

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
Dec. 6, 2011

Present: Karen Hancsak; Town Clerk, Darren Leiser, Town Atty., and Lt. Hutchins.

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 JUNE 7, 2011 MINUTES**

The minutes were adopted.

**B. FINE ASSESSMENT/STATUS HEARING**

**CASE NO. CE#2011-021 Brookshore LTD, 550 W Old Country Road,  
Suite 108, Hicksville NY 11801**

**RE: Lot 5 & Lot 6, Blk 5, Boynton Sub  
Subdivision (6011 N Ocean Blvd.)**

**NATURE OF VIOLATION**

Violate Section/s 67-51 of the Town's Code of Ordinances by constructing concrete columns on the property without first obtaining a permit

Atty Leiser requested that this item be removed from the agenda as he had been in contact with Atty Caliendo and will be receiving an update by Dec. 15, 2011.

**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., Ocean Ridge)**

**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 at 6780 N Ocean Blvd. by having the sidewalk and driveways in front of the house with many cracks and crumbling, rotting door, missing window, rusted ceiling fan, pool cage is faulty, pool is devoid of water and needs repaired, wall on 2<sup>nd</sup> floor balcony needs painting, wooden staircase

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rusting, chain link gate off hinges, wall surrounding garage door needs to be touched up with paint, lawn contains dead Palm Fronds, weeds in excess of 12" and devoid of grass in numerous areas

The respondent was not present.

Atty Leiser reminded that all violations have been corrected with the exception of the pool completion, which was required by Nov. 17, 2011. He stated that the owner wrote an email that he would be in Dublin, Ireland for personal reasons but he also submitted a letter by the pool contractor, Pugh's Pools & Spas, updating the progress of the new pool and the anticipated completion date of Jan. 15, 2012. Atty Leiser stated that the Town did not object to continue the hearing until Feb. 7, 2012 meeting.

Special Magistrate Donlon accepted the following Town exhibits: the Order Finding Violation as #1; letter supplied by Pugh's Pools & Spas as #2; and the e-mail by Finbarr O'Carroll as #3.

Special Magistrate Donlon stated that she did find there was proper notice and that her order would approve a Continuance of Case No. CE# 2011-004 until the Feb. 7, 2011 Fine Assessment Hearing.

**C. VIOLATION HEARING  
CASE NO. CE# 2011-014**

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

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

**NATURE OF VIOLATION**

Violate Section/s 34-6(2) of the Town's Code of Ordinances by allowing rubbish, dead vegetation, wood boards, chain link fencing, and other debris on property

The respondent was not present.

Atty Leiser summarized the violation by stating that the property contained rubbish, dead vegetation, wood boards, chain link fencing, and other debris.

Lt. Hutchins advised that the originating Code Enforcement Officer, Sgt. Eubanks, was not present, however, her file contained photographs taken by her on Nov. 9, 2011 depicting the debris. He advised that she mailed the Affidavit and Notice of Violation, via first class mail and certified letter, on Nov. 10, 2011 and also posted the site on Nov. 28, 2011. He added that he inspected the property today and testified that the violations had not been corrected. He also showed the weed debris on his pant legs as proof that the property was overgrown. Special Magistrate Donlon clarified that Sgt. Eubanks' files are maintained by the Town.

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Special Magistrate Donlon accepted the following Town exhibits: the 3 photographs taken on Nov. 9, 2011 as #1; the Property Appraiser Property Information Sheet as #2; the Composite of the Affidavit and Notice of Violation, Affidavit of Service, and returned mail (first class and certified) as #3; and the Administrative Recovery Sheet in the amount of \$354.75 as #4.

Special Magistrate Donlon stated that she did find there was proper notice and that there is a violation. She stated that her order would include that the respondent had ten (10) calendar days to come into compliance or face up to a \$250 daily fine until brought into compliance. She added that the Administrative Recovery Costs in the amount of \$354.75 must also be paid within ten (10) calendar days. A Fine Assessment Hearing is scheduled for Jan. 3, 2011 at 10 AM.

### **D. ADJOURNMENT**

The meeting was adjourned at approximately 10:25 AM.

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Town Clerk