

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
March 6, 2012

Present: Karen Hancsak; Town Clerk, Darren Leiser, Town Atty., and Sgt. Eubanks.

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.

**A. ADOPTION OF JANUARY 03, 2012 MINUTES**

The minutes were adopted.

**B. VIOLATION HEARING**

**CASE NO. CE#2012-001 Lisa Allerton, 76 Beachway Drive, Ocean Ridge, FL 33435**

**RE: Lot 10, Tropical Shores (76 Beachway Drive)**

**NATURE OF VIOLATION**

Violate Section/s 67-174(a)(3) and 64-46(a) of the Town's Code of Ordinances by not maintaining her driveway and by not parking her vehicles on the driveway

The Respondent was present.

Atty Leiser shared all of the intended Town exhibits with the Respondent prior to summarizing the violation and code sections that were in violation. He commented that the code required that parking occur on a driveway and it shall be constructed in a manner to delineate such, adding that grass is not an option. He recommended that the property be brought into compliance within 30 days and that the Town be entitled to the administrative recovery costs.

Sgt. Eubanks testified that the Town had received an anonymous complaint letter regarding vehicles on the lawn, trash cans, and weeds at the property. She commented that there was no weed violation and the trash can violation had been corrected. She stated that she did observe that there were vehicles parked on the north and east side of the residence and subsequently met with the owner who contends that there were always two driveways (even though an original site plan of the house reflects one driveway on

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the northwest side) and that the driveways were “green”. On January 21, 2012 the respondent signed for the hand delivered Affidavit and Notice of Violation. She re-inspected the property today and it was still in violation.

Town Clerk Hancsak testified and submitted copies of all permits for the property and also a copy of the site plan submitted with the original building permit in 1976 depicting one driveway.

Special Magistrate Donlon accepted the following Town exhibits: the Property Appraiser Print Out as #1; a composite list of all permits for the property and also a copy of the original site plan depicting only one driveway at the northwest side of the property as #2; 3 pages of photographs taken by Officer Kurz on 1/26/12 as #3; the Affidavit and Notice of Violation, code sections along with the Hand Delivery Receipt as #4; an 2007 aerial view of the property from the Property Appraiser as #5; 3 pages of photographs taken on 03/6/12 as #6; and the Administrative Recovery Sheet in the amount of \$384.03 as #7.

The Respondent, Lisa Allerton, stated that her background is in the “Green Industry and Irrigation” and it was her job to use natural resources properly. She commented that her driveways were a product of that mindset. She advised that the site plan submitted as an exhibit by the Town did not accurately depict the driveways. She submitted older and more recent photographs of her property depicting where two driveways are located. She then explained through several photos that the driveways are shell rock and she intentionally permitted the grass to fill in the areas to become more “green”. She then requested that several members of the audience provide testimony after the exhibits were entered.

Special Magistrate Donlon accepted the following Respondent exhibits: a picture of the driveway for 6301 N Ocean Blvd. that showed a grass border and pavers as #1; a photo of her property looking easterly as #2; an aerial picture of 6301 N Ocean Blvd. as #3; a photo she believed was taken by her in 1976 depicting the home with a curved and straight driveway as #4; a photo looking east from Beachway Drive depicting the curved drive from 1986 as #5; an aerial photo of the area taken from a blimp as #6; a western view of the property as #7; a photo of her BMW parked on the easterly side of the home as #8; photos of neighbors driveways consisting of mulch and chattahoochee as #9 & 10; and a proposal composite from Hardrives, Inc. as #11.

Ron Inman, friend and prior Ocean Ridge Public Safety Officer from 1989 – 1993, commented that he parked in both the curved and straight driveways during his tenure with the department. He also stated that he has trimmed her trees on several occasions and has parked heavy trucks and the driveways have sustained the weight. He concluded by stating that there have been no changes to the driveway except she has allowed it go green by letting grass grow over it to make it more eco-friendly.

Arthur Ziev, 9 Opsrey Drive, advised that he has been a resident since 2003 and the parking has been the same since that time. When questioned by the Town Atty he did advise that the driveways are mostly grass with something under it.

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Stella Kolb, 204 Beachway Drive, stated that the respondent is a good neighbor and that she is familiar with the property and it is not a blight to her and added she would be willing to get a petition that neighbors are not opposed to the look. When asked by the Town Atty she advised that the driveways were grass with a hard surface underneath and has a seaside appearance.

Manuel Palacios, Zoning Official for the Town, testified that he has been to the property on several occasions and has walked the curved driveway and it does have a hard surface. He also stated that the interpretation of a driveway is not one with grass on top as it is not an approved surface per the code. He stated that he advised her that she needed to border the landscape from the driveway. When asked by the Town Atty regarding the condition of the driveways he testified that approximately 4-5 weeks ago he observed that the grass was growing through the gravel driveway and he could not discern where both met.

George Allerton, prior resident and ex-husband of the respondent, explained the history of obtaining and building on the property. He stated that there was always two shell rock driveways. He stated that over the years the grass has grown up over them but they had wanted to achieve that look. When asked by the Town Atty what the condition of the driveway was when last seen he advised that there was grass growing through.

Mrs. Allerton concluded by stating that because she believed that she would lose, she has obtained a proposal of \$5,150 from Hardrives to add more shell rock. The contractor could complete the work in mid-May.

Atty Leiser again commented that the code states that a driveway shall be clearly delineated and the testimony given proves that it is not clearly delineated and not up to code. Town Clerk Hancsak stated that the Town would not pursue the no permit for the curved driveway because obviously it was there in the early photograph submitted by Mrs. Allerton and the plans were probably not updated to reflect same.

Special Magistrate Donlon stated she did find there was proper notice and did find that the property was in non-compliance. She added that the photographs clearly show a lack of maintenance to the driveways. She stated that her Final Order would require compliance by May 31, 2012, failing which could result in daily fines up to \$250. She also ordered that the administrative recovery costs in the amount of \$384.03 be paid within 10 days. A Fine Assessment/Status Hearing will be held on June 5, 2012 if necessary.

**C. ADJOURNMENT**

The meeting was adjourned at approximately 11:10 AM.

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Town Clerk