

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

Thursday, February 23, 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:(2:00:10 p.m.)

The meeting was called to order by Chairman Hoffman at 2:00 p.m.

II. Roll Call:(2:00:22 p.m.)

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

Staff present: Town Attorney John Randolph, Code Enforcement Manager Raychel Houston, Lead Code Enforcement Officer Robert Walton and Recording Secretary Joan Dunn.

III. Approval of the Minutes of January 19, 2012(2:00:39 p.m.)

**MOTION BY MS. GREENBERG TO APPROVE THE JANUARY 19, 2012
MINUTES**

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(2:00:53 p.m.)

Mr. Hoffman acknowledged and thanked Deputy Chief Szarszewski for his attendance at the meeting.

V. Public Hearings:

A. Case # CE 11-1125, 780 S. Ocean Blvd., Terry R. Taylor

Violation of Chapter 134, Section 134-1472 of the Town of Palm Beach Code of Ordinances, no walls, fences, hedges or other structures or growth shall be erected or be grown eastwardly of Ocean Boulevard to a height greater than four (4) feet above the surface of the Ocean Boulevard

Lead Code Enforcement Officer Walton requested that this case be dismissed for compliance as the property owner has trimmed the vegetation and seagrapes the maximum one third as allowed by the seagrape trimming guidelines and the Florida Department of Environmental Protection declined to issue a Field Permit for further trimming.

MOTION BY MR. FRIED TO DISMISS THE VIOLATION FOR COMPLIANCE

SECONDED BY MR. KOEPPPEL

MOTION PASSED UNANIMOUSLY

Mr. Hoffman acknowledged and thanked Councilman Diamond for his attendance at the meeting.

B. Case # CE 11-1348, 550 S. Ocean Blvd., Carolyn P. Andrews

Violation of Chapter 134, Section 134-1472 of the Town of Palm Beach Code of Ordinances, no walls, fences, hedges or other structures or growth shall be erected or be grown eastwardly of Ocean Boulevard to a height greater than four (4) feet above the surface of the Ocean Boulevard

Lead Code Enforcement Officer Walton advised this case was postponed from the January 19, 2012 Code Board. He presented the facts of the case 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 March 16, 2012 to comply.

The property owner Carolyn Andrews was present at the hearing. Landscaper Scott Lewis was present at the hearing and testified on behalf of the homeowner. He informed the Board of the issues surrounding this case.

MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MARCH 16, 2012 TO COMPLY

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

C. **Case # CE 11-1391, 1496 N. Lake Way, Javier Marques De Olaso**

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

Lead Code Enforcement Officer Walton advised this case was postponed from the December 15, 2011 hearing. He reviewed the facts of the case and submitted photographs into evidence. Mr. Walton advised the vegetation has been trimmed and the mold has been pressure cleaned from the building. The violation regarding the disrepair remains. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until March 16, 2012 to comply.

George Ord, attorney for the property owner, was present at the hearing and testified that the property owner intends to comply. He requested an extension of time to comply, until shortly before the April Code Board hearing as the owner will not be back in time for the March Code Board hearing.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL APRIL 13, 2012 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

D. **Case # CE 11-1610, 8 Golfview Rd., Ellen G. Geyer**

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, walls, gates and fences to be kept in a safe and good state of repair

Lead Code Enforcement Officer Walton requested a postponement of this case as the property owner was working toward compliance and requested more time via a letter, which Mr. Walton read to the Board.

**MOTION BY MR. KOEPEL TO POSTPONE THIS CASE UNTIL THE MARCH 22, 2012 HEARING
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

E. **Case # CE 11-1680, 1430 N. Ocean Blvd., Kevin McGann**

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Officer Walton requested this case be dismissed as the property owner supplied evidence of a repair and the citation was dismissed today just prior to the hearing.

**MOTION BY MR. KOEPPEL TO DISMISS THIS CASE
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

F. Case # CE 12-7, 151 Seminole Ave., James Nederlander

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton requested a postponement of this case as payment has been mailed.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL THE
MARCH 22, 2012 HEARING
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

G. Case # CE 12-12, 596 N. County Rd., Ann De Braganca

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton reviewed the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the fine of \$125.00.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF
\$150.00 AND ORDER THEM TO PAY THE \$125.00 FINE
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

H. Case # CE 12-19, 168 Reef Rd., Paul Pomfret

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton reviewed the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the fine of \$125.00.

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF
\$150.00 AND ORDER THEM TO PAY THE \$125.00 FINE**

**SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

I. Case # CE 12-35, 235 Atlantic Ave., Andrew J. Faas

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton reviewed the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the fine of \$250.00.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$250.00 FINE
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration

A. Case # CE 11-1594, 267 Atlantic Ave., Paolo Bergmann Tr.

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions and grass in excess of 8 inches in height not allowed; Violation of Chapter 42, Section 42-87, all exterior appurtenances such as stairs and walkways required to be safe and maintained in good condition

Lead Code Officer Walton briefly reviewed the case and advised they are now in compliance however, they did not achieve compliance by the time specified by the Code Board. The Town recommended a \$25.00 a day fine be assessed for the time out of compliance, from February 1, 2012 to February 17, 2012 (17 days) for a total of \$425.00 and he advised the administrative costs were still outstanding.

**MOTION BY MR. KOEPEL TO ASSESS A FINE IN THE AMOUNT OF \$425.00 FOR THE DAYS OUT OF COMPLIANCE AFTER THE TIME SPECIFIED IN THE PREVIOUS CODE BOARD ORDER
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

B. Case # CE 11-1665, 271 Plantation Rd., Alan & Laurie Berman

Chapter 18, Section 108-205 of the Town of Palm Beach Code of Ordinances, the Architectural Commission (ARCOM) may attach conditions to any approval it grants

Lead Code Enforcement Walton briefly reviewed the case and advised attorney for the Bermans', James Telepman, was present to address the Board. Mr. and Mrs.

Berman were also present in the audience. Mr. Telepman gave the Board an update on this case and advised his clients will be replacing the landscape per their approved ARCOM plan and requested a thirty day extension.

Mr. Chopin, attorney for the neighbor, spoke in reference to the case and opposed an extension of time.

**MOTION BY MR. KOEPPPEL TO GRANT THE VIOLATOR ADDITIONAL TIME TO COMPLY, UNTIL MARCH 8, 2012. HE FURTHER ORDERED IF COMPLIANCE IS NOT ACHIEVED BY MARCH 8, 2012 A FINE IN THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON MARCH 9, 2012 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

VII. Old Business

A. Case # CE 11-1662, 1695 N. Ocean Way, Christopher Browne

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Code Enforcement Manager Houston advised that the attorney for the estate is requesting the administrative costs be rescinded because the fine was paid as soon as he was able to have the executors of the estate sign the check. Manager Houston directed the Board to read the letter in their packets from the attorney which explained those circumstances.

**MOTION BY MR. FRIED TO RESCIND THE ADMINISTRATIVE COSTS PREVIOUSLY ASSESSED IN THIS CASE
SECONDED BY MR. KOEPPPEL
MOTION PASSED UNANIMOUSLY**

VIII. Board Comments: (3:15:24 p.m.)

No comments by the Board members

IX. Adjournment: (3:15:41 p.m.)

The meeting was adjourned without benefit of a motion.