

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
November 3, 2009

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

Meeting called to order at approximately 10:07 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 SEPTEMBER 1, 2009**

The minutes were adopted as written.

**B. VIOLATION HEARING**

**CASE NO. CE#2009-047 Gold Coast Realty Investors, LLC, 1601 NW 13<sup>th</sup> Street, Boca Raton FL 33486**  
**RE: Lot 9, Blk 4 Boynton Beach Park Subdivision (21 Ocean Ave.)**  
**NATURE OF VIOLATION**  
Violate Section/s 34-6(a) of the Town's Code of Ordinances by not allowing the grass and weeds to grow in excess of 12 inches in height on their vacant lot

Town Attorney Baker advised that this case is now in compliance.

**CASE NO. CE#2009-044 William and Michele Smith, 18 Ridge Blvd., Ocean Ridge FL 33435**  
**RE: Lot 26, Ocean Ridge Beach Subdivision (18 Ridge Blvd.)**  
**NATURE OF VIOLATION**  
Violate the Town Code of Ordinances at Section/s 67-51 by enclosing a garage without a permit and also Section/s 34-162(a) adm 34-163 by encroaching into the right-of-way with Areca palms hedges without receiving written permission, in advance, from the Town Manager

The respondent, Michele Smith, was present.

## SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF NOV. 3, 2009

Atty Baker commented that the violation pertaining to the ROW encroachment was now in compliance after permission for the obstruction was granted last night. However, the garage enclosure without a permit is still in violation. She stated that there have been multiple issues regarding this property and a lack of forthcoming on behalf of the respondent. She added that additional violation/s will be cited. She commented that Sgt. Eubanks will testify in regards to this case. She stated that the Town was seeking a finding of violation with 90 days for full compliance, 45 days to obtain the permit including all of the required backup documents, monthly status reports with the first being Nov. 25, 2009 and also reimbursement of the administrative recovery costs.

Sgt. Eubanks testified that she observed the enclosed garage on Oct. 5, 2009 and spoke with the property owner the same day and issued a Notice of Violation.

Special Magistrate Donlon accepted the following Town exhibits: the Property Appraiser ownership sheet as #1; the Affidavit and Notice of Violation with the hand delivery receipt as #2; 4 photographs taken on Oct. 5, 2009 as #3; several photographs taken by Lt. Yannuzzi on Sept. 27, 2009 involving a burglary to the prior owner several months prior to the Smith's obtaining ownership as #4, and the administrative recovery costs in the amount of \$384.12 as #5.

Atty Baker asked the respondent if she acknowledged and agreed with the violation prior to asking anyone else to testify. Michele Smith acknowledged that she did enclose the garage without a permit.

Mrs. Smith commented that she attempted to beautify the garage and agreed that everything said thus far was true and she wanted to rectify the violation. She stated that she has met with several architects and contractors and she has no problem with the time frame suggested. Special Magistrate Donlon stated that she appreciated her comments.

Special Magistrate Donlon stated that she did find there was proper notice and the violation continues to exist. She stated she would order a staggered compliance with full compliance within 90 days. She stated that a permit with all of the required submittal information must be applied for within 45 days, and status updates provided to the Clerk by 11/25/09, 12/18/09 and 1/29/10. She commented that failure to comply could subject her to a fine of up to \$250 per day and a Fine Assessment Hearing is scheduled for Feb. 2, 2010. She also stated the administrative recovery costs in the amount of \$384.12 must be paid within 10 days. She reminded the respondent to notify the Clerk after the final passed inspection to avoid having to appear at the Fine Assessment Hearing.

### **C. ADJOURNMENT**

The meeting was adjourned at approximately 10:25 AM.

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Town Clerk