

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
June 6, 2006

Present: Karen Hancsak; Town Clerk, Sgt. Eve Eubanks, and Kenneth Spillias, Town Attorney.

Meeting called to order at 10:05 A.M.

Special Magistrate 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. ADOPTION OF MAY 2, 2006 MINUTES

Special Magistrate Donlon adopted the May 2, 2006 minutes.

B. STATUS/FINE ASSESSMENT

CASE NO. CE#2005-04 Charles A. Kyrne, 5550 N .Ocean Blvd. #110, Ocean Ridge FL 33435

RE: 5550 N Ocean Blvd., #110, Ocean Ridge FL 33435 (Kings Bay, Crown Colony)

NATURE OF VIOLATION

Violate Section 67-51 and 67-58 of the Town Code of Ordinances and Section 105.1 of the Florida Building Code by installing a whirlpool tub without first obtaining a permit issued by the Town Building Official

The respondent was not present.

Special Magistrate Donlon accepted the following Town exhibits: Final Order with composites and green card signed by Mr. Kyrne and ultimately hand delivered as #1 and the Administrative Recovery Costs in the amount of \$191.29 as #2.

Town Clerk Hancsak testified that the respondent paid the administrative costs but has not yet filed for a building permit and therefore is not in compliance.

Special Magistrate Donlon found there was proper notice and approved \$50.00 per day fine until full compliance and also administrative costs in the amount of \$191.29.

C. VIOLATION HEARING

CASE NO. CE#2005-68 Walter Stern, Post Office Box 1195, Boynton Beach, FL 33425

RE: Lot 7, Block 4, Boynton Beach Park Subdivision (17 Ocean Avenue)

NATURE OF VIOLATION

Violate Sections(s) 67-174(a)(1) and 67-175(8) of the Town Code of Ordinances by not maintaining the premises. The soffit is rotting and soffit screen is torn. There is a hole in the roof. The paint on the exterior of the house shows evidence of weathering. The exterior air-conditioning units, air-conditioning breaker box and meter box are rusted and there are exposed wires on the outside of the house.

Atty Spillias advised that the respondent spoke with Town Clerk Hancsak two times and is ill with viral pneumonia, adding the Town is agreeable to a one month extension noticed in the form of an order.

Special Magistrate Donlon accepted the following Town exhibits: the original Notice of Violation and Affidavit and green card as #1; and the three stipulations as #2.

Special Magistrate Donlon advised that she would prepare an order continuing the hearing until July 11, 2006 at 10:00 AM.

CASE NO. CE#2006-06 Allyn R. and Joseph R. Bryan, 3 Fayette Drive, Ocean Ridge FL 33435

RE: Tropical Park Add #1 Subdivision Easterly 96.94' of Lot 1 (3 Fayette Drive)

NATURE OF VIOLATION

Violate Section(s) 67-51 of the Town Code of Ordinances and Section 105.1 of the Florida Building Code, and Sections 110, 304, 101.6, 103.2.1, 307.4 and 305.3.2 of the Standard Building Code. This single-family residence was illegally converted into three (3) dwelling units without a permit. There are exposed wires on the outside of the structure. The porch deck and shower fixture in the rear of the house were not permitted. The walkway on the side of the house is broken and unsafe. The electrical box in the utility room in the rear of the house was exposed wires and exposed insulation. There are flammables and combustibles next to the hot water heater and exposed to outside temperatures, which constitutes a hazard. Screening is missing from the soffit. There is junk and debris around the perimeter of the house and outside

storage of furniture, building material and equipment.

Atty Spillias stated that the respondent presented the Town with a medical note and requested a one month extension agreeable by the Town provided it was noticed in the form of an order.

Special Magistrate Donlon accepted the following Town exhibits: the Notice of Violation/Affidavit as #1, and the Receipt of Affidavit showing hand delivery as #2.

Special Magistrate Donlon advised that she would prepare an order continuing the hearing until July 11, 2006 at 10:00 AM.

**CASE NO. CE# 2006-01 John G. Dragonas, 1060 Coconut road, #106,
Boca Raton FL 33432**

RE: Blks A,B, & Z PB Shores northerly 58.1' of southerly 78.1' of Lot 19 Lyg East of Ocean Blvd. (Being a pt of Lot 54 of Unrec PL of Blue Ocean Sub) Blk A AKA South Unit of Duplex and Blks A,B, & Z PB Shores northerly 28.9' of Lot 19 and south 33' of Lot 18 Lyg East of Ocean Blvd. (Being a pt of Lot 54 of Unrec PL of Blue Ocean Sub) (5015 Old Ocean Blvd.)

NATURE OF VIOLATION

Violate Section(s) 67-174(2)(1)(2) of the Town's Code of Ordinances by failing to maintain the premises. The siding, soffit, and fascia were rotted and/or in need to be painted. Sections of the siding and soffit were missing. Debris, including wood and roof material, was strewn about the property. The washing machine on the south side of the house rusted. Vent covers were missing in the back and south side of the house. The air conditioning unit was rotted throughout. Many of the ceiling boards under the overhang in the rear of the house were missing or rotted and in need of paint.

Town Atty Spillias summarized the violation adding that the majority has been brought into compliance.

Sgt. Eubanks testified that this case was handled by Ofcr Cazzoli who inspected the property this date and observed that the violations were brought into compliance with the exception of new debris and fascia that still needs painted. She added that the Town had photographs and a supplement report from Ofcr Cazzoli taken this date.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF JUNE 6, 2006

Special Magistrate Donlon accepted the following Town exhibits: the Stipulation and Waiver of Hearing executed by the respondent with the Notice of Violation/Affidavit attached as #1; Section 67-174 of the Town Code as #2; two photographs taken on June 6, 2006 as #3; supplement report from Ofcr Cazzoli as #4, and the administrative recovery cost sheet in the amount of \$215.58 as #5.

Special Magistrate Donlon accepted the following Respondent exhibits: a hand written note as #1; and four photographs as #2.

Atty Spillias requested that the respondent abide by the stipulation.

The respondent, Mr. Dragonas, stated that he appreciated being given additional time to correct the violations through the stipulation that he agreed to and he acknowledged that he is not in full compliance. He added that all the work could be completed by 5:00 PM this date. He mentioned that he has worked diligently to correct the violations and he had only the new debris, which can not be seen from the street, and the painting of the fascia remaining. He commented that he had completed additional non-cited repairs in an effort to upgrade the structure. He stated that this property has been the victim of vandalism (tearing apart of his decking and utilizing it for fires after Hurricane Wilma) and trespass on several occasions. He expressed his frustration by contractors that commit to work and then do not show up, adding that he has completed the majority of the work himself.

Atty Spillias questioned if the property was habitable and had current tenants which might explain the trespass and vandalism. Mr. Dragonas commented that no one is currently residing there but his intent is for family use on weekends.

Atty Spillias suggested compliance with the stipulation thereby incurring \$800 in daily fines through this date, the respondent be given an additional 10 days for full compliance without accruing any additional fines failing which the fine would commence again, and reimbursement of the administrative fees in the amount of \$215.58.

Special Magistrate Donlon stated that she did find there was still a violation, noting that the majority was brought into compliance, and agreed with the Town's recommendation stating that her order would reflect that the respondent is assessed \$100 per day from May 29th – June 6th (\$800), plus reimbursement of the administrative costs in the amount of \$215.58 within 10 days, and total compliance (debris and paint) within 10 days failing which would constitute a \$100 daily fine that will be assessed at a Final Assessment Hearing on July 11, 2006 at 10:00 AM.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:50 AM.

Town Clerk