

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

Thursday, October 18, 2012, 2:00 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:(2:00:04 p.m.)

The meeting was called to order by Chairman Hoffman at 2:00 p.m. He acknowledged and thanked Councilman Diamond for his attendance at the meeting.

II. Roll Call:(2:00:11 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Members Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, James Ballentine, W. Anthony Dowell and alternate member Alan S. Golboro. Alternate member Scotch Peloso was absent.

Staff present: Attorney for the Board Matthew Ramenda, Code Enforcement Manager Raychel Houston, Lead Code Enforcement Officer Robert Walton, Code Enforcement Officer John Moriarty and Recording Secretary Joan Dunn.

III. Approval of the Minutes of September 20, 2012 (2:00:35 p.m.)

**MOTION BY MR. FRIED TO APPROVE THE SEPTEMBER 20, 2012 MINUTES
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff: (2:01:07 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 12-842, 146 Seabreeze Ave., Greg & Karen Golnick

Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code, Section 105, permits required to construct, enlarge, alter, repair, move, or demolish any structure or building

Lead Code Enforcement Officer Walton reviewed the facts of the case, advised it was a result of a citizen's complaint and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until November 8, 2012 to comply. Building Official Jeff Taylor explained the portion of the fence facing the neighbor needs to be covered with bamboo.

Steven Newburgh of McLaughlin & Stern was present on behalf of the property owner and testified that they are working toward compliance and explained that previously outstanding permits needed to be closed out in order to issue the permit for the fence. They have now been able to apply for the fence permit.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 8, 2012 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

Mr. Hoffman welcomed and thanked Councilmen Kleid for his presence at the hearing.

B. Case # CE 12-961, 190 N. County Rd., Temple Emanu-El of Palm Beach, Inc.

Violation of Chapter 134, Section 134-945 of the Town of Palm Beach Code of Ordinances, churches, synagogues and other houses of worship are special exception uses in the R-C medium density residential district and as such require a site plan and review by Town Council as provided in Chapter 134, Section 134-329

Lead Code Enforcement Officer Walton explained the Temple has received Town Council approval for the extra seating provided they supply the Town with a letter from St. Edward's Church confirming the use of their parking lot. The Town recommended this case be postponed to the November 13, 2012 hearing to give them time to obtain that letter.

**MOTION BY MR. FRIED TO POSTPONE THIS CASE UNTIL THE
NOVEMBER 13, 2012 HEARING
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

C. Case # CE 12-1127, 218 Royal Palm Way, 218 Royal Palm Way LLC

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, walls to be reasonably free of cracks or holes through which weather elements can enter the building or structure, windows and doors to the outside to be constructed and maintained in such a condition as to exclude weather elements from entering and roofs to be constructed and maintained so as not to leak

Code Enforcement Officer Moriarty reviewed the facts of the case, advised it was a result of a call in complaint from previous tenants and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until November 8, 2012 to comply.

There was no representative present for the property owner.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 8, 2012 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

D. Case # CE 12-1129, 120 El Brillo Way, Margaretta Taylor

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, building permits 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 required

Code Enforcement Officer Moriarty reviewed the facts of the case, advised it was a result of a routine inspection and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until November 8, 2012 to comply.

Glen Simmons of Best Metal Works was present on behalf of the homeowner. He testified this started as a small repair and grew into replacing the balconies. He testified that he was not aware that a permit would be required and has now applied for the permit.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 8, 2012 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

E. Case # CE 12-1136, 380 N. Lake Way, William M. Matthews

Violation of Chapter 134, Section 134-1698 of the Town of Palm Beach Code of Ordinances, vegetation located west of the lake trail in excess of 30 inches in height measured above the trail not allowed

Lead Code Enforcement Officer Walton reviewed the facts of the case, advised it was a result of a citizen's complaint and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until October 31, 2012 to comply.

John Sutton of Sutton Consulting Arborist, Inc. was present on behalf of the property owner. He testified that in his opinion cutting the vegetation down any further would be detrimental to the vegetation and he did not believe it would recover.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL OCTOBER 31, 2012 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION OPPOSED**

ROLL CALL VOTE

MR. FRIED	YES
MS. GREENBERG	YES
MS. VAN BUREN	NO
MR. OCHSTEIN	NO
MR. BALLENTINE	YES
MR. DOWELL	YES
MR. HOFFMAN	YES

MOTION PASSED 5 TO 2

F. Case # CE 12-1172, 2252 Ibis Isle Rd. W., Walter Jackson

Violation of Chapter 126, Section 126-31 of the Town of Palm Beach Code of Ordinances, vegetative growth located within the vicinity of any above ground utility line that has reached a height or is in a condition that might render it dangerous to the public utility line not allowed; Violation of Chapter 42, Section 42-86, grass/weeds exceeding 8 inches in height, accumulation of vegetative debris, accumulation of stagnant water, seawalls in disrepair or dead and dying trees not allowed; Violation of Chapter 42, Section 42-87, all exteriors surfaces required to be painted and maintained in a good state of repair and roofs to be maintained so as not to leak

Lead Code Enforcement Officer Walton reviewed the facts of the case, advised it was a result of a citizen's complaint and submitted photographs into evidence. He advised the violation of Chapter 126, Section 126-31 no longer exists. The Town recommended the Board find the violator in non-compliance, assess administrative

costs of \$150.00 and re-hear the case at the November 13, 2012 hearing in order to evaluate the finding of the Town's Building Department concerning issues at this property which are currently under review.

MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND RE-HEAR THIS CASE AT THE NOVEMBER 13, 2012 HEARING

SECONDED BY MS. GREENBERG

MOTION PASSED 6 TO 1 WITH MR. FRIED OPPOSED

- G. Case # CE 12-1245, 302 S. County Rd. AKA 301 S. County Rd., Stephen Bonanno Sandals & Pems Partnership LTD

Violation of Chapter 22, Section 22-57 and Section 22-58 of the Town of Palm Beach Code of Ordinances, all windows and doors of vacant buildings or buildings under construction located within the commercial district whose windows and doors can be viewed from the public street and expose the interior of the building to provide approved screening in accordance with the revised "Vacant or Under Construction Window Treatment Policy"; Violation of Chapter 134, Section 134-2372, permit required for the erection of installation of any sign within the Town

Mr. Dowell stepped out of the room at 3:32 p.m.

Mr. Hoffman notified Mr. Golboro that he would be a voting member until Mr. Dowell's return

Lead Code Enforcement Officer Walton reviewed the facts of the case, advised it was a result of a citizen's complaint and submitted photographs into evidence. He advised the violation of Chapter 22, Section 22-57 and 22-58 no longer exists. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until October 26, 2012 to comply.

MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL OCTOBER 26, 2012 TO COMPLY

SECONDED BY MR. BALLENTINE

MOTION PASSED UNANIMOUSLY

Mr. Dowell returned to the room at 3:36 p.m.

VI. Fine Consideration

- A. Case # CE 12-882, 225 Arabian Rd., Antoine Ohannessian

Violation of Chapter 134, Section 134-892 of the Town of Palm Beach Code of Ordinances, no accessory structure in the R-B low density residential district to be

used as or converted to a dwelling unit; Violation of Chapter 134, Section 134-887, only single family dwellings allowed in R-B low density residential district; Violation of Chapter 18, Section 18-242, 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 facts of the case and advised the violation of Chapter 134, Section 134-887 no longer exists. The Town recommended the Board assess a fine in the amount of \$100.00 a day start on October 13, 2012 and continue until compliance is achieved.

Patrick Ohannessian, the brother of the property owner, was present at the hearing and testified they are working toward compliance and requested more time to comply.

**MOTION BY MS. VAN BUREN TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL NOVEMBER 9, 2012. SHE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY NOVEMBER 9, 2012 A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON NOVEMBER 10, 2012 RETROACTIVE TO OCTOBER 13, 2012 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

B. Case # CE 12-1095, 155 Root Trl., Margaret K. Hoffmeier

Violation of Chapter 106, Section 106-159 (b) of the Town of Palm Beach Code of Ordinances, a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways is to be maintained at all times for the unobstructed passage of vehicles

Lead Code Enforcement Officer Walton briefly reviewed the facts of the case. The Town recommended the Board assess a fine in the amount of \$100.00 a day start on September 29, 2012 and continue until compliance is achieved.

There was no representative present for the property at the hearing.

**MOTION BY MR. FRIED TO ASSESS A FINE IN THE AMOUNT OF \$100.00 A DAY TO COMMENCE ON SEPTEMBER 29, 2012 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Board Comments: (3:41:56 p.m.)

Mr. Hoffman reminded the members that the next meeting was changed to November 13, 2012.

VIII. Adjournment: (3:42:42 p.m.)

The hearing was adjourned without benefit of a motion.