

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
May 7, 2013

Present: Karen Hancsak; Town Clerk, Keri-Ann Baker, Town Atty., Lt. Hutchins, Sgt. Eubanks, and Officer Roy.

Meeting called to order at approximately 10:05 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 or Order of Assessment.

At this point all individuals intending on providing testimony were sworn in.

A. ADOPTION OF APRIL 2, 2013 MINUTES

The minutes were adopted.

B. FINE ASSESSMENT/STATUS HEARING

**CASE NO. CE#2013-002 John Valentine, 7259 SW Quiet River Ct., Stuart
FL 34997**

**RE: Lot 87, McCormick Mile Add No 1
Subdivision (87 Island Drive)**

NATURE OF VIOLATION

Violate Section 67-174(a)(1), 67-175(11), and 34-6(a) of the Town's Code of Ordinances by not maintaining the property. There is evidence of fallen soffit and the roof appears unable to bear the dead-load imposed by the roof tiles. There is evidence of the foundation being undermined at the rear of the structure. Exposed Electrical wiring is evident throughout the property. The lawn contains weeds and dead leaves. Weeds are growing out of the cracks in the driveway. There is construction debris at the rear of the house. The roof contains mildew and the pool is not being maintained and contains dank water.

The new property owner, March Lacho, was present.

Atty Baker commented that this case was heard with a resulting Order Finding Violation at the April 2, 2013 meeting, however; since that time the property has transferred

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ownership. She stated that as per FSS the seller did not provide the Town notice of the sale but the new owner was aware of the hearing last month.

Town Clerk Hancsak testified that the new owner was made aware of the Notice of Violation to the prior owner and the prior hearing date. She stated that at that time Mr. Lacho stated that he would try to attend that meeting but he was not in attendance. She stated that the Town did receive a copy of the Settlement Statement from the title company showing transfer of ownership on April 11, 2013.

Atty Baker advised that the Town is in a difficult position in that they are sensitive to the new owner but they still need to go forward to enforce the codes.

Special Magistrate Donlon accepted the following Town exhibits: a copy of the Final Order and the unclaimed certified mail envelopes #1; the Administrative Recovery Costs in the amount of \$293.91 from the April 2, 2013 hearing as #2; and a copy of the Settlement Agreement transferring the property to the new owner, Mark Lacho, as #3.

Mark Lacho, 87 Island Drive South, stated that he was aware of the last hearing but he could not attend because at that time he would only have been an observer. He stated that now as the new owner he has already taken steps by cleaning the pool yesterday and cleaning some of the debris and weeds. He stated that there is currently a Stop Work Order on the home because he had permitted a few of contractors to remove items from the home triggering demolition work. He stated that he was within days of applying for the demolition permit, architectural drawings should be forthcoming soon, and the entire renovation/addition project should be completed within a year. He commented that the demo permit should eliminate a lot of the violations. He concluded by stating that he felt it fair that he pay this month's administrative recovery costs but requested that he not be assessed for the April 2nd meeting.

Atty Baker advised that the Town was willing to withdraw this case and recite Mr. Lacho today with a June 4, 2013 compliance date to pull the permit provided today's costs were reimbursed. After further discussion the Town offered a stipulation for the violations to be brought into compliance within 60 days (July 7th), failing which there would be a daily fine and a Fine Assessment Hearing at the Aug. 6 hearing date.

**CASE NO. CE#2013-003 Maria Hissom, Christian Hissom, Isabel Hissom,
17 Hudson Ave., Ocean Ridge FL 33435
RE: Lot 11, Blk 6, Boynton Beach Park
Subdivision (17 Hudson Ave.)**

NATURE OF VIOLATION

Violate Section 67-174(a)(1), 67-174(c) and 34-6(a) of the Town's Code of Ordinances and also Sections R401.2, M1201.1, R4101.17.1, R317, and R317.1.2 of the Florida Building Code; and also Sections 3025 604.3, 603.1, 304.8, 304.10, 303.1

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and 303.2 of the Property Maintenance Code, Article 110.11 and 306(C)(1) of the National Electrical Code; 300.6(C)(1); and Section 403.3 of the Florida Energy Conservation Code. Structure is open to weather elements and vermin, electrical disconnects are exposed, mechanical condensing unit violations, swimming pool is unprotected and holds stagnant water and contains wild game fecal matter on the entry/egress step, decorative wood structure on west side is in a state of partial disrepair/decay, and wooden front entry porch that is on wood sills and a wood plate is a violation.

The Respondent was not present.

Atty Baker stated that this case was found in violation at the last hearing and the Town believes that the violations continue to exist despite emails received to the contrary by the respondent to the Town Manager.

Sgt. Eubanks testified that she witnessed Officer Massimino take photographs for the initial violation and also for this hearing. She stated the violations continue to exist.

Town Manager Schenck testified that he has received a couple of emails within the last few days advising that the owner was still out of the country and they were under the misconception that the violations have been corrected. The emails mention possible short sale schedules. He added that the respondent advised that they could not be present at the meeting nor did they have a representative.

Special Magistrate Donlon accepted the following Town exhibits: the Final Order as #1, the Affidavit of Service and Notice of Violation as #2; the email to the owner and the returned mail to both the owner and realtor as #3; 7 pages of photographs taken by Officer Massimino on May 5, 2013 as #4; a composite of emails (and photos from the respondent) between the Town Manager and the respondent as #5, a letter from the realtor advising of a potential contracts as #6; and the Administrative Recovery Sheet in the amount of \$289.08 as #7.

Special Magistrate Donlon stated that she did find there was proper notice and that the violations existed and continue to exist. She stated the Order Assessing Fine would be prepared requiring a \$50.00 daily fine commencing May 3, 2013 until brought into compliance, along with the immediate reimbursement of administrative fees in the amount of \$349.71 for the April 2, 2013 hearing and also \$349.71 for the May 7, 2013 hearing and at this point the property can be liened.

C. VIOLATION HEARINGS

CASE NO. CE#2013-005 Lourdes Morejon, Republic Argentina 76, Quinto Piso Puerta 14 Gandia 46701 Spain

RE: Lot 14, Ocean Ridge Beach (28 Ixora Way)

NATURE OF VIOLATION

Violate Sections 67-174(a)(1) of the Town's Code of Ordinances by not conducting property maintenance and appearance standards on the structure as well as Section 34-6(a) by not conducting proper maintenance on the lawn located at 28 Ixora Way

The respondent was not present.

Atty Baker summarized the violations and requested that it be determined that there was proper notice and that the violations continue to exist. The Town was requesting compliance by May 31, 2013 and also reimbursement of the administrative costs in the amount of \$308.76.

Officer Roy testified that he observed the violations on April 11, 2013 after responding to complaints. He observed weeds, fallen outside tiles on the walls, and interior debris piled on the outside of the residence. He advised that his notice was also forwarded to the attorney representing Chase Bank.

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit and Notice of Violation along with the Affidavit of Service by Posting as #1, the Registered Letter Receipt and Track and Confirm Slip as #2; the email confirming receipt of the Notice of Violation from the attorney for Chase Bank as #3; 10 pages of photographs taken by Officer Roy on April 11, 2013 as #4; 3 pages of photographs taken by Officer Roy on May 5, 2013 as #5; and the Administrative Recovery Sheet in the amount of \$308.76 as #6.

Special Magistrate Donlon stated that she did find there was proper notice and that the violations existed and continue to exist. She stated the Final Order would require compliance by May 31, 2013 failing which the property could be assessed up to a \$250 daily fine. She added that she would also grant the reimbursement of administrative fees in the amount of \$308.76 to be paid by May 31, 2013. A Fine Assessment Hearing is scheduled for June 4, 2013 at 10:00 AM if necessary.

C. ADJOURNMENT

The meeting was adjourned at approximately 10:50 AM.

Town Clerk