

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MASTER CODE ENFORCEMENT HEARING
JUNE 7, 2005

Present: Karen Hancsak; Town Clerk, Sgt. Eve Eubanks, Lt. Katz and Ken Spillias, Town Attorney.

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

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.

A. APPROVAL OF MINUTES FROM MARCH 14TH, APRIL 5TH, AND MAY 3RD, 2005

Special Master Donlon approved the above referenced minutes.

B. STATUS/FINE ASSESSMENT 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. (**Hearing held
on March 1st and May 3rd, 2005**)**

The respondent, Allyn Bryan was present.

Town Atty Spillias summarized the violation and events thus far. He stated that the railing had been brought into compliance on May 11th thereby accruing \$525 in fines that was placed as a lien on the property. He stated that \$347.30 administrative costs had not been paid by June 6th as stated by the order. Regarding the fascia repairs, he stated that the building permit had been applied for on May 24th and approved on May 27, 2005. The permit has been picked up, however, no work has commenced.

Atty Spillias advised that the Town is recommending that a lien be placed on the property for the \$347.30 administrative costs, new administrative costs in the amount of \$194.80

SPECIAL MASTER CODE ENFORCEMENT HEARING OF JUNE 7, 2005

be imposed for this hearing, and that although the Town understands that an enormous amount of rain has affected the area they also waited three weeks before applying for the permit, that a \$75.00 per day be imposed as of today until full compliance is achieved.

Special Master Donlon accepted the following as Town exhibits: the Setting Status/Fine Assessment Hearing as #1, the new administrative cost sheet in the amount of \$194.80 as #2, and 2 photographs taken this date by Sgt. Eubanks as #3.

Mrs. Bryan stated that she submitted the administrative costs from May 3rd to her attorney to pass on to her husband's attorney and also requested that they attend this meeting with negative results. Regarding the fascia work she advised that the contract with her contractor was signed over a month ago, however the rain has set them back. She also stated that he attempted to repair the fascia before completing the roof work but it could not be done and that he was present at this meeting.

Kevin Smith, 1st State Development, the roofing contractor, stated that part of the delay was due to waiting to get the funding approval from the insurance company. He added that each of rain costs two days work. He mentioned that required inspections cause delays also. Town Clerk Hancsak advised that an inspection can be called in until 3:00 PM the day prior to the requested inspection.

Special Master Donlon advised that she did find there was proper notice and the fascia/roof was still in violation even though it should have been corrected as of yesterday. She stated that based on the nonpayment of the last administrative costs she would approve the new \$194.80 administrative costs being placed as a lien on the property. Regarding the fascia she stated that a \$50.00 daily fine starting from today until full compliance is met would be placed as a lien on the property.

**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 (**Initial Hearing held March 1,2005**)

SPECIAL MASTER CODE ENFORCEMENT HEARING OF JUNE 7, 2005

The respondent was not present; however, the Special Master found that proper notice had been given to the respondent after Town Clerk Hancsak testified that Mr. Fernando was given the Final Order (which provided the date of today's meeting) in person on March 4, 2005 at approximately 1:30 PM.

Special Master Donlon accepted the following as Town exhibits: the March 1, 2005 Final Order as #1, the new administrative costs in the amount of \$194.80 as #2, and 8 photographs taken today as #3, #4, and #5.

Atty Spillias commented that the initial hearing was held on March 1st, the original \$266.40 administrative costs were paid on April 27, 2005, and the two active permits relating to the violations (#10109 and #10006) have not been had final inspections as of yet.

Lt. Katz testified that he inspected the property today and took the photographs showing that the sidewalk that had previously been brought into compliance was now cracked again and the patch work did not take and it was in disrepair. He stated other photographs showed that the permits had not been finalized and the work had not been completed for either the seawall/fill area or the pool.

Atty Spillias recommended that the new administrative costs in the amount of \$194.80 be assessed and that a \$100 daily fine be imposed until all finals have been completed for each of the building permits.

Special Master Donlon stated that she did find there was proper notice and also that the violation was ongoing and not corrected. She stated that she would assess a \$100 daily fine beginning today until all final inspections have passed and that a lien for the administrative costs in the amount of \$194.80 can be recorded. She added that because the sidewalk was now in disrepair again it must also be repaired and given a final inspection.

C. VIOLATION HEARINGS

Atty Spillias commented that Case No. 2005-25 had been brought into compliance and Case No. 2005-51 was improperly noticed and was now scheduled for July 5, 2005.

A brief recess was called from 10:30 AM to 10:45 AM.

CASE NO. CE#2004-36 Gary Cantor, 7 Ocean Harbour Circle, Ocean Ridge FL 33435
RE: Lot 46, Inlet Cay Subdivision (46 Bimini Cove Drive)
NATURE OF VIOLATION
Violate Section 63-118(B), Ordinance 229, Ordinance 345, 64-8, 64-43(A)(B), and 64-54(A) of the Town Code of Ordinances by allowing a nonresident use of the premises

SPECIAL MASTER CODE ENFORCEMENT HEARING OF JUNE 7, 2005

to exist, which is prohibited, by being in violation of the Town's established zoning map, by allowing the property to be used as a private club in violation of the access requirements as well as the minimum area requirements, and allowing the property to be used as a time share as defined by Town Code **(Initial Hearing held on March 14, 2005)**

Atty Spillias advised that this case was originally heard on March 14, 2005 and briefly summarized the violations cited. The Special Master provided both attorneys the opportunity to file and exchange briefs. He stated that this done and both parties have since entered into a stipulation for compliance and agreed to a settlement agreement among the three parties (Town, Cantor, and Abercrombie & Kent). He added that the stipulation provides that the respondent acknowledges the violations and agrees that all violations will cease by Dec. 31, 2004 failing which could constitute a \$250 daily fine. He stated that the settlement agreement provides that Abercrombie & Kent, in addition to Mr. Cantor, will be held jointly liable for any fines that accrue. He concluded by stating that he felt this stipulation was in the best interest for the Town.

Atty Spillias submitted the fully executed Stipulation for Compliance with the Affidavit/Notice of Violation as exhibit A and requested that the 2 copies of the settlement agreement be made a part of the record. He added that the settlement agreements have been executed by Mr. Cantor and Abercrombie & Kent and just needed the Mayor's signature. He concluded by stating that if Abercrombie & Kent attempted to withdraw from the settlement that the Town would like to reserve the right to withdraw from the stipulation and if compliance is not met all administrative fees would be assessed.

Atty MacLaren, representing Mr. Cantor, stated that Atty Spillias correctly explained the contents of both documents and he was in agreement with same.

Special Master Donlon accepted the Stipulation for Compliance document with attachment A along with copies of the two Settlement Agreements and advised they would be made part of her Final Order.

David Berger, 45 Bimini Cove Drive, requested clarification that the respondent could not enter into an agreement with anyone else and it would not be considered grandfathered. Atty Spillias advised him that he acknowledges that there is a violation in the stipulation and it could not be grandfathered.

D. ADJOURNMENT

The meeting was adjourned at approximately 11:00 AM.

Town Clerk