed then at the hearing on Feb. 7, 2005 the Town can request a \$250 daily fine for that violation. She added that she is also awarding the Town the administrative costs in the amount of \$179.91 to be paid by Feb. 7, 2005 and a fine assessment hearing would be held on Feb. 7, 2004 at 10:00 a.m. She reminded the respondent that he should keep accurate documentation of the progress of the project.

C. VIOLATION HEARING

**CASE NO. CE#2004-30 Maria M. Egusquiza, 9918 North Military Trail,
Palm Beach Gardens, FL 33410**

**RE: Blks A,B, & Z Palm Beach Shore Acres
85' of W 352' of Lot 10 Blk A (9 Sailfish Lane)**

NATURE OF VIOLATION

Violate Section 67-174(a)(1) of the Town Code of Ordinances by not maintaining the exterior of the structure on the premises. Several screen panels are down in front of the structure and weed growth is not controlled

Atty Bennett advised the this violation was brought into compliance prior to this hearing.

**CASE NO. CE#2004-31 Mr. Robert Carlson, 30 Ixora Way, Ocean Ridge FL
33435
RE: Lot 13, Ocean Ridge Beach Subdivision (30 Ixora
Way)**

NATURE OF VIOLATION

Violate Section 64-77(c) and 30-152(a) of the Town's Code of Ordinances by placing piles more than 20 feet into the waterway, not obtaining a letter from DEP for approval of Dolphin Pilings in the waterway, and for doing this work without obtaining a permit

The respondent, Robert Carlson, stipulated that he had received proper notice for this hearing.

Atty Bennett summarized the violation by stating that the respondent had dolphin pilings replaced 5' further from the original pilings without the benefit of a DEP permit or a Town permit. She added that the permit was actually filed by the contractor after the work was completed. She commented that the code enforcement officer cited an incorrect section for the work being done without a permit so the Town could only discuss Section 64-77(c) by placing the pilings further than the 20' permitted by code.

Special Master Torcivia commented that she would like the Town to notify DEP and put them on notice that this work was done because she questions the credibility of the contractor if he would finish the work before obtaining either permit.

Atty Bennett stated that the Town is seeking that all appropriate permits be applied for and inspected upon completion, the pilings be moved back to 20' from the property line, and reimbursement of the administrative costs in the amount of \$193.97 by the end of this week.

Mr. Carlson stated that he had dolphin pilings and a dock installed when he originally relocated to Town in 1987. He added that because he was purchasing a bigger boat he asked the contractor to move the pilings out an additional five feet and he was unaware he needed a permit to replace them since he had gotten a permit when they were originally installed. He added that he was unaware that the contractor had not obtained a permit.

Special Master Torcivia questioned Mr. Carlson if he asked the contractor if he had a permit to which he replied that he did not think he needed to ask the contractor as he has worked in Town before and thought he would be aware of the zoning and permitting requirements. He stated that once he became aware of the violation he called and spoke with the Town Clerk and suggested at least relocating the pilings while they waited for the DEP permit and thought he had until Jan. 4th to relocate the pilings.

SPECIAL MASTER CODE ENFORCEMENT HEARING OF DEC. 9, 2004

Atty Bennett stated that the Town is requesting a status hearing on Jan. 4, 2005 and she concurred with the Special Master regarding contacting DEP and seeking whether the pilings could be moved to the 20' location.

Special Master Torcivia stated that she would find the respondent was in violation of Section 64-77(c) and would accept the Administrative Recovery Sheet in the amount of \$193.97 as Exhibit #1 for the Town to which the respondent immediately wrote a check for the administrative costs. She added that the Town shall require all pilings to be in full compliance once proper permitting has been completed and a status hearing is scheduled for 10:00 am on Jan. 4, 2004.

CASE NO. CE#2004-34 Krishna and Nirmala Tripuraneni, 1908 S. Club Drive, Wellington FL 33414-9075

RE: Boynton Beach Park S 125' of N 175' of unbrd Blk Lyg E of Ocean Blvd. (6393 North Ocean Blvd., Ocean Ridge FL)

NATURE OF VIOLATION

Violate Section 34-6(a) of the Town's Code of Ordinance by allowing the grass and weeds on their parcel to grow in excess of 12 inches, and by allowing dead leaves and trees to exist on the property

The respondent was not present.

Special Master Torcivia accepted the following exhibits for the Town: the Property Appraiser print out with the address for the present owner as #1; and the Affidavit and Notice of Violation with executed green card as #2. She advised that did find that proper notice was given.

Atty Bennett advised that the work appears to be completed, however, it has not been removed from the property. She suggested that the respondent be given another week to comply to remove the debris and if not then the Town will remove same and invoice the owner as per Section 34-6(c).

Special Master Torcivia stated that she did find a violation exists and provided that the respondent has until Dec. 14, 2004 to remove the debris failing which the Town will remove debris and invoice the owner.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:55 AM.

Town Clerk