

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MASTER CODE ENFORCEMENT HEARING  
MARCH 1, 2005

Present: D. Bill Mathis, Town Manager; Karen Hancsak; Town Clerk, Lt. Stefan Katz, Sgt. Eve Eubanks, and Kristen Bennett, representing the Town Attorney.

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

A. The minutes of February 1, 2005 were adopted.

Special Master Glen 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. He added that the Town would present their case and he would render a decision and issue a Final Order.

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

Atty Bennett advised that Case No. 2005-08, 2005-18, and 2005-19 have been brought into compliance.

C. VIOLATION HEARING

**CASE NO. CE#2004-33     Joseph & Allyn Bryan, 3 Fayette Drive, Ocean Ridge  
FL 33435  
RE:    Ely 96.94' of Lot 1, Tropical Park Addition No. 1  
Subdivision (3 Fayette Drive)  
NATURE OF VIOLATION**

Violate Section 67-174(a)(1) and Section 67-175(8) of the Town Code of Ordinances by allowing the paint to peel on the fascia of the house, allowing the outside balcony on the second floor in front of the house to remain bent, and allowing the door bell wires to be exposed.

The respondent, Allyn Bryan was present. Special Master Torcivia determined that proper notice had been given for the meeting.

Special Master Torcivia accepted the following Town exhibits: the Receipt of Delivery, Property Appraiser Owner Information, Notice of Violation, the Incident Reports, Photographs, and Cited Sections of the Code as #1; the administrative recovery sheet in the amount to \$139.84 as #2; and one page of 2 photographs taken on 3/1/05 as #3.

Sgt. Eubanks testified that she notified the respondent about the violations in Nov. 2004 and actually wrote the Notice of Violation in Jan. 2005.

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Atty Bennett advised that the Town was seeking reimbursement of administrative costs and that compliance be achieved within 30 days failing which could constitute a daily fine of up to \$250 daily.

Special Master Torcivia accepted the following Respondent exhibits: 3 photographs showing mold and the balcony as #1; and a page from the Final Judgment for the divorce showing that she resides in the residence as #2. He noted that he observed the check from the insurance company made payable to both Mr. and Mrs. Bryan.

Mrs. Bryan stated that she has repaired the doorbell and has already incurred and spent \$6,500 on immediate repairs such as mold because of the hurricane. She stated that she is in the process of a divorce and the insurance has issued a check for the repairs, however, her ex-husband will not endorse it and the funds are tied up. She added that she is speaking with his attorney in an attempt to resolve any conflicts and felt she was doing the best she possibly could to come into compliance. She stated that she felt she could have the balcony repaired in a month and the fascia will take longer because the work is more extensive than painting the fascia.

Special Master Torcivia stated that he was finding that there was a violation and the railing must be brought into compliance by April 15, 2005 failing which would constitute a \$100 daily fine until compliance is met and the repairs to the fascia must be completed by May 3, 2005 failing which would constitute a \$100 daily fine until compliance is met and a Status/Fine Assessment Hearing would be held on May 3, 2005 at 10:00 am if necessary. He also advised that the administrative costs in the amount of \$139.84 must be paid by April 30, 2005. He also reminded the respondent to call for an inspection when the work is completed and to advise her ex-husband that failing to complete the work could result in a lien being placed on the property thereby affecting the sale of the home.

**CASE NO. CE#2005-20      Carmono Fernando & Shelby St. James, 6780 North  
Ocean Blvd., Ocean Ridge FL 33435  
RE: Lot 43, McCormick Mile Subdivision (6780 North  
Ocean Blvd.)**

**NATURE OF VIOLATION**

Violate Sections 64-81, 67-96, 67-77, and 66-1 of the Town Code of Ordinances by not maintaining the property by allowing seawall to remain in an unsafe condition, by spreading fill on area of the property without obtaining a permit, by causing damage to the sidewalk in front of the resident as well as filling the drain with dirt thereby causing a problem with the drainage system, by doing renovation work on the swimming pool without obtaining a permit, by not providing proof as requested by the zoning official that the on site detention facility could accommodate a minimum of one inch of rain fall in one hour.

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The respondent was present and the Special Master determined that proper notice was given.

Special Master Torcivia accepted the following Town exhibits: the Receipt of Delivery, Property Appraiser Owner Information, Notice of Violation, the Incident Reports, Photographs, and Cited Sections of the Code as #1; the administrative recovery sheet in the amount to \$266.40 as #2; and six pages of photographs taken on 2/16/05 as #3; and 4 pages of photographs taken on 3/1/05 as #4.

Atty Bennett advised that the respondent had brought the drain and sidewalk into compliance and had applied for the fill permit and pool repair on this date. She added that the Town was requesting reimbursement for the administrative costs and compliance within 90 days for all outstanding violations failing which a daily penalty would be assessed.

Lt. Katz testified that he observed the violations on 2/16/05 along with Ofcr. Cazzoli and took several photographs and had the officer write an incident report. He stated that the seawall was broken and in an unsafe condition, pool work had been done without ever have obtained a permit, fill was spread all over the yard (not just the back where it was supposed to have been placed), the Town drain was filled with dirt and the sidewalk was broken/cracked and covered in dirt. He added that repairs may be necessary to the pipe that extends to the ICWW, but he was unsure at this point and any necessary repairs should be at the respondents' expense. Lt. Katz advised that he spoke with the owner on 2/16/05 and he was receptive and aware of the problems and advised him that he would respond quickly and contact the building official and the seawall contractor. He concluded by stating that he took several photographs today and observed that the drain was cleaned out, the sidewalk cleaned and repaired and he was advised that the pool permit and fill permit was applied for this date.

Mr. Carmono commented that he believed that the pipe belonged to FDOT and the final pipe would go through to the ICWW when the seawall is corrected. He reiterated that he applied for the two permits today and added that the requirements for the drainage plans were an oversight by the Town when the permit was originally approved and when he was advised they would be required he contacted an engineer that same day. He stated that it was an oversight by the engineer that those plans were not submitted. He also stated that the back of his pool was damaged from the 110-120 truck loads of fill that was being brought in. He stated that he was only advised of the violations 13 days ago and he has tried to make the corrections promptly and even though he has been advised by an engineer that the problems arose at the fault of the seawall contractor he is incurring a \$40,000 expense to promptly correct the seawall. Special Master Torcivia reminded the respondent that the Town was being generous in offering a 90 day compliance date. He concluded by stating that he felt he should have received notice earlier and he should not have been contacted regarding the sidewalk at 10 PM.

Special Master Torcivia clarified that the same seawall contractor would be completing the work and then advised that he did find that were the violations and that a couple of them had been corrected. He stated that the respondent must comply with Sections 64-

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81, 67-96 and 66-1 of the Town Code of ordinances by June 7, 2005 failing which would constitute a \$100 daily fine until brought into compliance. He added that the administrative fees in the amount of \$266.40 must be paid in full in 30 days and if necessary a Status/Fine Assessment Hearing would be held on June 7, 2005 at 10:00 am.

D. ADJOURNMENT

The meeting was adjourned at approximately 11:00 AM.

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Town Clerk