

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
March 2, 2021

Present: Special Magistrate Amity Barnard, Town Attorney James Brako, Town Manager Tracey Stevens, Assistant Town Clerk Kathie Gatewood, Police Chief Hal Hutchinson and Building Official Durrani Guy.

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

Special Magistrate Barnard explained the hearing process, noting that the Town will call cases as they appear on the agenda. Once the case is called, the Town will present evidence first, then the respondent will have the opportunity to see the evidence, 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 courtroom and formal rules of evidence do not apply.

All those persons planning to provide testimony were sworn in by Special Magistrate Barnard.

**A. ADOPTION OF January 5, 2021 MINUTES**

The Code Enforcement Hearing Minutes of January 5, 2021 were adopted by Special Magistrate Barnard.

**B. VIOLATION HEARING  
CASE NO. 2020-005**

**THE TAMARIND, INC.  
6665 NORTH OCEAN BLVD, Ocean Ridge, FL  
33435  
RE: TAMARIND COND**

**NATURE OF VIOLATION**

Violate Section(s) 22-1 Failure to maintain fire equipment according to Town Code.

Town Attorney Brako requested the case to be continued until April 6, 2021. Special Magistrate Barnard confirmed with Town Attorney Brako that all parties agreed to a continuance.

Special Magistrate Barnard advised that she would make the following findings of fact and conclusions: the Respondents are the owners of the above-described property, notice is proper and sufficient though the Respondent was not presented at the hearing, the Respondent and Town mutually agreed to a continuance, a continuance was granted, the Respondent is required to attend a Violation Hearing held on April 6, 2021 at 10:00a.m. at the Ocean Ridge Town Hall, 6450 N. Ocean Blvd., Ocean Ridge. Florida 33435 unless the Town certifies that compliance has been achieved.

**C. VIOLATION HEARING**

**CASE NO. 2020-022**

**ANDREW & JENNIFER BERKMAN**

**35 SPANISH RIVER DRIVE, Ocean Ridge, FL 33435**

**RE: INLET CAY, LT 35**

**NATURE OF VIOLATION**

Violate Section(s) 67-51 of Town Code and Section 105.1 of the FBC 6<sup>th</sup> Edition; by performing work without a permit, and Section 1804.5 - Adding fill in a Special Flood Hazard Area (SFHA).

Town Attorney Brako presented Special Magistrate Barnard with a global settlement agreement.

Special Magistrate Barnard advised that she would issue an order acknowledging and approving a Joint Code Compliance Settlement Agreement that directed parties to comply with the terms.

**D. VIOLATION HEARING**

**CASE NO. 2021-001**

**JERRY & SANDRA MCMAHAN**

**77 ISLAND DRIVE SOUTH, OCEAN RIDGE, FL**

**33435**

**RE: MC CORMICK MILE ADD 1 LTS 77 & 77-A**

**NATURE OF VIOLATION**

Violate Section(s) 64-81 and 67-174 Failure to maintain and repair seawall for maintenance and appearance standards according to Town Code.

Town Attorney Brako summarized the case for the Special Magistrate. Building Official Guy testified that after an investigation that the above-mentioned property was in violation for failure to maintain and repair seawall for maintenance and appearance standards according to Town Code.

The Respondent was not present at the hearing; however, a letter with attachments was emailed to the Code Enforcement Clerk to enter into the case file. Special Magistrate entered the exhibit into the case file with no objection from Town Attorney Brako.

Town Attorney Brako recommended that the Respondents have until March 30, 2021 to achieve compliance by receiving an issued permit and if compliance is not achieved, face a daily fine of Two Hundred Fifty Dollars (\$250.00) for each day the violation exists. He also asked that administrative costs of \$184.40 for the March 2, 2021 hearing be assessed.

Special Magistrate Barnard advised that she would make the following findings of fact and conclusions: the Respondents are the owners of the above-described property, notice is proper and sufficient though the Respondent was not presented at the hearing, based upon the evidence and testimony presented at the March 2, 2021 hearing the property is not in compliance with Sections 64-81 and 67-174 of the Code of Ordinances of the Town of Ocean Ridge.

The Special Magistrate ordered the Respondents to comply with Sections 64-81 and 67-174 of the Code of Ordinances of the Town of Ocean Ridge on or before March 30, 2021. If the Respondents fail to achieve compliance a daily fine of Two Hundred Fifty Dollars, (\$250.00) may be imposed for each day the violation continues to exist. The Respondents are required to

attend a Status/Fine Assessment Hearing held on April 6, 2021 at 10:00a.m. at the Ocean Ridge Town Hall, 6450 N. Ocean Blvd., Ocean Ridge. Florida 33435 unless the Town certifies that compliance has been achieved. Administrative costs for the March 2, 2021 hearing were awarded to the Town for \$184.40.

**E. VIOLATION HEARING  
CASE NO. 2021-002**

**SPITI TRUST & DANIEL J. BEIRUTE TRUST  
6080 OLD OCEAN BLVD, OCEAN RIDGE, FL 33435  
RE: AMENDED PLAT OF BOYNTONS SUB LT 2 &  
N 1/2 OF LT 3 BLK 9**

**NATURE OF VIOLATION**

Violate Section(s) 67-51, 67-60 of Town Code and Section 105.1 of the Florida Building Code, 6<sup>th</sup> Edition –  
Performing construction work without a permit, according to Town Code.

Town Attorney Brako summarized the case for the Special Magistrate. Building Official Guy testified that after an investigation that the above-mentioned property was in violation for performing work without a permit against Town Code.

The Respondent was not present at the hearing; however, a letter with attachments was emailed to the Code Enforcement Clerk to enter into the case file. Special Magistrate entered the exhibit into the case file with no objection from Town Attorney Brako.

Town Attorney Brako recommended that the Respondents have until March 30, 2021 to receive an issued permit in order to achieve compliance and if compliance is not achieved, face a daily fine of Two Hundred Fifty Dollars (\$250.00) for each day the violation exists. He also asked that administrative costs of \$184.40 for the March 2, 2021 hearing be assessed.

Special Magistrate Barnard advised that she would make the following findings of fact and conclusions: the Respondents are the owners of the above-described property, notice is proper and sufficient though the Respondent was not presented at the hearing, based upon the evidence and testimony presented at the March 2, 2021 hearing the property is not in compliance with Sections 67-51, 67-60 of the Code of Ordinances of the Town of Ocean Ridge and Section 105.1 of the Florida Building Code (6<sup>th</sup> Edition).

The Special Magistrate ordered the Respondents to comply with Sections 67-51, 67-60 of the Code of Ordinances of the Town of Ocean Ridge and Section 105.1 of the Florida Building Code (6<sup>th</sup> Edition) on or before March 30, 2021. If the Respondents fail to achieve compliance a daily fine of Two Hundred Fifty Dollars, (\$250.00) may be imposed for each day the violation continues to exist. The Respondents are required to attend a Status/Fine Assessment Hearing held on April 6, 2021 at 10:00a.m. at the Ocean Ridge Town Hall, 6450 N. Ocean Blvd., Ocean Ridge. Florida 33435 unless the Town certifies that compliance has been achieved. Administrative costs for the March 2, 2021 hearing were awarded to the Town for \$184.40.

**F. VIOLATION HEARING  
CASE NO. 2021-004**

**5505 N OCEAN BLVD #103 CAMBRIDGE, OCEAN  
RIDGE, FL 33435  
RE: COLONIAL RIDGE CORP CAMBRIDGE APT  
103**

**NATURE OF VIOLATION**

Violate Section(s) 67-51, 67-60 of Town Code and Section  
105.1 of the Florida Building Code, 6<sup>th</sup> Edition –  
Performing construction work without a permit, according  
to Town Code

Town Attorney James Brako informed Special Magistrate Barnard the the Respondent achieved compliance and the case has been removed from the docket.

**G. ADJOURNMENT**

The meeting was adjourned at 10:29 A.M.

Minutes prepared by Assistant Town Clerk Gatewood, and adopted by Special Magistrate Barnard on April 6, 2021.

ATTEST:



Karla Armstrong, Town Clerk

