

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
June 3, 2014

Present: Karen Hancsak; Town Clerk, Kathryn Rossmell, Town Atty., Officer Savino, Lt. Hutchins and Chief Yannuzzi.

Meeting called to order at approximately 10:07 A.M.

Special Magistrate Glen Torcivia 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. He added that the Town would present their case and he would render a decision and issue a Final Order or Order of Assessment.

**A. ADOPTION OF APRIL 1, 2014 MINUTES**

The minutes were adopted.

**B. VIOLATION HEARING  
CASE NO. CE#2014-005**

**Stellar Alon Growth, LLC, 2700 W Cypress  
Creek Road, Suite D118, Ft. Lauderdale FL  
33309**

**RE: Lot 21, Ocean Ridge Beach (40 Hibiscus  
Way)**

**NATURE OF VIOLATION**

Violate Sections 67-51, 67-174(a)(1), 67-175(4), 67-175(5) of the Town's Code of Ordinances by allowing the violations of the Town Code to continue to exist which include construction, alteration, remodeling and demolition without a permit, and not maintaining the second story/balcony/integrity of the building and not maintaining the pool/spa.

The respondent was not present.

Atty Rossmell summarized the violations and requested that it be determined that there was proper notice and that the violations continue to exist. She also stated that this property owner had also received a copy of a letter sent to a title company outlining all of the existing liens and violations on the property. The Town was requesting that the property be found in violation and given a time certain to be brought into compliance and also that the Town be entitled to the administrative recovery costs incurred.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF JUNE 3, 2014

Officer Savino testified she observed the violations and took photos on April 3, 2014 and again on June 3, 2014. She advised that the violations still exist; however, the overgrown lot and pool maintenance have been brought into compliance.

Atty Rossmell advised that this property has a history of violation noncompliance since 2008 with the prior owner and when the property was sold the new owner was cited for the same violations.

Town Clerk Hancsak testified that representatives from Stellar have been aware and had knowledge of the violations. She added that they had requested copies of prior building permits and letters. She also stated that someone from Stellar advised her that they did not believe the balcony was structural. Special Magistrate Torcivia commented that it appears that the balcony was structural and could be a definite safety hazard during hurricane season.

Special Magistrate Torcivia accepted the following Town exhibits: the Affidavit and Notice of Violation, Affidavit of Service by Posting, returned claimed certified mail, applicable code sections and the Property Appraiser Owner Sheet as #1, a copy of the letter to the Title Company dated March 12, 2014 referenced above as #2, 11 pages of photographs taken by Officer Savino on April 3 & June 3, 2014 with the police reports as #3; and the Administrative Recovery Sheet in the amount of \$451.63 as #4.

Nancy Hogan, 37 Hibiscus Way, stated that she resides next door and has lived with these violations for 5-6 years. She was told that the property was sold to an investment group and hoped that would bring results but obviously they are not here and nothing has been done. She complained to the County about the pool and it was finally fixed. She mentioned seawall work she had done which she believes may have been caused by a hole in the seawall at 40 Hibiscus that the prior owner told her about. She also mentioned the 2-3' elevation differential that causes flooding on her property. Special Magistrate Torcivia commented that compliance difficulties are not unique to this Town and it is very difficult for the Town to go in to correct the situation.

Special Magistrate Torcivia stated that he did find there was proper notice and that the violations existed and continue to exist. He stated the Final Order would require compliance within 15 days (June 18, 2014) failing which the property would be assessed \$50.00 per day for the dock violation, \$50.00 per day for the deck violation, and \$50.00 per day for the balcony violation, according to the appropriate code sections. He added that he would also grant the reimbursement of administrative fees in the amount of \$451.63 to be paid by July 1, 2014. A Fine Assessment Hearing is scheduled for July 1, 2014 at 10:00 AM if necessary.

**CASE NO. CE#2013-008      Gerald Bruce Wismer, 2750 SE 9<sup>th</sup> Street,  
Pompano Beach, FL 33062  
RE:    Lot 110, McCormick Mile Addition No. 1  
(110 Bonito Drive)**

**NATURE OF VIOLATION**

Violate Sections 34-6(a), 67-179(b)(1) and 67-174(a)(2), 67-174(b), 67-174(c), 67-175(5), 67-175(8) of the Town's Code of Ordinances by not maintaining the property by the lot being overgrown, stucco missing, fascia requires painting, holes in soffit, exposed electrical wires and visible deterioration of the structure.

The Respondent was not present.

Atty Rossmell 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 that the property be found in violation with a date certain for compliance and also reimbursement of the administrative costs in the amount of \$306.50.

Officer Savino testified that she observed the violations and took photographs on May 9, 2014. She stated that she observed the property is still in violation and took photographs again of the property on May 23 and June 3, 2014. She added that she made contact with someone mowing the front of the property on May 23; however, the remainder of the property remained in noncompliance.

Special Magistrate Torcivia accepted the following Town exhibits: the Affidavit and Notice of Violation, the Affidavit of Service by Posting, the returned unclaimed certified mail, the appropriate code sections and Property Appraiser Ownership Sheet as #1, 24 pages of photographs taken by Officer Savino on May 9, 23, and June 3, 2014 along with the police report as #2; and the Administrative Recovery Sheet in the amount of \$306.50 as #3.

Special Magistrate Torcivia stated that he did find there was proper notice and that the violations existed and continue to exist. He stated the Final Order would require compliance by June 26, 2014 failing which the property would be assessed a \$50 daily fine. He added that he would also grant the reimbursement of administrative fees in the amount of \$306.50 to be paid by July 1, 2014. A Fine Assessment Hearing is scheduled for July 1, 2014 at 10:00 AM if necessary.

**D. ADJOURNMENT**

The meeting was adjourned at approximately 10:30 AM.

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Town Clerk