

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
November 4, 2008

Present: Karen Hancsak; Town Clerk, Keri-Ann Baker and Darren Leiser, Town Attys, and Sgt. Eubanks.

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

No one was in the audience and staff intending on providing testimony were sworn in.

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.

A. ADOPTION OF AUGUST 5, 2008 AND SEPT. 2, 2008 MINUTES

Both sets of minutes were adopted.

B. STATUS HEARING/FINE ASSESSMENT

CASE NO. CE#2008-016

Gary Kafka and Sondra Pastore, 40 Hibiscus Way, Ocean Ridge FL 33435

NATURE OF VIOLATION

Violate Section/s 67-51 of the Town's Code of Ordinances by replacing the wooden deck with concrete in the rear of the house, replacing the open wooden deck by the gazebo with concrete, installing a new wooden deck along the seawall, and installing a boatlift, all done without permits (**continued**)

Atty. Baker summarized the case and stated that a finding of violation was issued on Aug. 5, 2008 and the owner was given until this meeting to come into compliance. She stated that the property was still in violation and no reimbursement costs have been paid and she requested that the order be upheld and also the administrative recovery costs for this hearing be assessed. She submitted the Order Finding Violation and unclaimed certified letter. She added that the respondent's father, who also had power of attorney, was present at the August meeting and therefore knew of this meeting date.

Sgt. Eubanks testified that she re-inspected the property this date and it is still in violation and submitted a photograph.

Town Clerk Hancsak testified that she spoke with someone advising that they were interested in the property in Aug/Sept and they were advised what would need to be done to come into compliance. She added that no building permits had been applied for.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF NOV. 3, 2008

Special Magistrate Donlon accepted the following Town exhibits: the Order Finding Violation and certified mail notice as #1; a photograph taken this date as #2; and the administrative recovery worksheet for this hearing in the amount of \$267.12 as #3.

Special Magistrate Donlon did find the property was still in violation and the \$50 per day fine would start from Nov. 4, 2008 and she would require reimbursement for the first two hearings in the amounts of \$204.85 and \$241.98 and also the additional administrative costs for this hearing in the amount of \$267.12 and added that the property can be liened.

C. VIOLATION HEARING

CASE NO. CE#2008-050

**6393 N OCEAN LLC, 979 Dale Road, Jenkintown PA
19046 and David Marvisi, 100 S. Point Drive #5, Miami
Beach FL 33139**

**RE: Boynton Beach Park S 125' of N 175' of Unmbrd
Blk Lyg E of Ocean Blvd. (6393 N. 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 (this is a repeat violation)

Atty Baker summarized the violation and stated the property has been brought into compliance, however, the \$300 fine has not been paid. She stated that even though this a repeat violation the Town would waive the daily fine, however they were requesting a lien for the \$300 and also the administrative recovery costs in the amount of \$272.44 for this hearing.

Sgt. Eubanks testified that the respondents complied with the mowing, however it was in violation on Oct. 6, 2008 as the grass height was approximately to her knees.

Town Clerk Hancsak testified that the fine had not been paid.

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit and Notice of Violation with the certified green cards as #1; two prior orders reflecting repeat violations as #2 and #3; Property Appraiser showing ownership as #4 and the administrative recovery sheet in the amount of \$272.44 as #5.

Special Magistrate Donlon stated that she did find there was a violation and that it has been brought into compliance by Nov. 4, 2008. She stated that she would not impose a daily fine from Oct. 6 to today but she would order that the \$300 fine per Section 34-6 be paid immediately and also the administrative recovery costs in the amount of \$272.44.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:20 AM.

Town Clerk