

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
August 3, 2010

Present: Jean Hallahan, Deputy Town Clerk, Keri-Ann Baker, Town Atty., and Sgt. Eubanks.

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

**A. ADOPTION OF APRIL 6, 2010**

The minutes were adopted as written.

**B. VIOLATION HEARING**

**CASE NO. CE#2010-009**

**Ray, Janet, Phyllis, Ray Jr. and Thelma Sohn, 29  
Eleuthera Drive, Ocean Ridge FL 33435**

**RE: Lot 29, Inlet Cay Subdivision (29 Inlet  
Cay Drive, Ocean Ridge)**

**NATURE OF VIOLATION**

Violate Section/s 67-51 of the Town's Code of Ordinances by altering the exterior and interior of the east side of the structure without a permit

Two owners of 29 Eleuthera Drive, Mr. Ray Sohn, Sr. and Mr. Ray Sohn, Jr. were present to testify.

Town Atty. Baker summarized the violation and advised that the east side of the property was altered without permits. Balustrades were added, and a canopy and plexi-glass were used to enclose the patio. The air conditioner had also been moved and a new door had been installed. The violation was noticed on April 5, 2010. Atty. Baker stated that the canopy, balustrades and plexi-glass would need to be removed or obtain proper permits.

Sgt. Eubanks testified that on April 5, 2010 she observed that a gate had been removed and replaced with a section of wall but balustrades and plexi-glass had been added to the wall above the 6ft height which is prohibited by code. She stated that a canopy was also connected to the roof. She later was informed that replacing the gate with block wall was not considered a violation. She could not testify however as to the door if it was new as it may have been covered or view blocked by a ladder or supplies. However the 1989 plans

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for the bedroom addition showed only a window and the air conditioning equipment proposed relocation was now not where it was originally approved.

Special Magistrate Donlon accepted the following Town exhibits: the Notice of Violation with Tracking of Certified Mail, section of the code and Posting Notice as #1; the Property Appraiser sheet showing ownership as #2; photographs taken by Sgt. Eubanks on August 17, 2009 as #3; photographs taken by Sgt. Eubanks on April 5, 2010 as #4; and photographs taken by Sgt Eubanks on August 02, 2010 as #5; a Variance Letter from the Town of Ocean Ridge dated Dec. 30, 2009 to Mr. Sohn as #6; and the administrative recovery sheet in the amount of \$303.99 as #7.

Mr. Ray Sohn, Sr. read a statement from his neighbor John Cox, 17 Spanish River Drive stating that the air conditioning equipment had not been moved. Mr. Sohn Sr. testified that in 1989 he had a permit to expand his bedroom and porch, and that it included the slab and canopy and 2 doors and inspected/approved by Ocean Ridge. He stated that he did not move or relocate anything. In 2009 he did replace the canopy with new material. His contract with his architect/contractor was to perform the work within the laws and code of Ocean Ridge. He stated that he would not have intentionally deviated from the Ocean Ridge codes/rules or violate any laws. Since 1968 he had tried to properly maintain his home/property. The purpose of the balustrades was for safety and to prevent someone from falling over/off.

Mr. Ray Sohn, Jr. stated that they did work with permits. They assumed that all the work was done under the proper permits as they were not home at the time it was done. He stated that they were not informed that the balustrades were turned down or they would not have done them.

Atty. Baker thanked Mr. Sohn Sr. for his testimony and apologized if she did not clarify the violation or if it came across that he was misrepresenting himself. The wall is not in violation. The balustrades that are over the 6ft height, the plexi-glass and canopy are in non-compliance.

Special Magistrate Donlon questioned if the height could be allowed if a variance was granted. Manual Palacios, Building & Zoning Official, stated a 5% decorative element for a wall only is allowed above the 6ft height, and that the current balustrade was approximately 20%. A variance request can take over 6 weeks to process and owner must prove a hardship. There are 7 points to the hardship and all must be met.

Special Magistrate Donlon questioned how long he felt he needed to bring the property into compliance. Mr. Sohn Sr. stated that he was unsure as to whether we was going to remove the violation or try to apply for a variance. He was currently having health issues that would require him to return north for some procedures.

Special Magistrate Donlon stated that she did find there was proper notice and that a violation for the balustrade, canopy and plexi-glass did exist. She did not find proper evidence for the door and air condition unit. If not in compliance within 60 days, they

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would return for a fine hearing and could be assessed a fine up to \$250/day for failure to comply. She stated that her order would include reimbursement of the administrative recovery costs in the amount of \$303.99 to be paid within 14 days.

Mr. Ray Sohn Sr. asked for an extension of more time as he would be returning to the Hospital for further procedures.

Special Magistrate Donlan stated to keep the 60 days, and at that time she could grant an extension if needed if circumstances required.

**CASE NO. CE#2010-016 Jeffrey Kahn, 28 Tropical Drive, Ocean Ridge  
FL 33435  
RE: Palm Beach Shore Acres Blks A,B,&Z E  
76' of W 748' of Lto 17 Blk A (28 Tropical  
Drive)**

**NATURE OF VIOLATION**

Violate Section/s 64-1-(c)(3) of the Town's Code of Ordinances by allowing short-term rentals of less than thirty (30) days at his residential property at 28 Tropical Drive

The respondent was not present.

Atty. Baker summarized the violation and advised that this violation should be considered a repeat violation because it had been occurring intermittently since 2007. She also stated that the April violation was still accessing \$250/day as the respondent had not showed compliance.

Sgt. Eubanks testified that she had found 2 more offenses of short-term rentals. Each renter had given her copies of their contracts along with verbal acknowledgement that they were short-term rentals.

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit and Notice of Violation, hand delivery receipt, code section #1; Property Appraisal Sheet showing ownership as #2; the Administrative Cost Recovery Sheet in the amount of \$284.53 as #3; Vacation Rental Agreement between Paul Kurgan and the Owner for period of 6/28/10 – 7/5/10 as #4; Vacation Rental Agreement between Apex Controls Inc. and Florida Vacation Luxury Rentals.com for period of 7/22/10 – 7/25/10 as #5;

Atty. Baker stated that this was a separate offense, and was asking for the maximum fine of \$500/day as: 1) they were not in compliance with a previous order, and 2) they do not seem to intend to come into compliance and they are continuing with their short-term rentals. She would be willing to abandon the prior case that was accessing a fine of \$250/day violation and find a new notice of violation with a maximum fine of \$500/day

Special Magistrate Donlon stated her concern whereas the previous case showed that they were actively showing that they were trying to rent with rental agencies, and this case

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showed evidence that it had been rented. She was unsure of her authority to have another ongoing violation for the same code violation and stated that the original citing still remains in non-compliance.

Atty. Baker and Sgt. Eubanks requested a brief recess.

Atty. Baker requested to withdraw her case regarding this most recent violation as the original violations continue to exist.

Special Magistrate granted her dismissal.

**C. ADJOURNMENT**

The meeting was adjourned at approximately 10:55 AM.

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Deputy Town Clerk