

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
May 3, 2011

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

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 APRIL 5, 2011 MINUTES**

The minutes were adopted.

**B. FINE ASSESSMENT/STATUS HEARING**

**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

The respondent was present.

Atty Baker commented that there have been significant efforts by the respondent to come into compliance and recommended a 30 day extension for full compliance by June 3, 2011. She added that the Town was willing to forego any type of fine with the exception of the administrative recovery costs in the amount of \$352.01.

Mr. Lacho stated that he was pleased with the extension and he should be able to come into full compliance by June 3, 2011.

Special Magistrate Donlon accepted the following Town exhibits: Order Finding Violation as #1; Status Report dated April 1, 2011 as #2; and the administrative recovery sheet in the amount of \$352.01 as #3.

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Special Magistrate Donlon stated that she did find there was proper notice and that there was significant effort towards compliance by the respondent. She advised that her order would grant an extension of time until June 3, 2011 for full compliance failing which there would be a Fine Assessment Hearing on June 7, 2011. She stated that the order would include that the administrative recovery costs in the amount of \$352.01 must be paid within 10 days.

**C. VIOLATION HEARING  
CASE NO. CE#2011-010**

**Wiley Conner and Peter Hussey, 3360 Woodleaf Way, Marietta GA 30062**

**RE: Lot 15, Ocean Shore Estates Subdivision (12 Adams Road)**

**NATURE OF VIOLATION**

Violate Section/s 64-2(c)(3) of the Town's Code of Ordinances by renting out their property at 12 Adams Road as a vacation rental for periods of less than 30 days' duration

The Respondent was present.

Atty Baker summarized the violation by stating that the property owner rented out the property for a period of less than 30 days and Sgt. Eubanks was prepared to testify.

Sgt. Eubanks testified that on 2/27/2011 she observed an internet advertisement for rental for the home at 12 Adams Road for less than 30 days. On 3/31/2011 she made contact with an occupant from Courtney Leasing out of Orlando who stated they were renting from 3/21-4/4/11. She stated she did not see a contract but did observe an e-mail copy of the confirmation of the rental. She advised that she made contact with the property owner and advised him that he needed to change the website and cease the short term rentals. On 4/14/11 she again observed a vehicle with a NY license plate to PV Holding Corp. and spoke with the occupant who advised that they were renting from 4/10-4/17/11. She stated she observed that the website was still being advertised as a weekly rental.

Atty Baker stated that she does not believe there have been further rentals.

Special Magistrate Donlon accepted the following Town exhibits: the Notice of Violation and Affidavit with the signed green certified receipt as #1; the Property Appraiser Owner Information as #2; a copy of the website rental information printed 2/27/11 as #3; a website rental printed 4/14/11 as #4; photographs of the vehicle with the NY license plate as #5; and the administrative recovery sheet in the amount of \$271.84 as #6.

Mr. Hussey acknowledged that he was in violation but he originally was not aware of the code requirement and he was very selective to those he rented to. He thanked Sgt. Eubanks for bringing the code violation to his attention but added that he already

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committed to the rentals and accepted the deposit. He added that it is impossible to change the website so quickly but he has not accepted any further rentals but he does have family visiting and not renting.

Special Magistrate Donlon asked if there were any pending contracts to which Mr. Hussey commented only in the fall for the minimum monthly period.

Atty Baker recommended that a determination of proper notice be found and that future violations be considered repeat violations. She also requested reimbursement of the administrative costs.

Special Magistrate Donlon stated that she did find there was proper notice and that a violation did exist, but is now in compliance, however any future violations will be considered as repeat violations and the daily fine would be assessed with any starting date of the rental. She suggested that the website be changed as soon as possible and she would require that the administrative recovery costs in the amount of \$271.84 be paid within 10 days. No Fine Assessment Hearing is scheduled.

**C. ADJOURNMENT**

The meeting was adjourned at approximately 10:30 AM.

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Deputy Town Clerk