

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
Dec. 5, 2006

Present: Karen Hancsak; Town Clerk, Sgt. Eubanks, and Erica Loffler, representing the 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 NOVEMBER 14, 2006 MINUTES

Special Magistrate Donlon adopted the November 14, 2006 minutes.

It was agreed to hear the cases that had respondents present first.

B. VIOLATION HEARING

**CASE NO. CE#2006-0067 OTE Real Estate Development LLC, 8380
Resource Drive., Suite 1, Riviera Beach FL
33404-1733
RE: N 109.13' of S 387.41' of Gov Lot 5 Lyg
W of and Adj to Ocean Blvd. R/W (Less W 110')
Vacant Lot just north of 6450 N Ocean Blvd.
(Town Hall)**

NATURE OF VIOLATION

Violate Section(s) 62-51(e)(1) of the Town's Code of Ordinances by docking a boat and jet ski behind the vacant lot just north of 6450 N Ocean Blvd.

Ernie Vavarikos, 5582 A N Ocean Blvd., Ocean Ridge, architect and managing partner was present.

Atty Loffler summarized the Notice of Violation and added that the violation has not been corrected.

Sgt. Eubanks testified that she observed the violation and took photos on Nov. 6, 2006. She stated that she hand delivered the Notice of Violation to Maria Vavarikos on Nov. 28, 2006. She added that she also telephoned and faxed the code regulation to Mr. Vavarikos on Nov. 6, 2006.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF DEC. 5, 2006

Special Magistrate accepted the following Town exhibits: the Notice of Violation, hand delivery receipt, attached code section, 3 photographs, fax memo receipt and Property Appraiser owner record as #1.

Mr. Vavarikos stated that they have been working on this proposed 12 townhouse unit project for four years which encompasses four parcels of property. He commented that one of the parcels contained a single family home with the dock and added that the home was subsequently demolished and as part of the contract with the owner his company approved the prior owner's boat and jet ski to remain until the units were built. He added that he just found out that the boat could not remain and advised it may take six months to relocate it. He stated they would be agreeable to a permitting fee. Special Magistrate Donlon advised that if she finds there is a violation she does not have the authority to permit an unauthorized use.

Atty Loffler read the code section aloud and commented that the boat does not even belong to the property owner and suggested removal within 5 days or provide for a \$50 daily fine until brought into compliance.

Special Magistrate Donlon stated that it appears a violation exists and questioned how long they would request to correct the violation to which the respondent requested one month. Sgt. Eubanks commented that the respondent was made aware of the violation on Nov. 6, 2006 and added that she felt one month was too long.

Special Magistrate Donlon stated that she did find there was proper notice and that a violation does exist. She stated that the owner must correct the violation within 10 days (because the boat is owned by someone else) failing which a \$50 daily fine would be imposed until brought into compliance. She stated that a Fine Assessment Hearing is set for Jan. 2, 2007 at 10 AM pending compliance.

CASE NO. CE#2006-0063 CPI Real Estate, Inc. 49 NE 22nd Street, Miami FL 33137-4822

RE: Blks A, B, & Z Palm Beach Shore Acres W 272' of Lot 17 (Less W 18' of N Ocean Blvd. & N 10' Tropical Drive R/WS) Blk A (5019 N Ocean Blvd.)

NATURE OF VIOLATION

Violate Section(s) 34-6(a) and 67-33(a) of the Town's Code of Ordinances by allowing Australian pines on the east side of the property to grow in excess of 10 feet high, and by not preventing runoff on the east side of the property from discharging onto the adjacent property at 14 Tropical Drive of the Town's Code of Ordinances removing the roof tiles on the house without a permit **(POSTPONED FROM NOV. 14, 2006)**

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF DEC. 5, 2006

The respondent, Michael Dubose, partial owner, was not present; however the neighbor who provided the Witness Affidavit was present earlier.

Atty Loffler requested another continuance until the Feb. 6, 2007 prepared through a Grant of Continuance Order.

Special Magistrate Donlon stated that did find proper notice was given with a signed certified receipt and she would grant such a continuance.

**CASE NO. CE#2006-66 Harry and Eleanor Rauch, 521 Muirfield Drive,
Lake Worth FL 33462
RE: Lot 13, Block 6, Boynton Beach Park
Subdivision (21 Hudson Ave.)
NATURE OF VIOLATION
Violate Section(s) 34-6(a) of the Town's Code of
Ordinances by allowing the grass and weeds to
grow in excess of 12 inches**

The respondent was not present.

Atty Loffler summarized the Notice of Violation and advised that it continues to exist. She added that the Town was seeking payment of the \$200 lot violation fine and the administrative recovery costs to be paid within 10 days and full compliance within 5 days failing which impose a \$50 daily fine.

Special Magistrate accepted the following Town exhibits: the Notice of Violation and Green Card Receipt as #1, photograph taken this date as #2, and the Administrative Recovery Sheet in the amount of \$203.91 as #3.

Special Magistrate Donlon did find that proper notice was given and that the violation still exists. She stated that her order would include that the \$200 lot violation fine and administrative costs in the amount of \$203.91 must be paid within 10 days and that the violation must be brought into full compliance within 5 days failing which a \$100 daily fine would be imposed. She added a Fine Assessment Hearing is scheduled for Jan. 2, 2007 at 10 AM if necessary.

**C. STATUS HEARING
CASE NO. CE#2006-64 6393 North Ocean Blvd., 979 Dale Road,
Jenkintown PA 19046-2513
RE: Boynton Beach Park Subdivision S 125'
of N 175' of Unmbrd Blk Lyg E of Ocean Blvd.
(6393 North Ocean Blvd)
NATURE OF VIOLATION
Violate Section(s) 34-6(a) of the Town's Code of
Ordinances by allowing the grass and weeds to**

grow in excess of 12 inches on the parcel at 6393 N Ocean Blvd.

The respondent was not present.

Atty Loffler summarized the case and submitted the Final Order and green card receipt to the Special Magistrate.

Sgt. Eubanks testified that the right-of-way was cleaned on the west side of the wall; however, inside in the property the violation continues to exist.

Special Magistrate Donlon accepted the following Town exhibits: the Final Order and green card receipt dated Nov. 17, 2006 as #1, two photographs taken on Dec. 5, 2006 by Sgt. Eubanks as #2; and the administrative cost recovery sheet in the amount of \$217.45 as #3.

Town Clerk Hancsak testified that she had spoken with the respondent's attorney regarding the violation and had faxed all of the original hearing correspondence in addition to prior violations and signed green card receipts.

Special Magistrate Donlon stated that she did find there was proper notice and the violation continues to exist and her Order Assessing Fine would include that \$100 per day will be assessed from Nov. 15, 2006 until brought into compliance, the prior administrative costs of \$216.20 and the current \$217.45 is now assessed and can be included in the lien. She clarified that the prior \$100 lot violation fine had already been liened.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:30 AM.

Town Clerk