

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MASTER CODE ENFORCEMENT HEARING
APRIL 5, 2005

Present: Karen Hancsak; Town Clerk, Chief Edward Hillery, 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 March 1, 2005 were already adopted.

Special Master Lara Donlon 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 and it was decided to hear CE #2004-26 first since the respondent for the other case was not present.

B. VIOLATION HEARING

**CASE NO. CE#2004-26 Douglas F. and Eleanor F. Olbrich, 6031 Rose Street,
Houston TX 77007**

**RE: Amended Pl of Boyntons Sub S ½ of Lot 3 and
Lot 4 Blk 9 (6113 North Ocean Blvd.)**

NATURE OF VIOLATION

Violate Section(s) 67-174(2)(1) and 34-6(a) of the Town Code of Ordinances by allowing the fence to remain in a state of disrepair and by allowing fallen trees to remain on the property.

The respondent, Douglas Olbrich was present. Special Master Donlon determined that proper notice had been given for the meeting.

Special Master Donlon accepted the following Town exhibits: the Receipt of Delivery as #1; 4 photographs taken on 4/5/05 as #2; and the administrative recovery sheet in the amount to \$193.58 as #3.

Sgt. Eubanks testified that the fence has been brought into compliance and only the two large trees that fell several years ago and now have new branches growing vertically are still in violation.

Atty Bennett advised that although the trees fell several years ago and the code provisions evidently were not enforced they are being enforced at this point.

SPECIAL MASTER CODE ENFORCEMENT HEARING OF APRIL 5, 2005

Douglas Olbrich commented that he has owned the subject property approximately 20 years and previously lived at 6073 Old Ocean Blvd. for 12 years but always maintained the vacant property at 6113 as a hammock type area. He stated he retained the property with the intent of building a residence there, however, he left the area and contracted with a yard service to maintain the property. He advised that in July 2003 he was contacted by the then Town Manager who requested that the lot be cleared and certain trees be removed. He stated that this was completed, however, in March 2004 he received a notice regarding the original violations even though the work was done so he met with Sgt. Eubanks, walked the property, subsequently cleared the lot again, which was approved by the Sgt. Eubanks. At that time he discussed retaining the trees in question now with Sgt. Eubanks since they were alive and growing and she advised that she would need to check with a supervisor about keeping the trees. He added that in 2005 he received this current notice and he responded by correcting the fence and writing a letter advising that he felt the trees were in compliance and not obtrusive. He then stated that Sgt. Eubanks telephoned him on 3/15/05 advising him of the fallen trees in violation to which he reminded her of the prior conversation in March 2004 and that he felt they were not in violation.

In closing, Mr. Olbrich commented that the ordinance did not specifically address fallen trees and he felt they were not in violation and in fact alive and growing and requested that they be permitted to remain as they are. He added that he would be open to beautifying them.

Special Master Donlon accepted the following Respondent exhibits: 2 photos from 7/2003 (a,b), 2 photos from 3/04 (c,d,e), 1 photo from 10/04 (f), 1 photo of fence (g), and 6 photos taken 4/5/05 (h,i,j,k,l,m) as #1.

Atty Bennett stated that anything other than removing or up righting the tree would not achieve compliance and therefore that was the Town's recommendation.

Mr. Olbrich reiterated that he could have the trees trimmed or beautified and possibly mound over the root system. He stated that he did not feel the trees created a safety issue or hindered the area and removing the trees would take away some of the beauty of the lot. He added that he has hired a company, Distinctive Properties, that could work with the Town to achieve compliance without removing the trees and it would probably take approximately 2 months to complete.

Atty Bennett stated that the Town has reservations on keeping the trees but is willing to work with the owner or representative on achieving compliance. She stressed that any other remedy than removal could not be guaranteed and the owner was proceeding at his own risk and any expenses involved. She suggested a status meeting to be held June 7, 2005 which would allow time for the code enforcement and owner or representative to communicate and try to achieve a solution.

Special Master Donlon stated that she did find there was a violation but she would permit a couple of months for the owner and code enforcement to work on achieving compliance

SPECIAL MASTER CODE ENFORCEMENT HEARING OF APRIL 5, 2005

and she would postpone any fine assessment until the June 7, 2005 meeting. She added that she was granting the Town the reimbursement of administrative costs in the amount of \$193.58 to be paid by 4/15/05.

CASE NO. CE#2005-23 Krishna and Nirmala Tripuraneni, 1908 S. Club Drive, Wellington FL 33414

RE: Boynton Beach Park Lot S 125' on N 175' of Unbrd Blk Lyg E of OceanBlvd. (6393 North Ocean Blvd.)

NATURE OF VIOLATION

Violate Section 67-174) of the Town Code of Ordinances by not cleaning walls on property and not painting north exterior wall, allowing weeds and grass in excess of 12 inches and vegetation debris present on the ground, allowing pool to contain stagnant water, allowing collapsed carport awning to remain on property, allowing pool storage shed and A/C unit destroyed by fire to remain on property, and not repairing front deck wood canopy that is leaning.

The respondent was not present; however, the Special Master determined that proper notice was given.

Special Master Donlon accepted the following Town exhibits: the green card Receipt of Delivery as #1; 4 pages of photographs with 13 photos taken 2/21/05 as #2; and three pages of photographs taken on 4/05/05 as #3.

Atty Bennett cited the violations and advised that the respondent had removed the carport awning thus complying with that violation only. She added that the Town was requesting reimbursement for the administrative costs in the amount of \$180.52 and immediate compliance.

Sgt. Eubanks testified that she has had no contact with the property owners and the house is vacant.

Special Master Donlon did find that were the violations and that only the carport has been corrected. She stated that the respondent must comply with Sections 67-174 of the Town Code of ordinances and correct all of the violations by noon on April 6, 2005 failing which would constitute a \$250 daily fine until brought into compliance. She added that the administrative fees in the amount of \$180.52 must be paid in full in April 15, 2005.

D. ADJOURNMENT

The meeting was adjourned at approximately 11:00 AM.

Town Clerk