

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

Thursday, March 17, 2011, 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:(2:00:37 p.m.)

(Mr. Hoffman acknowledged Councilman Diamond and Major Szarszewski’s presence in the audience)

II. Roll Call:(2:01:13 p.m.)

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

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 February 17, 2011(2:01:34 p.m.)

**MOTION BY MR. FRIED TO APPROVE THE FEBRUARY 17, 2011 MINUTES
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(2:01:51 p.m.)

Town Staff who would be testifying were sworn in by Recording Secretary Joan Dunn.

V. Public Hearings:

- A. Case # CE 11-40, 456 S. Ocean Blvd., A1A Valet Service LLC and Charley's Crab

Violation of Chapter 118, Section 118-46 of the Town of Palm Beach Code of Ordinances, annual valet permit required for the operation of any valet parking service which utilizes the public right-of-way

Lead Code Enforcement Officer Walton advised this violation is now in compliance and requested that this case be dismissed.

MOTION BY MR. OCHSTEIN TO DISMISS THIS CASE FOR COMPLIANCE

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

- B. Case # CE 11-26, 207 Royal Poinciana Way #209 AKA 209 Royal Poinciana Way, Vesenaz Holding Corp.

Violation of Chapter 134, Section 134-2436 of the Town of Palm Beach Code of Ordinances, business signs permitted only for a licensed business in a building and Violation of Chapter 22, Section 22-57 and Section 22-58, all windows and doors of vacant buildings or buildings under construction located within the commercial zoning 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"

Lead Code Enforcement Officer Walton advised this violation is now in compliance and requested that this case be dismissed.

MOTION BY MR. FRIED TO DISMISS THIS CASE FOR COMPLIANCE

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

- C. Case # CE 11-105, 151 Chilean Ave., E. Nordin Gilbertson

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 presented the facts of the case and advised it was a result of a citizen's complaint. He submitted photographs into evidence. Building Official Jeff Taylor advised the fence will require a building permit and architectural review. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until March 31st, 2011 to comply.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MARCH 31, 2011 TO COMPLY
SECONDED BY MR. KOEPEL
MOTION PASSED UNANIMOUSLY

D. Case # CE 11-85, 350 S. County Rd. #201, Peter Green

Violation of the Town of Palm Beach Code of Ordinances, Chapter 114, Section 114-31 and Section 114-32, business tax receipt required

Lead Code Enforcement Officer Walton advised this violation is now in compliance and requested that this case be dismissed.

MOTION BY MR. OCHSTEIN TO DISMISS THIS CASE FOR COMPLIANCE
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY

E. Case # CE 11-186, 111 N. County Rd., 184 Sunset LP

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 zoning district whose windows and doors can be viewed from the public street and expose the interior of the building to be screened in accordance with the revised "Vacant or Under Construction Window Treatment Policy"

Lead Code Enforcement Officer Walton presented the facts of the case and advised it was the result of a routine inspection. He submitted photographs into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until March 31st, 2011 to comply.

Ms. Thais Boucher, the property manager, addressed the Board and advised they are working toward compliance and believed they would be able to comply by the time given.

MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MARCH 31, 2011 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY

F. Case # CE 11-187, 375 S. County Rd., Three Seventy Five South

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 zoning district whose windows and doors can be viewed from the public street and expose the interior of the building to be screened in accordance with the revised "Vacant or Under Construction Window Treatment Policy"

Lead Code Enforcement Officer Walton presented the facts of the case and advised it was the result of a routine inspection. He submitted photographs into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until March 31st, 2011 to comply.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MARCH 31, 2011 TO COMPLY
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

G. Case # CE 11-140, 313 1/2 Worth Ave., Bice Ristorante

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 of variances or special exceptions and Violation of Chapter 114, Section 114-38 violation of the approval restriction on the Business Tax Receipt

Lead Code Enforcement Officer Walton advised this violation is now in compliance and requested that this case be dismissed.

**MOTION BY MR. KOEPEL TO DISMISS THIS CASE FOR COMPLIANCE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

A. Case # CE 10-499, 11 Lake Trail Circle, Michael A. Merriman Trust

Violation of Chapter 42, Section 42-86 (20) of the Town of Palm Beach Code of Ordinances, seawalls not permitted to fall into a state of disrepair so as to allow erosion to the land adjacent thereto

Lead Code Enforcement Officer Walton reviewed the case and advised that Richard Davis was present on behalf of the homeowner to ask for additional time. The Town requests if additional time is granted that a fine of \$150.00 a day commence at the end of that time.

Mr. Davis informed the Board of the progress so far and requested until April 29th, 2011 to comply.

MOTION BY MR. KOEPPEL TO GIVE THE PROPERTY OWNER ADDITIONAL TIME TO COMPLY, UNTIL APRIL 29TH, 2011 AND IF COMPLIANCE IS NOT ACHIEVED BY THAT DATE, A FINE IN THE AMOUNT OF \$150.00 A DAY WILL COMMENCE ON APRIL 30TH, 2011 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED

**SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

B. Case # CE 10-670, 105 N. County Rd., County Road Holdings LLC

Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and adopted 2004 Florida Building Code, Section 105, building permit required to construct, enlarge, alter, repair, move or demolish any building or structure and Violation of Chapter 42, Section 42-87 exterior walls to be kept reasonably free of cracks or holes through which weather elements can enter the building or structure and all exterior surfacing material to be painted and in good repair

Lead Code Enforcement Officer Walton reviewed the case and advised the metal stairs are all that remains on the exterior repairs but the interior remains out of compliance. He advised that Attorney Roland Salloum was present for the homeowner to request additional time. The Town recommends a fine of \$100.00 a day commence immediately against this property.

Mr. Salloum said the owners of the property was lost in a foreclosure action but are still working toward bringing the building into compliance. He requested until April 4th, 2011 to comply on the remaining exterior violation and until April 19th, 2011 to comply on the interior violations. He advised the tenants will not allow the property owner access and they are currently in eviction litigation.

Mr. Dana Schechtman spoke as a tenant of the building and advised that access to the building has not been denied as claimed by the property owner.

MOTION BY MR. KOEPPEL TO GIVE THE PROPERTY OWNER ADDITIONAL TIME TO COMPLY, UNTIL APRIL 4TH, 2011 ON THE EXTERIOR VIOLATIONS AND APRIL 19TH, 2011 ON THE INTERIOR VIOLATIONS, IF COMPLIANCE IS NOT ACHIEVED BY EITHER DATE, A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE RETRO-ACTIVE TO MARCH 17TH, 2011 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED

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

VII. Fine Reduction

A. Case # CE 10-691, 1176 N. Ocean Blvd., Frank Jensen Trust

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as driveways and fencing to be kept in a good state of repair; Violation of Chapter 18, Section 18-747, swimming pools to be surrounded with a minimum four (4) foot high enclosure with gates that self-close and latch and Violation of Chapter 42, Section 42-86 unsightly landscape and grass over 8 inches in height and the storage of trash and debris on the property not permitted

Lead Code Enforcement Officer Walton reviewed the case and advised the total fine is \$2,850.00.

Gayle Alexander spoke on behalf of the property owner and explained some of the delays in compliance. She requested a reduction in the fine. Mr. Carl Luecke, a handyman for the property, spoke about his involvement in the case.

BY VIRTUE OF NO MOTION THE FINE REMAINS AT \$ 2,850.00

VIII. Board Comments: (3:05:21 p.m.)

Mr. Hoffman asked Mr. Randolph about the property that the Board recommended for foreclosure at the last meeting. Mr. Randolph advised foreclosures are taking a long time. Mr. Hoffman commended Mr. Randolph and the Board in reference to their handling of a difficult case last month.

IX. Adjournment: (3:06:52 p.m.)

The meeting was adjourned without benefit of motion.