

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
July 11, 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 JUNE 6, 2006 MINUTES

Special Magistrate Donlon adopted the June 6, 2006 minutes.

**B. 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 had previously executed several stipulations regarding the roofing violations and this case was continued from last meeting. He added that he had complied with other violations.

Special Magistrate Donlon accepted the following Town exhibits: the original Notice of Violation and Affidavit as #1; Order for Continuance as #2; the three Stipulations as #3, and the Administrative Recovery Sheet in the amount of \$209.11 as #4.

Sgt. Eubanks testified that all the violations have been corrected with the exception of the roof violations, and added that the roof is tarped at this time.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF JULY 11, 2006

Town Clerk Hancsak testified that Mr. Stern has spoken with the Town Hall several times regarding the roof and additional necessary repairs and was issued the three stipulations; however, since no actual work has taken place, she advised him that another stipulation could not be granted and he would need to appear before the Special Magistrate.

Mr. Stern apologized for the continuance citing he was ill. He showed a schematic of the atrium, which Special Magistrate Donlon accepted as Respondent Exhibit #1, and also blue print showing that no trusses were used for the atrium. He stated that when Hurricane Wilma hit it blew out a window and French door and the atrium collapsed thereby damaging interior walls. He added that there is now mold and more extensive damage to the interior, in addition to the roof. He advised that some of the estimates he has received are outrageous but he hired roofers to make the repairs, however, they left for Mississippi to work there after Hurricane Katrina. He also stated that he had an insurance appointment but it had to be cancelled when he was hospitalized and he is waiting for the insurance company to come back. He added that he felt the repairs will cost between \$25,000 - \$50,000 and his attorney advised him to have the adjustor verify that all the work will be corrected properly.

Special Magistrate Donlon questioned if Mr. Stern had a plan on what he was going to do and the time frame it would take. He advised that he was planning on seeing a company in Ft. Lauderdale that could rebuild the atrium, then reinforce the trusses and complete the roofing. He stated the length of time depends on how long it will take to make the skylight.

Special Magistrate Donlon asked for a Town recommendation. Atty Spillias commented that the Town is aware of the difficulty in getting contractors; however, something needs to be done by the standpoint of the codes. He suggested status hearings in phases with the 1st phase consisting of the respondent making a decision on how he plans to proceed in making the residence habitable and the time frame it should take. He requested that the respondent be found in violation and a status hearing be held on Aug. 8, 2006 at 10:00 AM at which time the Town could be apprised of his progress and a final time could be issued for total compliance (phase 2). He added that if the respondent failed to present a plan at the hearing a \$50 daily fine should be assessed.

Mr. Stern advised that he was agreeable to this.

Special Magistrate Donlon advised that she did find that there was proper notice and that the roof violations were still in noncompliance. She stated that her order would state that by Aug. 7, 2006 the respondent needed to enter into the appropriate agreements/contracts to correct the condition of the roof with evidence being presented to her at a status conference on Aug. 8, 2006 at 10:00 AM. Failing to provide evidence would constitute a \$50 daily fine. She also ordered that Administrative Recovery Costs in the amount of \$209.11 be paid within ten (10) days.

**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.

The respondent arrived and was sworn in.

Atty Spillias stated that this case was continued from last meeting.

Special Magistrate Donlon accepted the following Town exhibits: the Notice of Violation/Affidavit as #1, the Receipt of Affidavit showing hand delivery as #2, Order for Continuance as #3, a June 1, 2006 letter from the respondent as #4, Administrative Cost Recovery Sheet as #5, three photographs taken on June 6, 2006 as #6, garbage/trash invoice as #7, Real Estate Listing as #8, Property Appraiser Printout as #9, Property Appraiser Structural Outline Printout as #10, and a composite of Building Permits as #11.

Sgt. Eubanks testified that all violations have been corrected with the exception of the property consisting of 3 units instead of 1 unit and the porch with deck shower as shown in the submitted pictures.

Town Clerk Hancsak testified that at some point the residence must have been converted to 2 units with Town knowledge because the Town has consistently invoiced garbage/trash payments for 2 units.

Mrs. Bryan commented that the debris listed in the violation was a result of hurricane damage and has since been removed. She stated that she has been paying taxes and her

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF JULY 11, 2006

homestead was adjusted for the units and she has reported and paid income on the units. She added that she spoke with the original owner who does not have the original plans. Mrs. Bryan stated that there were three apartments with three separate baths when purchased in 1986. She added that the building plans on file for her address do not seem to match the house now. She advised when they purchased the property they were assured that the apartments were grandfathered. She stated that one unit is currently rented and the other is an efficiency that is very small. Atty Spillias asked if the apartments are attached to which he was advised that they are and they do not have access to the main house.

Regarding the deck she advised that it had to be part of the original porch permit because otherwise there would have been no landing. She stated that the shower consisted of a hose connected to a spicket on an existing sprinkler head. Atty Spillias advised that the Town could withdraw this violation as the 3rd unit was the major issue and the debris has already been corrected.

Atty Spillias commented that the major issue was the 3rd unit and that no permits have been located approving the 3rd unit. He added that they have been invoiced for two units for some time now so the Town obviously recognized the property as a duplex but the Town's position is that the 3rd unit is a violation.

Special Magistrate Donlon questioned what can be done to rectify the violation. Atty Spillias advised that the respondent can apply for a permit but it may not meet zoning requirements. He stated that the respondent either needs to obtain a permit to allow the 3rd unit or a permit to remove, or provide proof that the Town permitted a 3rd unit. Atty Spillias suggested scheduling a status hearing for Aug. 8, 2006 whereby the respondent has time to obtain correspondence/records showing the 3rd unit was approved, failing which then a time period would be given to correct the violation.

Special Magistrate Donlon stated that she did find there was proper notice and did find that a violation exists for the 3rd unit. The order would state that the respondent be given until Aug. 7, 2006 to provide evidence of approval for the 3rd unit and failure to obtain the evidence may result in a fine of up to \$250. A Fine Assessment/Status Hearing is scheduled for Aug. 8, 2006 at 10:00 AM and if proper evidence is not presented then a time frame will be established to correct the violation. She also ordered that the Administrative Recovery Costs in the amount of \$220.00 must be paid by Aug. 8, 2006.

CASE NO. CE# 2006-10 Hillary Longo, 418 Beach Curve S., Lantana FL 33462

RE: Lot 9, Ridge Harbour Estates Subdivision (34 Harbour Drive North)

NATURE OF VIOLATION

Violate Section(s) 34-1 of the Town's Code of Ordinances by allowing loose roof tiles to remain on the roof thereby creating a nuisance and safety issue.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF JULY 11, 2006

The respondent's representative, Ms. Picone (mother), was sworn in.

Atty Spillias summarized the violation.

Sgt. Eubanks testified that she inspected the property today at approximately 8:00 AM and observed that some loose tiles still remain on the roof.

Special Magistrate Donlon accepted the following Town exhibits: the Notice of Violation/Affidavit and Receipt of Notice as #1; Property Appraiser Printout as #2; 2 photographs taken on 7/11/06 as #3; and the Administrative Recovery Costs in the amount of \$192.96 as #4.

Ms. Picone stated that all violations should now be corrected as she met with the contractor at 9:30 AM this date and he removed the remaining loose tiles.

Atty Spillias recommended that the property be brought into compliance within five (5) days with no fines or administrative costs if in compliance.

Special Magistrate Donlon stated that she did find proper notice and a violation existed as of 8:00 AM. She advised that the property must be brought into compliance by July 17, 2006 failing which a Fine Assessment Hearing would be scheduled for Aug. 8, 2006 and fines could be assessed up to \$250 per day and the \$192.96 Administrative Costs could be assessed. She advised the respondent to schedule a final inspection.

**CASE NO. CE#20006-36 Dr. Joseph Chalal, 31 Anna Street, Ocean Ridge
FL 33435**

**RE: Lot 9 Coastal Shores West Subdivision
(31 Anna Street)**

NATURE OF VIOLATION

Violate Section(s) 66-151(b)(7) of the Town's Code of Ordinances by not maintaining the trees on property so as not to come in contact or otherwise obstruct or interfere with power or other utility lines or facilities

The respondent was not present.

Special Magistrate Donlon accepted the following Town exhibits: the Notice of Violation, Receipt of Hand Delivery, and Property Appraiser Sheet as #1, a photograph taken on 7/11/06 as #2, and the Administrative Recovery Sheet in the amount of \$188.54 as #3.

Sgt. Eubanks testified that she reinspected the property and found that the violation still exists.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF JULY 11, 2006

Atty Spillias recommended that the violation be corrected within 7 days failing which would constitute a \$50 daily fine.

Special Magistrate Donlon found that proper notice was given and that there is a violation. She advised her final order would state that the violation be brought into full compliance by July 18, 2006 failing which would constitute a \$50 daily fine with a Status Hearing scheduled for Aug. 8, 2006 at 10:00 AM. She also ordered that Administrative Costs in the amount of \$188.54 be paid in full by July 18, 2006.

D. ADJOURNMENT

The meeting was adjourned at approximately 11:30 AM.

Town Clerk