

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
June 2, 2009

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

Meeting called to order at approximately 10:00 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 intending on providing testimony were sworn in.

**A. ADOPTION OF MAY 5, 2009**

The minutes were adopted as written.

**B. STATUS/FINE ASSESSMENT HEARING**

**CASE NO. CE#2009-008**

**Aida Fernandez, 25 Hersey Drive, Ocean Ridge FL 33435**

**RE: Lot 13, Ocean Shore Estates Subdivision (16 Adams Road)**

**NATURE OF VIOLATION**

Violate Section/s 67-174(1)(2) and 34-6(a) of the Town's Code of Ordinances by not maintaining the exterior of the premises and the structure thereon at 16 Adams Road. The walls and wooden door frames show evidence of deterioration, weathering and discoloration. There is a small hole in the wall east of the front door. The wooden door on the storage shed on the west side of the property is not properly fitted and is rotting. The wooden gate and fence are rotting. The stucco is crumbling. The wooden door frames are rotting and the paint on them is chipped. There are water stains on the walls. Pieces of tarp were hanging from the roof. There is mildew on the ground tiles. Dead palm fronds are hanging from the trees. Dead palm fronds, coconuts, and debris are strewn about the property. The weeds are in excess of 12 inches in height.

The respondent was not present.

Atty. Baker summarized that the property owner was found to be in violation at the last hearing and the Town Manager will testify to conversations he has had with the respondent.

Town Manager Schenck testified that he has been in contact with the respondent for several months to get the home demolished and she finally advised him that she did not have the funds to complete the job and would agree to permit the Town to demolish the home and lien the property. He brought the issue before the Town Commission and they

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approved the Town funding the demolition and liening the property. He advised she wrote a letter approving the demolition and that he had subsequent conversations with her that he noted on the letter advising her that the Town would be requesting a \$100 daily fine until brought into compliance, the administrative costs for both hearings, any interest due and also any associated costs with the demo.

Sgt. Eubanks submitted photographs taken on June 1, 2009 showing the property still in violation.

Special Magistrate Donlon accepted the following Town exhibits: a copy of the Final Order as #1; the Notice of Hand Deliver Receipt as #2; the authorization letter from Ms. Fernandez dated May 26, 2009 as #3; photographs taken by Sgt. Eubanks on June 1, 2009 as #4; and the administrative recovery sheet in the amount of \$252.64 as #5.

In closing Atty. Baker requested that the \$100 daily fine be imposed, a lien placed on the property for the demolition with accruing interest, any associated demolition costs and the administrative recovery costs for both hearings be included the order.

Special Magistrate Donlon stated that she did find there was proper notice and the violation continues to exist. She stated she would impose the \$100 daily fine beginning June 1, 2009 until brought into compliance, the \$252.64 administrative costs and also the prior administrative costs in the amount of \$261.80, the demolition and any associated costs be placed as a lien on the property to include any accruing interest on the lien.

**B. VIOLATION HEARING/S**

**CASE NO. CE#2009-011 POM Properties LLC, 4783 North Congress Ave., Boynton Beach, FL 33426**

**RE: Palm Beach Shore Acres Blks A,B,&Z Lot 17 LYS WLY of & ADJ to Ocean Blvd. R/W (less W 748') Blk A (5006 Old Ocean Blvd.)**

**NATURE OF VIOLATION**

Violate Section/s 67-174(a)(1), 67-175(a)(8)(10), 67-175(a)(8), 67-175(a)(10), 67-174(a)(1)(2)(b), 67-177(a)(3)(b)(1), 67-177(b)(1), 67-174(a)(1)(b), 67-177(a)(1)(2)(3)(b)(1) of the Town's Code of Ordinances by not maintaining the property such as electrical rusting issues, deterioration, junk and debris on site, etc.

Town Atty Baker summarized the violation and advised that the violation was originally noticed on April 7, 2009 and the respondent was noticed on April 28, 2009 and the property is still in violation.

Sgt. Eubanks testified that on April 7, 2009 she and the Zoning Official, Manual Palacios, observed the violations and took photographs of the property. She stated that on June 1,

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2009 she observed that the property was still in violation, however, the respondent did start pressure cleaning.

Special Magistrate Donlon accepted the following Town exhibits: photographs taken on April 7, 2009 as #1; the Property Appraiser sheet showing ownership as #2; the Notice of Violation with Tracking of Certified Mail and Posting Notice as #3; photographs taken by Sgt. Eubanks on June 1, 2009 as #4; and the administrative recovery sheet in the amount of \$261.31 as #4.

Elliot Zank, owner of POM Property LLC, commented that the one remaining tenant, who was a tenant when he purchased the property, moved out last weekend. He advised that she was supposed to maintain the property which she had not been doing in addition to not paying the rent. He also stated that he currently has been working on an insurance claim with Nationwide Insurance and FEMA since Tropical Storm Fay and it is still in the settlement phase. He added that he realizes it is an eyesore but he hoped that not maintaining the property would assist in his attempts to evict her.

Special Magistrate Donlon questioned how long he felt he needed to bring the property into compliance to which he replied 3 months. She also asked if the claim would hold up the process to which he stated that he was now receiving some funding from Nationwide and he would be funding the rest at this time.

Atty. Baker stated that while the Town was sensitive to the respondent's concerns the Town felt that 3 months was unreasonable. She asked that the property be found in violation and that it be brought into compliance within 14 days failing which would constitute a \$100 daily fine. She also requested the administrative recovery costs be included the order.

Special Magistrate Donlon stated that she did find there was proper notice and that a violation exists. She added that because there may be electrical permitting requirements she would order compliance within 45 days, failing which she may impose up to a \$250 daily fine. She stated that her order would include reimbursement of the administrative recovery costs in the amount of \$261.31 to be paid within 45 days. A Status/Fine Assessment Hearing is scheduled for August 4, 2009 at 10:00 AM.

**CASE NO. CE#2009-017**

**David Blonder, 13824 Via Perugia, Delray Beach  
FL 33446**

**RE: Amended PL of Boyntons Sub SLY 80  
feet of Muck Lot 46 W of SR A1A in  
OR1624P350 (5880 N Ocean Blvd)**

**NATURE OF VIOLATION**

Violate Section/s 63-118(b) of the Town's Code of Ordinances by using the residential property at 5880 N Ocean Blvd. to store and sell vehicles in

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connection with his businesses located in Delray Beach and Ft. Lauderdale

Atty Baker summarized the violation and stated that it was noticed on May 15, 2009 and the Notice of Violation was hand delivered to the home on May 16, 2009 and signed for via certified mail on May 19, 2009. She stated that this should be considered a repeat violation because the property was cited in February 2009 but brought into compliance prior to the hearing date.

Sgt. Eubanks testified that she cited the property in February 2009 after she noticed several vehicles, registered to the respondent's company in Delray Beach, in the driveway. She closed the case after the property was brought into compliance. She stated that since that time several residents have called to complain on several occasions about the residence. She testified that on May 15, 2009 she noticed 7 vehicles in the driveway and 5 were registered to the respondent's company in Sawgrass.

Special Magistrate Donlon accepted the following Town exhibits: photograph taken in February 2009 as #1; photographs taken on May 15, 2009 as #2; the Notice of Violation and proof of delivery to Gary and David Blonder as #3; the Property Appraiser sheet showing ownership as #4; and the administrative recovery sheet in the amount of \$261.36 as #5.

David Blonder, owner of the property, stated that while he recognized the photographs and the diligence shown by the Town he does not agree that there was a violation because many people that drive vehicles owned by the company visit the home.

Gary Blonder, residing at the property, stated that he concurred that there were many vehicles at the residence when the prior incident was cited but explained that the vehicles belonged to workers during construction at the residence. He stated that Sgt. Eubanks notified him of the problem and he arranged for them to carpool to reduce the amount of vehicles. He stated that the incident on May 15, 2009 was also not in violation because most of his family members drive vehicles registered to the company and they are frequently at the residence. He added that he has an auto detailer come to his residence to detail his vehicles and noted that he was properly registered with the Town and State.

Atty Baker asked several questions of both the respondent and staff and then requested that the property be found in violation with 7 days given to bring into compliance otherwise a \$50 daily fine be imposed. She also requested reimbursement of the recovery costs.

Special Magistrate Donlon stated that she could not consider this as a repeat violation since this is the first time this violation has actually been brought before the Special Magistrate.

Special Magistrate Donlon stated that she did find there was proper notice, however, in this instance of May 15, 2009 she could not find there was a violation. She did caution

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the respondent and those living in the home that if another violation of this nature was cited again she would be reminded of this hearing.

**CASE NO. CE#2009-015 Malgorzata and Nicholas Chimienti, 6230 N Ocean Blvd., Ocean Ridge FL 33435**  
**RE: Lot 9, Blk 2, Boynton Beach Park Subdivision (41 Coconut Lane)**

**NATURE OF VIOLATION**

Violate Section/s 67-174(a)(1)(2) of the Town of Ordinances by not maintaining the property

The respondent/s was not present.

Atty Baker summarized the violation and stated that the property was noticed on April 28, 2009 and hand delivered on the same date. She stated the property was run down and still in violation.

Sgt. Eubanks testified that the home caught fire in December 2007 and has not been repaired. She stated that the respondents advised her that they did not have the funding and were planning on letting the bank take it back.

Special Magistrate Donlon accepted the following Town exhibits: the Property Appraiser sheet as #1; the Notice of Violation and proof of delivery as #2; a photograph taken on June 1, 2009 as #3; and the administrative recovery sheet in the amount of \$261.31 as #4.

Atty Baker advised that the Town has been very patient with this eyesore and added that the respondent/s have indicated that they have no intention to come into compliance. She requested that it be found in violation with 30 days for compliance or commence a \$100 daily fine and also to require reimbursement of the administrative costs.

Special Magistrate Donlon asked if the home must be demolished to which Town Clerk Hancsak testified that she was unsure if it was condemned, however, the day of the fire she went along with the Zoning Official to see the site and the Fire Dept. advised it was structurally unsafe to be inside the building.

Special Magistrate Donlon did find proper notice was given and the property was in violation. She stated that the property must be brought into compliance within 30 days failing which could result in a daily fine of up to \$250. She would also require reimbursement of the administrative costs in the amount of \$261.31 to be paid within 30 days. A Status/Fine Assessment is scheduled for July 7, 2009 at 10:00 AM.

**C. ADJOURNMENT**

The meeting was adjourned at approximately 11:08 AM.

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Town Clerk