

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
DECEMBER 1, 2015

Present: Karen Hancsak; Town Clerk, Kenneth Spillias, Town Atty., Officer Van Camp, Police Chief Hutchins, and Manuel Palacios, Zoning Officer.

Meeting called to order at approximately 10:00 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 and Respondent would present their case and he 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 6, 2015 MINUTES

The minutes were adopted.

B. STATUS HEARING/FINE ASSESSMENT HEARING

CASE NO. CE#2015-004 Robert H. Whittington, 6130 Ridge Lane, Ocean Ridge FL 33435

RE: Lot 14, Coastal Shores West (6130 Ridge Blvd.)

NATURE OF VIOLATION

Violate Section/s 67-51 of the Town's Code of Ordinances by installing a permanent paver style driveway without obtaining the required permits.

The Respondent was present.

Town Clerk Hancsak summarized the case and advised that Mr. Whittington applied for the permit and it was just issued on Nov. 30, 2015. She stated that the Town was agreeable to extend the compliance date to Dec. 24, 2015 and waive the administrative recovery costs.

Mr. Whittington advised that the work should be completed within the time frame and thanked the Town for the extension.

Special Magistrate Torcivia advised that he would prepare an order granting an extension of time through the 24th day of December, 2015 for full compliance. A Fine Assessment/Status Hearing will be held on Jan. 5 2016 at 10 am if necessary.

**C. VIOLATION HEARING
CASE NO. CE#3015-005**

Adel and Mervat Mansour, 3250 Saint Charles Place, Boca Raton, FL 33434

RE: Palm Beach Shore Acres Blks A,B, & Z E 99.95' of West 360.05' of Lot 16 Blk A (11 Tropical Drive)

NATURE OF VIOLATION

Violate Section/s 67-51 of the Town's Code of Ordinances, and Florida Building Code (FBC) Sections SEC 105.1 – Permit required, SEC 105.8 – Notice of Commencement Required, SEC 107 – Construction Documents to be submitted, SWC 107.2.5 – Site Plan Required, SEC 111.1 – No Certificate of Occupancy issued, SEC 112.1 – Unauthorized Service of Utilities Connections by converting a four (4) unit Multi-Family Rental Unit to a five (5) unit Multi-Residential Unit in violation of town code.

The Respondent was not present, however; the Property Manager, Thais Boucher, was present and she was authorized to act on behalf of the owner.

Atty Spillias restated the violation and advised that there were several staff members that would testify.

Officer Van Camp testified that he became aware of a violation from Town Hall and Hy-Byrd citing that a 4 unit complex at 11 Tropical Drive was converted into a 5 unit complex. On Nov. 6, 2015 he responded to the property and observed that there were 5 units and also printed out the Property Appraiser Owner Sheet that reflected 4 units for the property. Photographs were taken of the 5 units and of the 6 electric meters (1 serving the laundry room). He prepared, mailed and posted the Affidavit and Notice of Violation.

Manuel Palacios, Zoning Officer and employee of Hy-Byrd Inspections, testified that he was advised of the possible violation by the Town Clerk and inspected the property and took photographs. He observed that there were 5 units and 6 electric meters. He testified that upon checking there were no prior permits to add a 5th unit. Atty Spillias clarified that the Property Appraiser Owner Sheet reflected 4 units and the size of the property was .23 acres. Atty Spillias also clarified that the current code would only permit 1 unit, however; the property has been grandfathered for four units.

Town Clerk Hancsak testified that the Town received an anonymous complaint regarding the addition of 1 unit at the address and scheduled for the Zoning Officer to inspect the property. She added that both the Town's older and current garbage/trash invoice program reflected that the current and previous owners have been consistently billed for 4 units.

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Atty Spillias advised that at some point there was a conversion from 4 to 5 units. He stated that the owner had advised that they purchased the property with 5 units in Sept. 2014 but unfortunately there is no mechanism to allow an increase to the nonconformity and therefore it must be reduced back to 4 units by a date certain.

Special Magistrate Torcivia accepted the following Town exhibits: the Affidavit and Notice of Violation with Affidavit of Service as #1; seventeen downloaded pictures of the property and electric meters taken on 11/8/15 by Officer Van Camp as #2; the Property Appraiser Owner Sheet with picture and building sketch provided by the Zoning Officer as #3; 6 photographs of the unit numbers and electric meters taken on 10/5/15 by the Zoning Officer as #4; the garbage/trash invoice sheet for the property reflecting 4 units from both the old and new software system as #5; and the administrative recovery sheet in the amount of \$383.01 as #6.

Thais Boucher, Property Manager, advised that they purchased the property with 5 units as an income source in Sept. 2014. Ms. Boucher advised that the property was inspected and believed it to be proper, although the property only reflects 11 Tropical Drive on the deed, and the leases were transferred. She stated that the owners now feel they were scammed by the prior owner.

Special Magistrate Torcivia questioned how much time she felt would be necessary to convert the property back to 4 units. She advised that several units had an annual lease through June or July 2016 and there was one long term tenant that has extended their lease on a month to month basis. Atty Spillias questioned whether the present owner had been in touch with the previous owner to which he was advised that they had not, but they have been in contact with the title insurance company.

Special Magistrate Torcivia accepted the following Respondent exhibits: copies of the five leases as #1; the building inspection report by Feldi's Building Inspections dated 7/21/14 as #2; a copy of the Personal Representative's Deed as #3; and the rent/deposit adjustments between the seller and buyer as #4.

Ms. Boucher asked if there could be an exception because they believed they were under the square footage requirements to have a 5th unit. Special Magistrate Torcivia advised that he believed it would take a couple of months to determine if a 5th unit is allowed and again asked what time frame would be necessary to convert the building back to 4 units.

Atty Spillias commented that since 1 of the units was a month to month lease compliance could be achieved within 60 days. He added that the property owner could not seek a variance because the Board of Adjustment had no authority on variances for density. He recognized that the property is grandfathered with 4 but the Town is unsure which unit must be converted. He recommended that one of units must cease being rented, the property owner meet with the Town within 30 days regarding how the conversion was done prior to applying for any building permits, that a tenant be removed within 60 days, and the owner meet with the Town in regards to identifying which unit will be converted.

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Special Magistrate Torcivia stated that his Final Order would reflect that he did find that there was proper notice and that a violation exists. He advised that the property owner should meet with the staff and come to an agreement on the time certain and which unit will be converted to return the 5 units to 4 units prior to the Status Hearing that is scheduled for Jan. 5, 2016 at 10 am. He added that the Respondent would be assessed the \$383.01 administrative recovery costs to be paid by Jan. 4, 2016.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:47 AM.

Minutes Adopted by the Special Magistrate at the March 1, 2016 Code Enforcement Hearing.

ATTEST:

Town Clerk