

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
FEBRUARY 5, 2019

Present: Special Magistrate Jennifer Ashton, Town Attorney Brian Shutt, Deputy Town Clerk Jean Hallahan, Building Official Wayne Cameron, and Police Officer Aaron Choban.

The meeting was called to order at 10:00 A.M. by Special Magistrate Ashton.

Special Magistrate Jennifer Ashton explained the hearing process, noting that the town will call the cases as they appear on the agenda. Once the case is called, the Town will present evidence first, and then the respondent will have the opportunity to see the evidence and ask any questions, and then the respondent will provide testimony and evidence. Once all of the evidence and testimony has been concluded, the Special Magistrate will make a ruling, and the town and respondent will receive the written order in the mail within the next few days. This is not meant to be a formal court room and formal rules of evidence do not apply.

All those persons planning on providing testimony were sworn in by Special Magistrate Ashton.

Town Attorney Shutt explained that he had received notice from Mr. Stearns explaining that he would not be available for this hearing, and therefore requested that the Special Magistrate proceed with the next case, as Mr. Van Vliet was present.

(Town Clerk's Note: The items in the minutes will appear in a different order than the printed agenda.)

**C. VIOLATION HEARING
CASE NO. 2019-001**

**Gregory G. Van Vliet
17 Tropical Drive, Ocean Ridge, FL 33435
RE: PALM BEACH SHORE ACRES BLKS A,B & Z
(17 Tropical Drive)**

NATURE OF VIOLATION

Violate Section(s) 67-51 (1) & (2), 67-174 (a) (1) & (2) of the Town's Code of Ordinances by not maintaining the exterior of the property according to Town Code.

Town Attorney Shutt presented the Exhibits to the Magistrate. Special Magistrate Ashton accepted the following Town exhibits into evidence without objection: Affidavit and Notice of Violation as #1, Affidavit of Service as #2, Police Reports as #3, Town Code as #4, Property Appraiser Property Detail Sheet as #5, Certified Mail Receipt as #6, Photographs as #7, and the Town's Cost Recovery Calculation Worksheet as #8.

Town Attorney Shutt stated that Building Official Wayne Cameron would be presenting the Town's Case. Building Official Cameron stated that this property violated both the

Town Code and Florida Building Code. The stairs leading to the 2nd Floor on the property had been removed leaving behind an exterior door that lead to nowhere. It was an unsafe condition to open the door on the 2nd Floor without any outside stairs. In November 2018, Mr. Van Vliet had applied for a permit; however, it was not approved. In November 2018, the Building Official had responded with comments and these comments needed to be addressed before permit approval. Building plans and a Licensed Contractor would be required. There was also water damage occurring to the building. Because of the unsafe conditions, compliance is of the essence.

Greg Van Vliet, 17 Tropical Dr, stated that this was an on-going problem trying to find a competent contractor who wanted to take on the project. Contractors had informed him that the roof needed to be replaced before the work could proceed on the stairs. He had finally located an architect whose spouse was a General Contractor, but it was still a slow process.

Building Official Cameron recommended a 60 day time frame to be in compliance with an approved building permit. The rainy season was approaching, and the condition would continue to deteriorate if not repaired. Town Attorney Shutt requested that a \$50/Day Fine be assessed after April 2nd, 2019 if not in compliance. Mr. Van Vliet conceded that he would attempt to provide the proper permitting plans for an approved permit by March 29th, 2019.

Special Magistrate Ashton advised that her final order would reflect that notice is good and sufficient. Mr. Van Vliet will need to come into compliance by March 29th, 2019 or a \$50/Day Fine would be assessed until compliance is achieved. If not in compliance a fine assessment will be set on April 2nd, 2019. Special Magistrate Ashton ordered the additional administrative costs for today's hearing of \$414.67 to be paid within 30 days.

B. VIOLATION HEARING

CASE NO. 2018-007

**Aaron Stearns & Barbara Villa
5501 N. Ocean Blvd, Ocean Ridge FL 33435
RE: TROPICAL PARK ADD 1 IN
(5501 N Ocean Blvd)**

NATURE OF VIOLATION

Violate Section(s) 30-157 (a) and 64-1 (c)(3) of the Town's Code of Ordinances by renting the home as a short-term vacation rental.

Town Attorney Shutt noted that he had received a letter from Mr. Stearn stating that he would not be able to attend. Town Attorney Shutt stated that there were 2 violations. The first violation of Section 30-157 was now in compliance. The second Violation of 64-1(c)(3) is regarding the Town Code of Vacation Rentals.

Special Magistrate Ashton accepted the following Town exhibits into evidence without objection: Affidavit and Notice of Violation as #1, Affidavit of Service as #2, Police Reports as #3, Victim/Witness Affidavit as #4, Town Code as #5, Property Appraiser's

Property Data Sheet as #6, Certified Mail Receipt as #7, and the Town's Cost Recovery Calculation Worksheet as #8.

Officer Aaron Choban stated that since September 7, 2018 either himself or Officer Robert McAllister (who was present in the audience) had contacted Mr. Stearns 17 times regarding complaints of this property. Each time the officers were informed that the property was not being rented out, and that the occupants were either family or guests of the family. Off. Choban also reported that the occupants were from all over the country even Canada. On December 27th, 2019 he confronted James Demarest on the property and asked if they were renters. After further discussion, Mr. Demarest admitted that they were renting the property for a week through VRBO for \$2000/wk. He even provided the officers with e-mails between himself and Mr. Stearn discussing the Vacation Rental. Town Attorney Shutt stated that they were not looking for a fine, however due to numerous complaints on this property, he requested that any future violations from the date of order to be treated as repeat violations, along with today's administrative costs.

Special Magistrate Ashton advised that her final order would reflect that notice is good and sufficient. Violation of Code Section 30.157A was in compliance. However Code 64-1 (c)(3) was in Violation, and has since come into compliance. A Finding of Fact Order will be in place and any repeat violations will be subject to a \$500/day fine. Special Magistrate Ashton ordered the additional administrative costs of \$328.67 be paid within 30 days.

A. ADOPTION OF DECEMBER 5, 2017 MINUTES

The Code Enforcement Hearing Minutes of December 5, 2017 were adopted by Special Magistrate Ashton.

D. ADJOURNMENT

The meeting was adjourned at 10:25 am.

Minutes prepared by Deputy Town Clerk Hallahan, and adopted by Special Magistrate Ashton on 5/7/2019.

ATTEST:



Tracey L. Stevens, MMC, Town Clerk