

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
December 3, 2013

Present: Karen Hancsak; Town Clerk, Town Atty Kathryn Rossmell and Tara Duhay, Officer Savino.

Meeting called to order at approximately 10:10 A.M.

Special Magistrate Barbara Alterman 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. No respondents were present.

**A. ADOPTION OF NOVEMBER 5, MINUTES**

The minutes were adopted.

**B. RATIFY EXECUTED STIPULATION**

**CASE NO. CE#2013-003 17 Hudson Ave. LLC, 17 Hudson Ave., Ocean Ridge FL 33435**

**RE: Lot 11, Blk 6, Boynton Beach Park (17 Hudson Ave.)**

**NATURE OF VIOLATION**

Violate Sections 67-174(a)(1), 67-174(c) and 34-6(b) of the Town's Code of ordinances; Sections also R401.1, M1201.1, R4101.17.1, R317, and R317.1.2 of the Florida Building Code, Sections 3025 604.3, 603.1, 304.8, 304.10, 303.1 and 303.2 of the Property Maintenance Code, Article 110.11 and 36(c)(1) of the National Electrical Code; and Section 403.3 of the Florida Energy Conservation Code

Special Magistrate Alterman reviewed the Executed Stipulation signed by the Respondent on Aug. 30, 2013 and by the Town on Dec. 3, 2013 and formally approved same.

**C. VIOLATION HEARING**

**CASE NO. CE#2013-019 Ninive Giordano, 6007 Ridge Lane, Ocean Ridge, FL 33435**

**RE: Lot 7, Coastal Shores (6007 Ridge Lane)**  
**NATURE OF VIOLATION**

Violate Sections 67-51 of the Town's Code of Ordinances by remodeling the property without a permit

The Respondent was not present.

Atty Rossmell summarized the violation stating that work had been completed at the residence without a permit as evidenced by the photographs to be presented.

Officer Savino testified that on Oct. 13, 2013 while completing a Dark House Check she noticed that the home appeared to have a lot of interior work being performed without a permit. She responded with the Building Official the next day and determined that a permit was necessary at a minimum for walls being removed and bathroom remodeling. A Stop Work Order was posted on Oct. 17, 2013 and the case was cited on Oct. 31, 2013 with photographs taken. She attempted contact with the homeowner via telephone message and also through contact with the housekeeper met with negative results.

Special Magistrate Alterman accepted the following Town exhibits: the Affidavit and Notice of Violation with the Property Appraisers Owner Sheet, appropriate code section, and posting receipt and returned certified mail as composite #1; the Police Report, photographs taken on Oct. 31, 2013, and photographs taken on Dec. 3, 2013 as #2; and the Administrative Recovery Sheet in the amount of \$361.32 as #3.

Atty Rossmell requested that it be determined that proper notice was given, the violation still exists, compliance by Jan. 2, 2014 or a \$50 daily fine, and reimbursement of the administrative costs.

Special Magistrate Alterman found that there was proper notice and there is a violation that continues to exist. She set a Jan. 2, 2014 compliance date failing which a \$50.00 daily would accrue until brought into compliance. She would also include that the administrative recovery costs in the amount of \$361.32 be paid by Jan. 2, 2014. A Fine Assessment Hearing would be set for Jan. 7, 2014 at 10 AM.

Atty Gusrae read sub-section (e) of Section 62-51 which provides an exemption for a permit. He and his client's contention is that Mr. Ofstein is a guest (he read the definition of guest, dock, and accessory use as defined in Section 1-3) using the dock to dock his boat based on the definitions as read.

**CASE NO. CE#2013-020 Jeffrey and Patricia Petersen, 50 River Drive,  
Ocean Ridge FL 33435**

**RE: Lot 50, McCormick Mile (50 River Drive)**  
**NATURE OF VIOLATION**

Violate Sections 67-51 of the Town's Code of Ordinances by installing a boat lift without a permit

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF DEC. 3, 2013

The Respondent arrived at approximately 10:30 AM while staff was presenting their case and was sworn in.

Atty Rossmell summarized the case by stating that a boat lift and electrical work had been done without a permit.

Officer Savino testified that on Sat., Oct. 12<sup>th</sup> Officer Galluscio was checking an illegally parked vehicle and made contact with a Mr. Crismond who was working at 50 River Drive who advised that they repairing seawall cracks and were installing a boatlift on Monday. On Oct. 17<sup>th</sup> she went to the property and made contact with Mr. Innocent who advised that the boat lift had already been installed and they were completing electrical work that day. A Stop Work Order was posted by the Building Official. She also stated that she had observed pieces of the old boat lift on the side of the residence. She prepared, mailed and posted the Notice of Violation on Oct. 20, 2013.

Special Magistrate Alterman accepted the following Town exhibits: the Affidavit and Notice of Violation with the Property Appraisers Owner Sheet, appropriate code section, and posting receipt and returned certified mail as composite #1; the Police Report, photographs taken on Oct. 22, 2013, and photographs taken on Dec. 3, 2013 as #2; and the Administrative Recovery Sheet in the amount of \$350.01 as #3.

Mr. Petersen apologized for violating any of the Town codes and stated he was misled by his contractors. They advised him no permit was necessary because there was an existing boat lift in place and therefore it could be treated as a service call. He stated that upon returning from New York he noticed the posting on his door and responded to Town Hall and spoke with the Town Clerk to determine what would be necessary to correct the violation. He stated that they are in the process of obtaining a permit from DEP followed by applying for the Town permit. He added that he felt the Jan. 2, 2014 compliance date was reasonable.

Town Clerk Hancsak advised Mr. Petersen that he may want to discuss the permit application, or lack thereof, with his contractor because the Town's ordinance provides for penalties for work completed without a permit that quadruple the permit fee.

Special Magistrate Alterman found that there was proper notice and there is a violation that continues to exist. She set a Jan. 2, 2014 compliance date failing which a \$50.00 daily would accrue until brought into compliance. She would also include that the administrative recovery costs in the amount of \$350.01 be paid by Jan. 2, 2014. A Fine Assessment Hearing would be set for Jan. 7, 2014 at 10 AM.

**C. ADJOURNMENT**

The meeting was adjourned at approximately 10:35 AM.

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Town Clerk