

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
November 4, 2014

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

Meeting called to order at approximately 10:05 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 and Respondent would present their case and she would render a decision and issue a Final Order or Order of Assessment.

Everyone planning on providing testimony were sworn in.

A. ADOPTION OF OCTOBER 7, 2014 MINUTES

The minutes were adopted after Special Magistrate Alterman mentioned that the minutes included a notation that the hearing was held in error and the meeting should actually have been held on Nov. 4, 2014. She also advised that the minutes included a note that the Respondent was notified of this via a letter hand delivered on Oct. 16, 2014.

C. FINE ASSESSMENT/STATUS HEARING

CASE NO. CE#2014-011 Michael Dubose, 9 Ocean Ave., Ocean Ridge FL 33435

**RE: Lot 3, Block 4, Boynton Beach Park
Subdivision (9 Ocean Ave.)**

NATURE OF VIOLATION

Violate Section(s) 67-174(A)(1), 67-51, 67-52 of the Town's Code of Ordinances, Section R301.1 from the Florida Building Code – Residential, 2010 Edition and Section 105/1 from the Florida Building Code – Residential, 2010 Edition. The property has rotted roof structures, decomposing roof and framing, several exposed wires. There are two incomplete and expired permits on file. A structure on the east side of the property was built without a permit

The Respondent was present.

Atty Rossmell summarized the violations that were included in the Order Finding Violation. She commented that the Respondent had been given until Oct. 2, 2014 to

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apply for the new permits that expired in 2012 and also to apply for the demolition permit for the unpermitted structure. She advised that the demolition permit was applied for and received on Oct. 7, 2014 and the other permits were obtained on Oct. 16, 2014, thereby accruing 13 days of non-compliance (\$650.00). She added that the Respondent was also given through Oct. 31, 2014 to complete the work. The demolition, addition and roofing permits were still outstanding and no inspections have been done. She stated that the Respondent has paid the administrative recovery costs for the Sept 2, 2014 hearing. She stated that the Town was requesting a finding of proper notice, a determination that full compliance has not been met and now should accrue a \$50 daily fine, \$650 payment for the 13 days that the permits were not obtained, and the administrative recovery costs for this hearing totaling \$390.64.

Officer Savino testified that she took photographs this date and the violations still exist and that no inspections have been done. She also stated that the Building Official and she met with Mr. Dubose on Oct. 15, 2014 on site. During this meeting Mr. Dubose asked if he could keep the unpermitted structure on site during his construction. Don McIntosh advised him that it would have to be removed.

Special Magistrate Alterman accepted the following Town exhibits: the Order Finding Violation along with the certified receipt and hand delivered letter as #1; the administrative recovery sheets for Nov. 4, 2014 (\$390.64) as #2; photographs taken this date as #3; and the police reports for Oct. 15/16 and Clerk's notes on a meeting held on Oct. 16, 2014 as #4.

Mr. Dubose reiterated that he did not feel that the 30 days for permitting and 30 days for compliance were realistic, citing that it took 3 weeks for him to meet with his architect, Kelly Yates, on Sept. 26th. He felt the fines were unreasonable and questioned his costs for today's hearing because attending the last hearing cost him time. He stated that the permits have not been finalized because the interior work has not yet been finalized. He mentioned that he was planning on submitting a remodeling permit for the kitchen, since it could not be considered a revision, and he was trying to meet the Town's requirements. Regarding the demolition he stated he did receive the permit after the last hearing, however; the photographs do not reflect the work that has been done inside such removing cabinets etc. He stated that the strapping has been cut and the surrounding land was excavated. He advised that he only obtained the property back in July. He requested additional time citing that he has had some progress. At this point Atty Rossmell acknowledged that the roofing permit was finalized out on 10/30/14, however; the other two permits were still outstanding.

Town Clerk Hancsak testified that a meeting was held on Oct. 16th with the Town Manager, Town Clerk, Building Official, Officer Savino and Mr. Dubose. She stated the meeting was to summarize the letter regarding the Oct. 7th meeting, to explain the Final Order in detail, and to advise that the structure could not be placed on a trailer and used as a construction trailer. He was also provided with a copy of the code section pertaining to temporary structures.

Don McIntosh, Building Official, stated that Mr. Dubose has submitted plans to remodel the kitchen and exterior stairway, however; no electric, no plumbing or exhaust hood was included so the permit review was rejected. He reiterated that the shed had or still has utilities such as electric and plumbing that were totally unpermitted and the structure must be removed. He added that no inspections have been done on the addition or the demolition.

Mr. Dubose again stated that he needed reasonable time to commence the work for the addition permit and now the kitchen should be a part of it. He felt he was being discriminated against because he could not utilize the structure (by placing it on a trailer) as a construction trailer when the code permits temporary structures.

Special Magistrate Alterman questioned the Building Official on whether the scope of work for the permits would require a construction trailer to which she was advised that it would not. She stated that while she understood that the kitchen remodel could possibly affect the addition as permitted, however; it was still his choice if he wanted to prolong the completion of the addition permit and added that the demolition should have occurred.

Special Magistrate Alterman stated that she did find there was proper notice and her order would include: \$650 assessed for the 13 days until the permits were obtained (10/3-10/15/14), the administrative recovery costs in the amount of \$390.64 for this hearing were reasonable and would be assessed, and also that a \$50 daily would commence from Nov. 1, 2014 until full compliance has been met for the demolition permit and the addition permit. She stated that the trailer could have been removed and that removing some of the interior work was not a valid excuse. Regarding the addition permit and the proposed kitchen remodel she advised that the fines would continue to accrue on the addition permit until that portion is complete.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:35 AM.

Town Clerk