

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
AUGUST 3, 2021

Present: Special Magistrate Amity Barnard, Town Attorney Christy Goddeau, Town Manager Tracey Stevens, Assistant Town Clerk Kathie Gatewood, Police Chief Hal Hutchins, Police Officer Nubia Savino, Town Clerk Karla Armstrong 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 June 8, 2021 MINUTES

The Code Enforcement Hearing Minutes of June 8, 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 Goddeau explained to Special Magistrate Barnard that the case had previously been ordered to take place within sixty (60) days of the last order. She explained that there was still important discovery to be completed and that the Town and Respondent mutually agreed to a continuance hearing to be held on September 7, 2021 at 10AM.

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, and the Town and Respondent mutually agreed to a continuance.

Special Magistrate Barnard ordered that the violation hearing be continued. The Respondents are required to attend a Violation Hearing held on September 7, 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. Assessment of the of the Town's administrative costs incurred in prosecuting previous hearings are hereby reserved.

**C. VIOLATION HEARING
CASE NO. 2021-006**

**DAVID & MICHELLE SOCHA
6260 N OCEAN BLVD, OCEAN RIDGE, FL 33435
RE: BOYNTON BEACH PARK LT 1 BLK 5**

NATURE OF VIOLATION

Violate Section(s) 30-173 Failure to Maintain Pool and
67-51 Work Without a Permit According to Town Code.

Town Attorney Goddeau summarized the case, which contained two violations, for Special Magistrate Barnard.

Officer Savino testified that she investigated the complaints and the Respondent was found to be in violation of both codes. The Respondents were not present for the hearing.

Town Attorney Goddeau asked that Town Exhibits #1-13 be entered into evidence. She stated that the Town is recommending a fine of Two Hundred Fifty Dollars (\$250.00) per day for each violation if compliance is not achieved within thirty (30) days for the work without a permit violation and ten (10) days for the unmaintained swimming pool violation. She requested that the Town be awarded Administrative Costs for Two Hundred Forty Nine Dollars (\$249.00) to be paid within thirty (30) days.

Special Magistrate Barnard accepted Town Exhibits #1-13 into evidence without objection.

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 Respondents were not presented at the hearing, based upon the evidence and testimony presented at the August 3, 2021 hearing the property is not in compliance with Sections 30-173 and 67-51 of the Code of Ordinances of the Town of Ocean Ridge.

Special Magistrate Barnard ordered the Respondents to comply with Sections 30-173 of the Code of Ordinances of the Town of Ocean Ridge on or before August 13, 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.

Special Magistrate Barnard ordered the Respondents to comply with Sections 67-51 of the Code of Ordinances of the Town of Ocean Ridge on or before September 3, 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.

Administrative costs for the August 3, 2021 hearing were awarded to the Town for Two Hundred Forty Nine Dollars (\$249.00), to be paid within thirty (30) days of the order date.

Special Magistrate Barnard further ordered that the Respondents are required to attend a Fine Assessment Hearing held on September 7, 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.

**D. VIOLATION HEARING
CASE NO. 2021-008**

**ALBERT & PATRICIA THROWER, ALBERT &
PATRICIA THROWER TR TITL HLDRS
8 INLET CAY DRIVE, OCEAN RIDGE, FL 33435
RE: INLET CAY, LT 8
NATURE OF VIOLATION**

Violate Section(s) 64-77 Floating Dock Not in Compliance
According to Town Code.

Town Attorney Goddeau summarized the case for the Special Magistrate, and noted that the Respondents could not attend and had submitted a letter.

Building Official Guy testified that he performed an inspection of the property and found that the floating dock was not in compliance with Town Code.

Town Clerk Armstrong testified that the Respondents applied for a variance to allow the floating dock. She stated that the application was awaiting comments to be addressed by the Respondents; and if certified after the comments were reviewed, a Board of Adjustment meeting would be held on Wednesday, October 20th at 9AM in the Commission Chambers. She told Special Magistrate Barnard that the Respondents were out of town until October.

Town Attorney Goddeau said the Town was recommending that the Respondents come into compliance by October 4, 2021, which will give them time to finalize the variance request process. She said if compliance is not achieved by the comply by date, the Town recommends a fine of One Hundred Dollars (\$100.00) for each day the violation exists. She requested that the Town be awarded Administrative Costs for One Hundred Eighty Eight Dollars (\$188.00) to be paid within thirty (30) days.

Special Magistrate Barnard accepted Town Exhibits #1-11 into evidence without objection.

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 Respondents were not presented at the hearing, based upon the evidence and testimony presented at the August 3, 2021 hearing the property is not in compliance with Section 64-77 of the Code of Ordinances of the Town of Ocean Ridge.

Special Magistrate Barnard ordered the Respondents to comply with Section 64-77 of the Code of Ordinances of the Town of Ocean Ridge on or before October 4, 2021. If the Respondents fail to achieve compliance a daily fine of One Hundred Dollars, (\$100.00) may be imposed for each day the violation continues to exist.

Administrative costs for the August 3, 2021 hearing were awarded to the Town for One Hundred Dollars (\$100.00), to be paid within thirty (30) days of the order date.

Special Magistrate Barnard further ordered that the Respondents are required to attend a Status/Fine Assessment Hearing held on October 5, 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.

**E. VIOLATION HEARING
CASE NO. 2021-009**

**OCEANDELL HOLDINGS, LLC
6273 N OCEAN BLVD, OCEAN RIDGE, FL 33435
RE: BOYNTON BEACH PARK N 120 FT OF S 170 FT
OF UNMBRD BLK LYG E OF OCEAN BLVD
NATURE OF VIOLATION**

Violate Section(s) 67-52 Construction Duration Exceeds
Town Code & Town Commission Granted Extension,
According to Town Code.

Town Attorney Goddeau summarized the case for the Special Magistrate.

Building Official Guy testified that the Respondents applied for a building permit to construct a new home in early 2015 and a permit was issued. He stated that the project has suffered a great number of delays and the Respondents have been given extensions. He stated that he is concerned about the conditions and how they may affect the surrounding properties. He explained that the owner's representative was required to appear before the Town Commission in November 2020 to ask for an extension, which was granted, and the owner representative stated the work would be complete in May 2021. The Building Official asked that more time be given at that time and the deadline was determined to be July 21, 2021 for the owner to acquire a certificate of occupancy for the home. He explained that work on the project has commenced; however, there have not been enough workers at high enough rate to complete the work in time.

The Respondents representative, Daniel Stern, told Special Magistrate Barnard that they are working at the fastest pace possible. He said that some of the delays were due to deterioration and rewiring issues from previous work that happened when he was not working on the project. Project Manager, Fuad Abbasi, testified as to the current work being done and what was completed.

Town Attorney Goddeau explained to Special Magistrate Barnard that the Town's concern is that the Respondent cannot file for anymore extensions, according to Town Code, and even if the Town allows them to renew the expired permit that they will remain in violation until the certificate of occupancy is issued. She said the Town is willing to give the Respondent ten (10) days to apply for a permit renewal, which is needed because they have no more extensions. After the ten (10) days, she recommended that a fine accrue at a rate of Two Hundred Fifty Dollars (\$250.00) a day until the project is complete and a certificate of occupancy has been issued. She requested that the Town be awarded Administrative Costs for Two Hundred Eighty Nine Dollars and Two Cents (\$289.02) to be paid within thirty (30) days.

Special Magistrate Barnard accepted Town Exhibits #1-10 into evidence without objection.

Special Magistrate Barnard advised that she would make the following findings of fact and conclusions: the Respondent is the owners of the above-described property, notice is proper and sufficient, the Respondents were represented at the hearing by Daniel Stern, Owner's Representative, and Fuad Abbasi, Property Manager, based upon the evidence and testimony presented at the August 3, 2021 hearing the property is not in compliance with Section 67-52 of the Code of Ordinances of the Town of Ocean Ridge.

Special Magistrate Barnard ordered the Respondent to comply with Section 67-52 of the Code of Ordinances of the Town of Ocean Ridge by obtaining a permit renewal on or before August 13, 2021. If the Respondent fails to achieve compliance a daily fine of Two Hundred Fifty Dollars, (\$250.00) may be imposed for each day the violation continues to exist.

Special Magistrate Barnard ordered the Respondent to immediately comply with Section 67-52 of the Code of Ordinances of the Town of Ocean Ridge. Because the Respondent failed to obtain a certificate of occupancy by the permit renewal expiration date of July 21, 2021, a daily fine of Two Hundred Fifty Dollars, (\$250.00) may be imposed for each day this violation continues to exist, beginning to accrue on July 22, 2021 and continuing until compliance is achieved.

Administrative costs for the August 3, 2021 hearing were awarded to the Town for Two Hundred Eighty Nine Dollars and Two Cents (\$289.02) to be paid within thirty (30) days of the order date.

The Special Magistrate further ordered that the Respondents be required to attend a Fine Assessment Hearing held on September 7, 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.

**F. VIOLATION HEARING
CASE NO. 2021-010**

**RANDAL & STACEY LENEAVE
6110 N OCEAN BLVD #33, OCEAN RIDGE, FL 33435
RE: PELICAN COVE LOT 33**

NATURE OF VIOLATION

Violate Section(s) 67-51 & FBC 7th Edition, Section 105.1
by Performing Work without an approved permit,
according to Town Code.

Town Attorney Goddeau summarized the case for the Special Magistrate.

Building Official Guy testified that the General Contractor submitted a permit application in June, which after review by the Building Department, had comments that needed to be addressed. He told the Special Magistrate that the contractor was notified of the comments to be addressed and while waiting for the contractor response it was learned that work was being performed without an approved permit. He stated that a stop work order was placed at the jobsite. The Building Official expressed concerned for the surrounding properties due to the unfinished work that was already performed.

The Respondents General Contractor, Albert Wadsworth, told the Special Magistrate he had applied for the permit but there were comments to be addressed. He stated that the subcontractors have been non-responsive to getting the paperwork needed to him. He explained that he started work without the permit so there was no delay in ordering materials needed and it is how he has always done it. He stated that he turned in what he believes is all of the paperwork and it is now just a matter of the Building Official reviewing the permit and issuance. Building Official Guy stated that he would work expeditiously to review what was submitted.

Town Attorney Goddeau told Special Magistrate Barnard that since the Respondent's General Contractor admitted to working without a permit that town recommends a fine of Two Hundred Fifty Dollars (\$250.00) a day if compliance is not achieved on or before August 13, 2021. She requested that the town be awarded Administrative Costs for Two Hundred Fifty Nine Dollars (\$259.00) to be paid within thirty (30) days.

Special Magistrate Barnard accepted Town Exhibits #1-15 into evidence without objection.

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, the Respondents were represented at the hearing by their General Contractor, Albert Wadsworth, based upon the evidence and testimony presented at the August 3, 2021 hearing the property is not in compliance with Section 67-51 of the Code of Ordinances of the Town of Ocean Ridge and Section 105.1 of the Florida Building Code (7th Edition).

The Special Magistrate ordered the Respondents to comply with Section 67-51 of the Code of Ordinances of the Town of Ocean Ridge and Section 105.1 of the Florida Building Code (7th Edition) on or before August 13, 2021. If the Respondent fails to achieve compliance a daily fine of Two Hundred Fifty Dollars, (\$250.00) may be imposed for each day the violation continues to exist.

Administrative costs for the August 3, 2021 hearing were awarded to the Town for Two Hundred Fifty Nine Dollars (\$259.00) to be paid within thirty (30) days of the order date.

The Special Magistrate further ordered that the Respondents be required to attend a Status/Fine Assessment Hearing held on September 7, 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.

G. ADJOURNMENT

The meeting was adjourned at 11:20 A.M.

Minutes prepared by Assistant Town Clerk Gatewood, and adopted by Special Magistrate Barnard on September 7, 2021.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF AUGUST 3, 2021

ATTEST:



Karla Armstrong

Karla Armstrong, Town Clerk

**TOWN OF OCEAN RIDGE, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING
TUESDAY, SEPTEMBER 7, 2021
10:00 A.M.
TOWN HALL COMMISSION CHAMBERS**

***** AGENDA *****

A. ADOPTION OF THE AUGUST 3, 2021 MINUTES

**B. FINE ASSESSMENT
CASE NO. 2021-006**

**DAVID & MICHELLE SOCHA
6260 N OCEAN BLVD, OCEAN RIDGE, FL 33435
RE: BOYNTON BEACH PARK LT 1 BLK 5
NATURE OF VIOLATION
Violate Section(s) 30-173 Failure to Maintain Pool and
67-51 Work Without a Permit According to Town Code.**

C. ADJOURNMENT

Please be advised that if a person decides to appeal any decisions with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The Town neither provides nor prepares such record.

Persons who need an accommodation in order to attend or participate in this meeting should contact the Town Clerk at 561-732-2635 at least 5 days prior to the meeting in order to request such assistance.