

**Town of Palm Beach
Code Enforcement Board
Minutes**

Thursday, December 18, 2014, 02:00 p.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Joan Dunn, Secretary to the Code Enforcement Board at (561) 227-6388. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. Call to Order: (02:02:20 PM)

The meeting was called to order by Chairman Fried at 2:02 p.m.

Chairman Fried acknowledged Town Council President Pro Tem Diamond and Town Council Member Townsend in the audience and thanked them for their attendance at the hearing.

II. Roll Call:(02:02:50 PM)

Upon roll call, the following Board members were present: Chairman Harris S. Fried, Vice Chairman James Ballentine, Members Madelyn Greenberg, Cynthia Van Buren and Robert G. Donnelley and alternate members Scotch Peloso and Matthew Natale. Members Larry Ochstein and W. Anthony Dowell had excuses absences. Mr. Fried advised Mr. Peloso and Mr. Natale that they would be voting members today.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Raychel Houston, Lead Code Enforcement Officer Robert Walton, Code Enforcement Officer John Moriarty, Road Patrol Officer Charles Reed, Recording Secretary Joan Dunn, Zoning Administrator Paul Castro and Building Official William Bucklew.

III. Approval of the Minutes of November 20, 2014:(02:03:29 PM)

**MOTION BY MR. DONNELLEY TO APPROVE THE NOVEMBER 20, 2014
MINUTES**

**SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:03:32 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 14-1276, 105 Clarendon Ave., Charles A. Schumacher

Violation of Chapter 54, Section 54-71 (a) of the Town of Palm Beach Code of Ordinances, no landmark or any building on a landmark site or within a historic district shall be altered until an application for a certificate of appropriateness has been submitted and approved by the Commission

Lead Code Enforcement Officer Walton presented the facts of the case and submitted evidence into the record. He advised the violation was irreversible in nature and according to Chapter 2, Section 2-430(a) may be subject to a fine up to \$5,000.00. Building Official Bucklew gave his testimony in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay a \$5,000.00 fine.

Architect Harold Smith was present at the hearing on behalf of the property owner. Palm Beach property owner Lori Volk voiced her concern about the violation

**MOTION BY MR. NATALE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY A \$5,000.00 FINE
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

B. Case # CE 14-1185, 301 Australian Ave., Leslie Diver

Violation of Chapter 134, Section 134-944 of the Town of Palm Beach Code of Ordinances, use of any building or land in the R-C medium density residential district for any commercial or quasi-commercial use or purpose is prohibited; Violation of Chapter 134, Section 134-2111, condo-hotel required to have a central management operation (reservation system) as an integral part of the condo-hotel

Lead Code Enforcement Officer Walton advised the Town is requesting a postponement to the January 15, 2015 meeting as staff is reviewing the facts of the case.

**MOTION BY MR. DONNELLEY TO POSTPONE THIS CASE UNTIL
THE JANUARY 15, 2015 MEETING
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

C. Case # CE 14-1212, 160 Royal Palm Way, 160 Royal Palm LLC

Violation of Chapter 134, Section 134-326(b) of the Town of Palm Beach Code of Ordinances, application for site plan review must be filed and approved by the Town Council prior to the altering of the use of any land; Violation of Chapter 134, Section 134-7, compliance with requirements of grants of variances or exceptions required; Violation of Chapter 134, Section 134-226, compliance with Declaration of Use Agreements required

Lead Code Enforcement Officer Walton presented the facts of the case and submitted evidence into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and give them until January 9, 2015 to comply.

Leslie Evans, attorney for the property owner, was present at the hearing and testified they are working toward compliance. He requested additional time to comply, until February 13, 2015.

John Eubanks, representative for a resident on Brazilian Avenue asked the Board not to grant additional compliance time.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT
OF \$150.00 AND GIVE THEM UNTIL JANUARY 9, 2015 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED WITH MS. VAN BUREN OPPOSED**

D. Case # CE 14-1309, 100 Blk. Australian Ave., Joseph D. Nerelus & Palm Beach Yellow Cab

Violation of Chapter 130, Section 130-33(a) of the Town of Palm Beach Code of Ordinances, taxi cabs required to use meter to determine all fares

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. Road Patrol Officer Reed gave his testimony in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay a \$250.00 fine.

Mr. Nerelus was present at the hearing and testified he forgot to turn his meter on.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY A \$150.00 FINE.
SECONDED BY MR. NATALE
MOTION OPPOSED**

ROLL CALL VOTE

MR. DONNELLEY	YES
MR. NATALE	YES
MS. GREENBERG	NO
MS. VAN BUREN	NO
MR. BALLENTINE	YES
MR. PELOSO	YES
MR. FRIED	YES

MOTION PASSED 5 TO 2

E. Case # CE 14-1152, 155 Hammon Ave., Colony Hotel Inc.

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and give them until December 30, 2014 to comply.

The business owner was not present at the hearing and there was a finding of proper notice.

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL DECEMBER 30, 2014 TO COMPLY.
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

F. Case # CE 14-1204, 2565 S. Ocean Blvd., Palm Beach White House Assoc. No. 3

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior surfaces required to be painted and in good repair

Code Enforcement Officer Moriarty advised the Town is requesting a postponement to the January 15, 2015 as the condominium representative is out of the country until December 30, 2014.

**MOTION BY MR. DONNELLEY TO POSTPONE THIS CASE UNTIL
THE JANUARY 15, 2015 MEETING
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- G. Case # CE 14-1208, 480 S. Ocean Blvd., Patricia A. Kahn
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, dead or dying hedges or hedges infested with pests such as whitefly not allowed

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and give them until December 30, 2014 to comply.

The property owner was not present at the hearing and there was a finding of proper notice.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL DECEMBER 30, 2014 TO COMPLY.
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

- H. Case # CE 14-1252, 259 Oleander Ave., Violet R. Alexander
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, conditions which provide harborage of vermin not allowed

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and give them until December 30, 2014 to comply.

The property owner was not present at the hearing and there was a finding of proper notice.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL DECEMBER 23, 2014 TO COMPLY.
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

I. Case # CE 14-1261, 204 Brazilian Ave., AKA 214 Brazilian Ave., Leslie Robert Evans & Assoc. PA & RD of Palm Beach

Violation of Chapter 134, Section 134-7 of the Town of Palm Beach Code of Ordinances, failure to comply with conditions established in connection with grants or variances or special exceptions; Violation of Chapter 114, Section 114-32 and Chapter 114, Section 114-43, business tax receipt required

Leslie Evans advised the Board he was unable to provide the required documentation due to emergency dental work.

Lead Code Enforcement Officer Walton advised the Town did not object to a postponement to the January 15, 2015 meeting.

**MOTION BY MR. PELOSO TO POSTPONE THIS CASE UNTIL THE
JANUARY 15, 2015 MEETING
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

A. Case # CE 14-1118, 233 Royal Poinciana Way, Jeyanandarajan Sundarampillai Tr.

Violation of Chapter 18, Section 18-241 and 18-242 of the Town of Palm Beach Code of Ordinances, permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a fine in the amount of \$250.00 a day commence on November 29, 2014, and continue until compliance is achieved.

The property owner was not present at the hearing and a letter from the property owner was given to the Board members.

**MOTION BY MS. GREENBERG THAT A FINE IN THE AMOUNT OF
\$250.00 A DAY COMMENCE ON NOVEMBER 29, 2014 AND CONTINUE
UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

B. Case # CE 14-1165, 221 Atlantic Ave., An Ro Da Trust

Violation of Chapter 18, Section 18-206 of the Town of Palm Beach Code of Ordinances, sod and irrigation required on sites where reconstruction does not commence 30 days after demolition

Code Enforcement Officer Moriarty advised this property is now in compliance. The Town recommended the Board dismiss this case for compliance.

**MOTION BY MR. DONNELLEY TO DISMISS THE CASE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Board Comments:(03:30:13 PM)

Mr. Fried and the Board thanked Mr. Walton for his service to the Town and wished him well on his retirement.

VIII. Adjournment:(03:32:09 PM)

The meeting was adjourned without benefit of a motion.