

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
April 1, 2008

Present: Karen Hancsak; Town Clerk, Ken Spillias, Town Atty, and Sgt. Eubanks.

Meeting called to order at approximately 10:00 A.M.

There was no one in the audience.

A. ADOPTION OF MARCH 4, 2008 MINUTES

Due to an oversight the minutes were not adopted.

B. VIOLATION HEARING

CASE NO. CE#2008-006

**Domingo Castro and Thallygee Castro, 1500 N. Florida
Mango Road, #17, West Palm Beach FL 33409**

RE: Lot 14, Inlet Cay Subdivision (14 Inlet Cay Drive)

NATURE OF VIOLATION

Violate Section 67-174(a)(1) of the Town's Code of Ordinances by not replacing the roof tiles on their property at 14 Inlet Cay Drive

Atty Spillias commented that this violation has been brought into compliance.

CASE NO. CE#2008-007

**6393 N OCEAN BLVD. LLC, 979 Dale Road, Jenkintown
PA 19046 and David Marvisi, 100 S. Point Drive #5, Miami
Beach FL 33139**

**RE: Boynton Beach Park S 125' of N 175' of Unbrd
Blk Lyg E of Ocean Blvd. (6393 N. Ocean Blvd.)**

NATURE OF VIOLATION

Violate Section/s 34-6(a) of the Town's Code of Ordinances by allowing the grass and weeds to grow in excess of 12 inches (this is a repeat violation)

Atty Spillias summarized the case by stating that the property was overgrown and this was considered a repeat violation. He added that Sgt. Eubanks will testify that the violation has not been corrected. He stated that the Town was seeking a \$200 daily fine from the date of the violation, payment of the \$300 lot violation fine as per the Town ordinances, and reimbursement for the administrative costs in the amount of \$205.90.

Special Magistrate Donlon accepted the following Town exhibits: Section 34-6 of the Town Code of Ordinances as #1; the last Order Finding Repeat Violation dated August 7, 2007 as #2, three pages of photographs dated March 3, 2008 as #3, the Affidavit and Notice of Violation along with the Appraisers Owner Information and a letter advising that David Marvisi was also an owner in the property with two attached certified receipts

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as #4, three photographs taken this date as #5, and the administrative recovery worksheet in the amount of \$205.90 as #6.

Sgt. Eubanks testified that she observed the violation on March 3, 2008 and sent the notice to both owners of record and, as the photos taken this date reflect, the property is still in violation.

Special Magistrate Donlon stated that she did find there was proper notice and the violation has existed since Feb. 15, 2008 and the owner shall be fined \$200 per day commencing with Feb. 15, 2008, the \$300 lot violation fine and the administrative recovery sheet in the amount of \$205.90 is to be paid immediately and the Town may file a lien on the property.

CASE NO. CE#2008-008

6393 N OCEAN BLVD. LLE, 979 Dale Road, Jenkintown, Pa 19046 and David Marvisi, 100 S. Point Drive #5, Miami Beach FL 33139

RE: Boynton Beach Park S 125' of N 175' of Unbrd Blk Lyg E of Ocean Blvd. (6393 N Ocean Blvd.)

NATURE OF VIOLATION

Violate Section/s 64-42(a) of the Town's Code of Ordinances by having a swimming pool on the lot without a principal structure on the lot

Atty Spillias summarized this violation by stating that this property has had a pool without a home on the property for a couple of years. He added that Sgt. Eubanks and Town Clerk Hancsak will testify. He recommended a fine of \$100 per day until the pool is removed or a residence is built.

Special Magistrate Donlon accepted the following Town exhibits: Section 64-42(a) of the Town Code of Ordinances as #1; two photographs taken March 3, 2008 depicting the pool as #2, the Property Appraisers Owner Information as #3, the Affidavit and Notice of Violation along with the copies of the proof of delivery (this notice was sent with Case 2008-07) as #4, two photographs taken this date as #5, copies of letters sent regarding variance requests for a proposed home to be built at an elevation of 19'6" as #6, and the administrative recovery worksheet in the amount of \$194.66 as #6.

Sgt. Eubanks testified that she observed the violation on both March 3, 2008 and this date.

Town Clerk Hancsak testified that in February 2006 the owners were granted a variance for the finished floor elevation for a proposed new home which expired and they applied for and received another variance a year later and subsequently were granted an extension until March 14, 2008 which has now expired. She advised that the pool had not been cited in the past because the Town was under the impression a home would be built.

Special Magistrate Donlon stated that she did find there was proper notice and the violation does exist and she would permit up to 60 days for the pool to be brought into compliance or a fine of up to \$250 per day may be assessed at the Fine Assessment

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Hearing that will be scheduled for the first hearing after 60 days have passed. She also stated that the administrative recovery costs in the amount of \$194.66 shall be paid within 10 days.

CASE NO. CE#2008-009

Fernando Carmons and Shelby St. James, 6780 N. Ocean Blvd., Ocean Ridge FL 33435

RE: Lot 43, McCormick Mile Subdivision (6780 N Ocean Blvd.)

NATURE OF VIOLATION

Violate Section/s 34-6(a) and 34-1 of the Town's Code of Ordinances by allowing the grass and weeds to grow in excess of 12 inches, and by allowing the existence of a public nuisance on their property. The coconuts need to be cut from the palm tree next to the sidewalk, as falling coconuts create a safety hazard for pedestrians

Atty Spillias summarized the violation by stating that the lot was overgrown and the threat of falling coconuts onto pedestrians on the sidewalk exists. He asked that the respondent be given 10 days to correct the violation with a fine of up to \$250 daily to be assessed at the Fine Assessment Hearing and that they also be responsible for the administrative recovery costs.

Special Magistrate Donlon accepted the following Town exhibits: Section 34-6(a) of the Town Code of Ordinances as #1; four photographs taken March 5, 2008 depicting the overgrowth and the Coconut palm tree as #2, the Property Appraisers Owner Information as #3, the Affidavit and Notice of Violation along with the tracking and confirmation receipt from the Post Office and the affidavit of posting the property as #4, three photographs taken this date as #5, and the administrative recovery worksheet in the amount of \$200.28 as #6.

Sgt. Eubanks testified that she sent the Notice via certified mail that was shown as unclaimed by the Post Office and in addition she posted the property once and it was removed within one day so she re-posted it for another 10 day period. She added that a reinspection of the property this date showed that the property was still in noncompliance.

Special Magistrate Donlon stated that she did find there was proper notice and the violation does exist and she would order compliance within 10 days failing which may result in a fine of up to \$250 per day at the Fine Assessment Hearing scheduled for May 6, 2008 at 10 AM. She also stated that the administrative recovery costs in the amount of \$200.28 shall be paid within 10 days.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:20 AM.

Town Clerk