

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
September 12, 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 AUGUST 8, 2006 MINUTES

Special Magistrate Donlon adopted the Aug. 8, 2006 minutes.

Atty Spillias suggested switching the order of the agenda since the respondent for Case No. 2005-68 was not present yet and Mr. Blonder was present.

C. VIOLATION HEARING

CASE NO. CE#2006-0051 David Blonder, 5880 N Ocean Blvd., Ocean Ridge FL 33435

RE: Amended PL of Boyntons Sub SLY 80' of Muck Lot 46 W of SR A1A (5880 N. Ocean Blvd.)

NATURE OF VIOLATION

Violate Section(s) 67-174(a)(1) of the Town's Code of Ordinances by not replacing the missing railing on the second story balcony

The respondent was present.

Town Atty Spillias summarized the violation and added that an incorrect code section was copied with the notice; therefore he had a copy of correct code section that he presented to Mr. Blonder.

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit and Notice of Violation, letter rescheduling the meeting and the 2 signed receipts as #1, 2 photographs taken 7/26/06 and 9/12/06 as #2, and the Administrative Recovery Costs in the amount of \$225.57 as #3.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF SEPT. 12, 2006

Sgt. Eubanks testified that she observed the missing railing on July 26, 2006 and subsequently sent the first notice followed by the revised notice. She added that she rechecked the residence and the railing was still missing.

Town Clerk Hancsak testified that a building permit was applied for on Sept. 11, 2006 for the railing and the approval should take a couple of days.

Atty Spillias recommended that the violation be brought into compliance by Sept. 29, 2006, failing which would constitute a daily \$50.00 fine, and reimbursement of the administrative costs.

Mr. Blonder, who also introduced his cousin Bernard Jaffe, commented that he has been in unsuccessful negotiations with his insurance company and adjuster since Hurricane Wilma and therefore has not applied for any repairs or renovations. He added that he too would like to complete the work quickly because the property is for sale. He stated that he has hired an independent rail installer on Aug. 31, 2006 to install a temporary rail and is paying him directly but the company could not commit to a completion date because they are unsure when the materials will come in and when it could be done. He added that he just heard today that the permit was only applied for yesterday.

Atty Spillias asked Mr. Blonder if the issues with the insurance company only involved the railing to which he replied that there was additional work that need to be completed.

Mr. Jaffe, cousin to Mr. Blonder, was sworn in and commented that his cousin was in a difficult position and at the mercy of the contractor and asked the Town to have patience.

Special Magistrate Donlon found that there was proper notice and that a violation does exist. She stated that her Final Order would reflect that the violation must be brought into compliance on/before Sept. 29, 2006 failing which a Status/Fine Assessment Hearing would be held on Oct. 3, 2006 at 10 AM. She added that if the work is not completed the respondent should provide documentation of the chain of events up to that point and she will then determine if a \$50.00 daily fine shall be imposed. She also ordered that the administrative costs in the amount of \$225.57 be paid to the Town by Sept. 29, 2006. She suggested providing the contractor with a copy of the order in hopes that they will expedite the work.

D. REQUEST FOR FINE REDUCTION

CASE NO. CE#2006-36 Joseph Chalal, 31 Anna St., Ocean Ridge FL 33435

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

NATURE OF VIOLATION

Violate Sections(s) 66-151(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 (**Violation corrected by 7/18/06 due date and Administrative Fines paid 8/14/06**)

Atty Spillias summarized the violation by stating that the property was brought into compliance by the required date, however, the administrative costs were still due which were paid upon receiving the Order Assessing the Fine. The respondent was present but has requested a fine reduction in writing. He stated that that Town was not opposed to voiding the fine.

Special Magistrate Donlon reduced the fine to zero.

B. STATUS HEARING

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.

Town Atty Spillias read the Order Setting Status and Fine Assessment Hearing and advised that the respondent was not present. He added that at the Aug. 8, 2006 meeting the Town did not request the administrative recovery cost reimbursement in the amount of \$198.79 and he was requesting that it be submitted for reimbursement at this time.

Special Magistrate Donlon accepted the following Town exhibits: the administrative recovery cost sheet in the amount of \$198.79 as #1, the Order Setting Status and Fine Assessment Hearing as #2, and the Certified Receipt Card dated Aug. 23, 2006 as #3.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF SEPT. 12, 2006

Special Magistrate Donlon stated that the \$198.79 administrative costs were reasonable and her order would include that payment must be made within 15 days and that the violation still exists and compliance must be met by October 31, 2006 failing which a Fine Assessment Hearing would be held on Nov. 12, 2006 at 10:00 AM.

E. ADJOURNMENT

The meeting was adjourned at approximately 11:00 AM.

Town Clerk