

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
November 2, 2010

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

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.

Atty Baker requested to address Case No. CE#2010-019 as one of the Sergeants worked a 13 hour shift.

**A. ADOPTION OF OCTOBER 5, 2010**

The minutes were adopted after once a name change for the Special Magistrate was amended.

**C. VIOLATION HEARING  
CASE NO. CE#2010-019**

**Wilson S. Wengert, 6 Sabal Island Drive, Ocean Ridge FL 33435**

**RE: Lot 6, McCormick Mile Subdivision (6 Sabal Island Drive, Ocean Ridge)**

**NATURE OF VIOLATION**

Violate Section/s 34-1 and 67-174(a)(1) of the Town's Code of Ordinances by allowing grass and weeds in excess of 12" in height on his property

The respondent was not present.

Atty. Baker summarized the violation and recommended that the property be found in violation and given 10 days for full compliance and also asked that the administrative recovery costs in the amount of \$266.30 be assessed to the respondent.

Sgt. Tinfina testified that he had observed the violation, took photographs, and attempted to hand deliver the Affidavit and Notice of Violation on Sept. 24, 2010 with negative results so he posted the site and Town Hall and mailed it first class mail and it was not returned. He re-inspected the property today and took photos reflecting that the property

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was mowed in the front but not the back. He also stated that a certified letter was returned vacant.

Special Magistrate Donlon accepted the following Town exhibits: the Property Appraisal Sheet showing ownership as #1; the Affidavit and Notice of Violation and code section as #2; the Affidavit of Service as #3; photos taken by Sgt. Tinfina on Sept. 24, 2010 as #4; photos taken by Sgt. Tinfina on Nov. 2, 2010 as #5; and the Administrative Cost Recovery Sheet in the amount of \$266.30 as #6.

Special Magistrate Donlon stated that she did find there was proper notice and that a violation does exist. She stated the Final Order would require compliance by Nov 12, 2010 failing which a fine of up to \$250 per day can be assessed until the violation is corrected. She added that the Final Order would include reimbursement of the administrative recovery costs in the amount of \$266.30 to be paid by Nov. 12, 2010. A Fine Assessment/Status Hearing is scheduled for Dec. 7, 2010 at 10:00 AM.

**B. STATUS/FINE ASSESSMENT 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  
**(Continuance was approved to the Nov. 2, 2010 Hearing)**

The respondents were present.

Atty Baker commented that the respondent's attorney had forwarded an email confirming an agreement reached with the staff. She read the email in its entirety and concurred with its contents.

Special Magistrate Donlon accepted the following Town exhibits: the email received by the Town from Linda Powell, Paralegal, for Atty Cris Rapp as #1.

Special Magistrate Donlon asked the respondents if they understood and agreed with the email to which they advised they did. She stated that she would draft an Order Granting Continuance and Setting the Status/Fine Assessment. The Order would state that a variance application would be submitted by Nov. 10, 2010 for the Dec. 8, 2010 Board of Adjustment Hearing and the respondent would have until Dec. 20, 2010 to bring the violation into compliance either by receiving a variance or correcting the violation. A

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Fine Assessment/Status Hearing would be held on Jan. 4, 2011 if necessary and no administrative recovery costs would be sought for this hearing.

**CASE NO. CE#2010-014 Gary Kafka and Sondra Pastore, 40 Hibiscus Way, Ocean Ridge FL 33435**  
**RE: Lot 21, Ocean Ridge Beach (40 Hibiscus Way, Ocean Ridge)**

**NATURE OF VIOLATION**

Violate Section/s 67-175(4), 67-175(5) and 67-174(a)(1) of the Town's Code of Ordinances and Section 115.1 of the Florida Building Code by not maintaining the second story balcony on the house of their property. The vertical nailer attached to the wall at the north end of the balcony exhibits damage. The diagonal brace at the same location is missing. The beam is disengaged from the out lookers. The out lookers have had an additional piece of lumber sistered to the side. Some type of filler has been used to correct voids in the out lookers. The structure as it exists is not as structurally sound as may have been designed. A structural engineer would have to analyze the structure for its integrity. Any repairs made would require a permit and inspection.

Atty Baker commented that the respondent was not present and at the September meeting they were issued an Order Finding Violation. She stated that the property is still in non-compliance and the Town was seeking a \$50 daily fine commencing Oct. 23, 2010 until compliance is met, along with the original \$269.34 administrative costs and the new administrative recovery costs in the amount of \$277.38. She added that there are multiple violations on this property.

Special Magistrate Donlon accepted the following Town exhibits: the original Affidavit and Notice of Violation and Affidavit of Service and green certified receipt cards as #1; a copy of the Final Order with the proof of delivery as #2; the administrative recovery costs in the amount of \$277.38 as #3; and a photograph dated 11/2/10 as #4.

Sgt. Eubanks testified that the order on Sept. 7, 2010 specified compliance by Oct. 22, 2010 which has not been rectified and submitted photographs taken this date.

Special Magistrate Donlon stated that she did find there was proper notice and the violation continues to exist. She stated she would impose a \$50 daily fine commencing Oct. 23, 2010 each day the violation continues to exist. She added that the administrative recovery costs in the amount of \$277.38 must be paid immediately and the property may be liened at this time to include the 1<sup>st</sup> hearing \$269.34 administrative recovery costs.

**C. VIOLATION HEARING (continued)**

**CASE NO. CE#2010-20 Gary Kafka and Sondra Pastore, 40 Hibiscus Way, Ocean Ridge FL 33435**

**RE: Lot 21, Ocean Ridge Beach (40 Hibiscus Way, Ocean Ridge)**

**NATURE OF VIOLATION**

Violate Section/s 67-174(a)(1) of the Town's Code of Ordinances by allowing grass and weeds in excess of 12" in height on his property

The respondent was not present.

Atty. Leiser summarized the violation and recommended that the property be found in violation and given 10 days for full compliance and also asked that the administrative recovery costs in the amount of \$277.38 be assessed to the respondent.

Sgt. Eubanks testified that she had observed the violation on Sept. 7, 2010 and she posted the site and Town Hall and mailed it first class mail and certified. She re-inspected the property today and took photos reflecting the property was still in violation.

Special Magistrate Donlon accepted the following Town exhibits: the Property Appraisal Sheet showing ownership as #1; the Affidavit and Notice of Violation, code section and Affidavit of Service as #2; photos taken by Sgt. Eubanks on Nov. 2, 2010 as #3; and the Administrative Cost Recovery Sheet in the amount of \$277.38 as #4.

Special Magistrate Donlon stated that she did find there was proper notice and that a violation does exist. She stated the Final Order would require compliance by Nov 12, 2010 failing which a fine of up to \$250 per day can be assessed until the violation is corrected. She added that the Final Order would include reimbursement of the administrative recovery costs in the amount of \$277.38 to be paid by Nov. 12, 2010. A Fine Assessment/Status Hearing is scheduled for Dec. 7, 2010 at 10:00 AM.

**C. ADJOURNMENT**

The meeting was adjourned at approximately 10:30 AM.

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Town Clerk