

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
March 1, 2011

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

Meeting called to order at approximately 10:10 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 change the order of the agenda to try to accommodate the Respondent for Case #2011-002.

**A. ADOPTION OF JANUARY 4, 2011**

The minutes were adopted.

**B. VIOLATION HEARING  
CASE NO. CE#2011-003**

**POM Properties, LLC, 4783 N Congress Ave.,  
Boynton Beach FL 33426**

**RE: Palm Beach Shore Acres Blks A,B, & Z  
Lot 17 Lyg Westerly of & Adjacent to Ocean  
Blvd R/W (Less W 748 Ft) Blk A (5006 Old  
Ocean Blvd., Ocean Ridge)**

**NATURE OF VIOLATION**

Violate Section/s 67-174(a)(1)(2) of the Town's Code of Ordinances by not maintaining the property such as/but not limited to: doc-box needs to be removed, temporary electric pole and supports need to be removed, blighting by debris on roof and between buildings, electrical outlets exposed and not capped, electric wires hanging in plain view, a/c units rusted and falling apart, hole in the wall, boarded windows with wood or newspaper, garbage containers contain garbage that has been there for a while **(Stipulation Signed for Total Compliance Prior to April 1, 2011)**

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Atty Baker stated that the respondent has executed a Waiver of Hearing and Stipulation to achieve complete compliance by April 1, 2011. Town Clerk Hancsak mentioned that the Respondent has corrected the lot violation portion of the citation.

Special Magistrate Donlon accepted the following Town exhibits: the Notice of Violation and Affidavit with the signed green card receipt as #1; the Property Appraiser Owner Sheet as #2; the executed Waiver of Hearing as #3; and the executed Stipulation as #4.

Special Magistrate Donlon stated that she did find there was proper notice and that she would approve the stipulation and prepare an order reflecting same.

**CASE NO. CE#2011-004 Sabal Island Properties LLC, 18 Harbour Drive North, Ocean Ridge FL 33435**  
**RE: Lot 43, McCormick Mile Subdivision (6780 N Ocean Blvd.)**

**NATURE OF VIOLATION**

Violate Section/s 67-174(a)(1)(2) and 34-6(a) of the Town's code of Ordinances by not maintaining the property such as/but not limited to: rusted mailbox, sidewalk and driveway cracks and crumbling, rotting door on north side, boarded up window, pool cage (safety barrier) not fulfilling intended purpose, pool is devoid of water and needs to be repaired, wall on second floor balcony in rear of house needs painting, wooden staircase in rear of house contains mold and rails are rusted, chain link gate off hinges, front door latches need repaired and wall surrounding garage door needs repainted where light fixtures were removed

Atty Baker commented that this notice was hand delivered on Feb. 11, 2011, however, some time afterwards staff discovered that the legal description was incorrect, although the address in the body of the violation was correct. Sgt. Eubanks met with the respondent on Sunday, Feb. 27, 2011 and gave him the choice of re-noticing the hearing for April 5, 2011 or keeping the March 1<sup>st</sup> date. She stated that Sgt. Eubanks would testify to her conversation with the respondent.

Sgt. Eubanks testified that on Feb. 11, 2011 she met with the respondent at 6780 N Ocean Blvd. (he resides at another address in Town). She stated that she advised him of the incorrect legal description to which he advised that he would still attend on March 1, 2011. However, when she arrived to work this date she had a message on her voice mail that was left by the respondent on Monday that after thinking about it further he would like to change the date to April 5, 2011 but would appear if he did not hear back from her.

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Special Magistrate Donlon stated that she had a concern hearing the case without subsequent documentation that he acknowledged and understood the date of the meeting.

Atty Baker advised that the Town would send an amended order providing notice of the new meeting date of April 5, 2011.

**CASE NO. CE#2011-002 Mark Lacho, 85 Island Drive South, Ocean Ridge FL 33435**

**RE: Lot 85, McCormick Mile Add #1  
Subdivision (85 Island Drive So, Ocean Ridge)**

**NATURE OF VIOLATION**

Violate Section/s 67-51, 67-96 and 67-136(c) of the Town's Code of Ordinances by altering the seawall without a permit, brought in fill without a permit and the fill needs to be seeded, sodded, or planted with appropriate grass or ground cover

Atty Baker commented that the respondent had called and advised that he would be approximately 20 minutes late thus the reason the agenda order was changed, however, he still is not here and she felt the hearing should proceed. Special Master Donlon concurred.

Atty Baker commented that the respondent had commenced a lot of work without a permit. She advised that the property was posted on Feb. 8, 2011 and a certified mailing of the Notice of Violation and Affidavit was signed for on Feb. 9, 2011.

Sgt. Eubanks testified that there was a clerical error contained on the Notice of Violation citing 67-51 should have stated without a permit. She stated that on Oct. 30, 2010 Sgt. Tinfina noticed that work was being done at the address without a permit. The respondent went to Town Hall and applied for a permit to replace windows and also kitchen remodeling which was approved on Oct. 21, 2010. On Dec. 21, 2010 it was observed that there was fill on the lot and more extensive work was being done. The Town's Building/Zoning Department (Hy-Byrd Inspections) responded and took several photographs depicting that the entire home was gutted, there were fill piles delivered all over the front of the residence and there was also extensive work done to the seawall. A STOP WORK ORDER was immediately issued by Manuel Palacios, Zoning Official. On Jan. 11, 2011 a revised permit was issued for the interior renovations only. On Jan. 29, 2011 it was observed that the fill had been graded but not seeded or sodded and without a permit. On Jan. 31, 2011 Officer McAllister took 4 photographs showing that the fill had been spread in the front and rear of the residence. Special Magistrate clarified that Officer McAllister had taken the photos during the course of his regular duty shift.

At approximately 10:25 AM the respondent, Mark Lacho, arrived and Special Magistrate Donlon advised that his portion of the hearing had started and directed the Town Atty to show him the documents that had already been discussed and entered as exhibits (listed below).

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Sgt. Eubanks concluded by stating that she took additional photos this date.

Atty Baker questioned Manuel Palacios if he had indeed taken the photos dated Dec. 21, 2010 to which he advised that he did.

Atty Baker requested that Town Clerk Hancsak provide testimony. Town Clerk Hancsak advised that Mr. Lacho stopped by Town Hall on Feb. 23, 2011 and provided 3 documents as an update to his progress in obtaining permitting. The documents consisted of a Health Department Application dated Nov. 30, 2010 for the new septic tank, a letter dated Feb. 1, 2011 from DuraDrain Sewer and Septic explaining that they were contracted to install the new septic system and were anticipating the health department permit soon, and also a letter from Mr. Lacho dated Feb. 1, 2011 providing an update and the reasons work was completed without permits. She added that she had spoken with Tony Coates from the Health Department on Feb. 23, 2011 regarding the Health Dept. application to which he advised that the permit had actually been applied for on Feb. 7, 2011 and they have drafted a letter to DuraDrain explaining the modification necessary prior to further review. She provided a copy of the Health Dept. letter to DuraDrain dated Feb. 23, 2011.

Atty Baker requested that there be a finding of proper notice and that the property was in violation on all three sections cited in the notice. She also requested that the fees listed on the Administrative Recovery Sheet be reimbursed to the Town. She stated that the Town was seeking full compliance within 60 days but would also like a status report no later than April 1, 2011 evidencing that the respondent is moving forward to correct the violations.

Special Magistrate Donlon accepted the following Town exhibits: Notice of Violation and Affidavit with signed green card receipt as #1; Property Appraiser Owner Sheet as #2; photographs taken by Manuel Palacios on 12/21/10 as #3; photographs taken by Officer McAllister on 01/31/11 as #4; photographs taken this date by Sgt. Eubanks as #5; the original Building Permit Application as #6; the Revision to the Building Permit Application as #7; the 12/21/10 courtesy inspection sheet and results from the building department as #8; the Stop Work Order issued on 12/21/10 as #9; the New Septic System Health Department Application dated 11/30/10, letter dated Feb. 1, 2011 from DuraDrain to the Town, and also the letter dated Feb. 1, 2011 from Mark Lacho as composite #10; the letter from the Health Dept. to DuraDrain dated Feb. 23, 2011 requesting additional information as #11; and the administrative recovery calculation worksheet in the amount of \$340.18 as #12.

The Respondent, Mark Lacho, agreed that the Health Department Application was submitted on Feb. 7, 2011 and that he did have 8 present loads of fill brought in and removed 2 loads prior to obtaining a permit because he had an opportunity to obtain it for free. He said that he also spread the fill because it obstructed the dumpster and obstructed parking for his workers. He stated that the top of the seawall was damaged and he thought the contractor that had completed the work had obtained the necessary

permitting. He has since obtained a list from Town Hall and hired a company to apply for and obtain the proper permitting with the Army Corp of Engineer/DEP and Town. He stated that he just discovered yesterday that the health department needed additional information for their review. He added that he felt it would be an approximate 2 weeks before he would receive their permit and after that he would have the civil engineer prepare the fill/drainage permitting. He stated that 90 days would be sufficient because he felt it would be difficult to sod/seed and irrigate the property within the 60 day time frame.

Atty Baker concluded by stating that while the Town was sympathetic they were concerned that affirmative action may not be taken to obtain the permits, citing that he commented that he is working with contractors but they are not pulling permits.

Special Magistrate Donlon stated that she did find there was proper notice and that the violations do exist. She advised that her order would include that the administrative recovery costs in the amount of \$340.18 must be paid within 10 days. She stated that her order would include complete compliance within 60 days and that a status update be submitted to the Town on or before April 1, 2011. She advised the respondent that he had ample time to complete all of the work totally. A Fine Assessment/Status Hearing would be scheduled for May 3, 2011 at 10 AM.

**C. ADJOURNMENT**

The meeting was adjourned at approximately 10:50 AM.

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Town Clerk