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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, DECEMBER 19, 2002
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

I. **Call to Order:** Vice Chairman, P. Robert Bale called the meeting to order at 2:00 p.m.

II. **Roll Call:**

Present: P. Robert Bale, Vice Chairman
Pamela Hoffpauer, Member
Dr. Harry Horwich, Member
Joel P. Koeppel, Member
Richard A. Raffo, Member
Timothy Hoffman, Alternate Member
Brian K. House, Chief Code Compliance Officer
John C. Randolph, Town Attorney (arrived at 2:03 p.m.)

Absent: Eugene Lawrence, Chairman (unexcused)
M.S. Rukeyser Jr., Member (unexcused)

Recording Secretary: Deborah A. Morakis

III. **Approval of the Minutes of November 21, 2002:**
MOTION FOR APPROVAL OF THE MINUTES BY MR. HOFFMAN.

**MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.**

IV. Public Hearings:

- A Case #02-1466, Joseph J. & Elaine A. Merriman, 11 Lake Trail Circle
Violation of Chapter 62, Section 62-77, of the Town of Palm Beach Code of Ordinances, all bulkheads and seawalls within the Town shall be maintained in good repair and in an impervious condition without cracks and/or holes that allow for the passage of sand.
MOTION BY DR. HORWICH TO POSTPONE CASE #02-1466, CASE #02-1467, CASE #02-1468 AND CASE #02-1470.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.
- B Case #02-1467, 447 Primavera Way, L.C., 447 Primavera Way
Violation of Chapter 62, Section 62-77 of the Town of Palm Beach Code of Ordinances, all bulkheads and seawalls within the Town shall be maintained in good repair and in an impervious condition without cracks and/or holes that allow for the passage of sand.
MOTION BY DR. HORWICH TO POSTPONE CASE #02-1466, CASE #02-1467, CASE #02-1468 AND CASE #02-1470.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.
- C Case #02-1468, George Milidrag, 445 Antigua Lane
Violation of Chapter 62, Section 62-77 of the Town of Palm Beach Code of Ordinances, all bulkheads and seawalls within the Town shall be maintained in good repair and in an impervious condition without cracks and/or holes that allow for the passage of sand.
MOTION BY DR. HORWICH TO POSTPONE CASE #02-1466, CASE #02-1467, CASE #02-1468 AND CASE #02-1470.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.
- D Case #02-1469, Ralph & Carla Guild, 10 South Lake Trail
Violation of Chapter 62, Section 62-77 of the Town of Palm Beach Code of Ordinances, all bulkheads and seawalls within the Town shall be maintained in good repair and in an impervious condition without cracks and/or holes that allow for the passage of sand.
MOTION BY MR. KOEPPEL TO DISMISS CASE #02-1469, CASE #02-1478, CASE #02-1479, CASE #02-1480 AND CASE #02-1481 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- E Case #02-1470, Leonard Sessa, 1 Via Sunny

Violation of Chapter 62, Section 62-77 of the Town of Palm Beach Code of Ordinances, all bulkheads and seawalls within the Town shall be maintained in good repair and in an impervious condition without cracks and/or holes that allow for the passage of sand.

MOTION BY DR. HORWICH TO POSTPONE CASE #02-1466, CASE #02-1467, CASE #02-1468 AND CASE #02-1470.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED UNANIMOUSLY.

- F Case #02-1477, 150 Dunbar Road, Inc., 150 Dunbar Road
Violation of Section 42-228 of the Town of Palm Beach Code of Ordinances, noise exceeding the allowable noise level in the Town of Palm Beach.
MOTION BY MR. KOEPEL TO POSTPONE CASE #02-1477 UNTIL THE JANUARY 16, 2003 CODE ENFORCEMENT BOARD MEETING.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.

- G Case #02-1478, William Struna, 2300 South Ocean Blvd.
Violation of Chapter 18, Section 18-242, Subsection 104.1.1 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair, or alter any building or building system. This permit must be obtained prior to commencing work.
MOTION BY MR. KOEPEL TO DISMISS CASE #02-1469, CASE #02-1478, CASE #02-1479, CASE #02-1480 AND CASE #02-1481 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

- H Case #02-1479, Frances J. Holland EST, 162 Dolphin Road
Violation of Chapter 42, Section 42-87 (2) of the Town of Palm Beach Code of Ordinances, all exterior surfacing material shall be kept painted and in good repair.
MOTION BY MR. KOEPEL TO DISMISS CASE #02-1469, CASE #02-1478, CASE #02-1479, CASE #02-1480 AND CASE #02-1481 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

- I Case #02-1480, Abe Gosman, vacant lot at the Blossom Estates
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to allow grass or weeds to grow to a height greater than eight (8) inches, stumps or other vegetation to become overgrown or accumulate.
MOTION BY MR. KOEPEL TO DISMISS CASE #02-1469, CASE #02-1478, CASE #02-1479, CASE #02-1480 AND CASE #02-1481 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

- J Case #02-1481, Sandell Corporation, vacant lot on Atlantic Avenue
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to allow grass or weeds to grow

to a height greater than eight (8) inches and stumps or other vegetation to become overgrown or accumulate.

Violation of Chapter 106, Section 19-6 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks must be maintained to allow for unobstructed passage of pedestrians.

MOTION BY MR. KOEPEL TO DISMISS CASE #02-1469, CASE #02-1478, CASE #02-1479, CASE #02-1480 AND CASE #02-1481 FOR COMPLIANCE.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

K Case #02-1482, Washington Mutual Bank, FA, 159 Sunset Avenue

Violation of Section 42-87 of the Town of Palm Beach Code of Ordinances: Brush, weeds or grass may not be allowed to grow to a height greater than eight (8) inches; and decayed or decaying buildings or structures, ruins of any kind or buildings, docks, walls or other structures in a falling or dangerous condition are unlawful; and Section 42-87 requires exterior walls to be reasonably free of cracks or holes through which weather elements can enter the building or structures, and all exterior surfacing material shall be kept painted and in good repair.

Let the record show that Ms. Morakis administered the oath to Mr. House and Mr. Royce in preparation for their testimony.

Mr. House testified that as of today compliance has not been achieved. The Town is requesting that the Code Enforcement Board order Washington Mutual Bank to repair, begin repair or demolition within 30 days to abate the violation.

Mr. Ray Royce testified on behalf of Washington Mutual that this was the property that was previously owned by Laura Andre and has had a history of difficulties. Washington Mutual foreclosed and got a certificate of title in July of 2002. Andre, through her lawyers, objected and moved the court set aside the judgement thus clouding the title and holding everything up until September 20, 2002. Washington Mutual finally obtained clear title and tried to sell the property in early December. Since previously approved variances have expired, the buyer decided to drop out. Mr. Royce asked for a sixty (60) day extension.

After further discussion the following motion was made:

MOTION BY MR. KOEPEL TO FIND THE DEFENDANT GUILTY, GRANT A SIXTY (60) DAY EXTENSION IN ORDER TO ACHIEVE COMPLIANCE WITH THE PROVISIO THAT THEY INSTALL A STRUCTURAL POOL COVER AND MAINTAIN THE GROUNDS. THE DEFENDANT MUST APPEAR IN SIXTY (60) DAYS WITH A REPORT.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED 5 to 1 WITH MR. RAFFO OPPOSING.

L Case #01-1384, 332 South County Road, LLC, 332 South County Road

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior walls, doors and windows shall be reasonably free of

cracks, painted and shall be kept in sound condition and good repair.

Mr House testified that he had spoken to Mr. Andrew Roddy and he had agreed to begin repairs. Work has stopped. Mr. House requested an order to begin work within fifteen (15) days and continue meaningful work until violation is abated.

MOTION BY MR. HOFFMAN TO FIND THE DEFENDANT GUILTY AND ORDER WORK TO BEGIN BY JANUARY 15, 2003 AND CONTINUE UNTIL COMPLETED.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

V. **Presentation of New Cases to Set for Hearing:**

A Case #02-1483, Leslie R. Evans, 257 Sandpiper Drive
Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet must be maintained above all roadways and alleys to allow unobstructed passage of vehicles.

B Case #02-1484, Jeffrey P. Prudden, vacant lot on Indian Road
Violation of Chapter 134, Section 134-2174 of the Town of Palm Beach Code of Ordinances, all areas used for off street parking shall be surfaced with suitable paving.

C Case #02-1485, Margaret B. & Dudley L. Moore, 220 El Bravo
Violation of Section 42-228 of the Town of Palm Beach Code of Ordinances, noise exceeding the allowable noise level in Town.

D Case #02-1486, Evelyn M. Fisher, TR HLDR, 1562 South Ocean Blvd.
Violation of Chapter 42, Section 42-86 and Section 42-87 of the Town of Palm Beach Code of Ordinances, all structures and appurtenances must be kept in a good state of repair.

E Case #02-1487, Robert Fairchild, 302 North Woods Road
Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet must be maintained above all roadways.

F Case #02-1488, William A. Kaye, 302 Eden Road
Violation of Section 134-1637 of the Town of Palm Beach Code of Ordinances, hedges at intersections must be no higher than thirty (30) inches above the crown of the street.

G Case #02-1489, Luis J. Fernandez & Lillian F. Fernandez, 246 Eden Road
Violation of Section 134-1637 of the Town of Palm Beach Code of Ordinances, hedges at intersections must be no higher than thirty (30) inches above the crown

of the street.

H Case #02-1490, Jeff Huldah TR EST, 680 South County Road
Violation of Section 134-1637 of the Town of Palm Beach Code of Ordinances, hedges at intersections must be no higher than thirty (30) inches above the crown of the street.

MOTION BY MS. HOFFPAUER TO SET CASE #02-1483, CASE #02-1484, CASE #02-1485, CASE #02-1486, CASE #02-1487, CASE #02-1488, CASE #02-1489 AND CASE #02-1490 FOR HEARING AT THE JANUARY 16, 2003 MEETING OF THE CODE ENFORCEMENT BOARD.

MOTION SECONDED BY DR. HORWICH.

MOTION CARRIED UNANIMOUSLY.

VI. New Business:

A Consideration of Change in Procedure
Brian House asked for a procedural change concerning the preparation of the Code Enforcement Board Orders. In the past, once the Findings of Fact and Conclusions of Law were typed, the Chairman had to come in and sign them. After meeting with Mr. Randolph, it was determined that it would be legal for the secretary to sign the notices and orders. The Town is asking for a motion from the board to allow this procedural change in order to save the time of the chairman and speed things up. After further discussion the following motion was made:

MOTION BY MR. HOFFMAN TO AUTHORIZE THE CODE ENFORCEMENT BOARD SECRETARY TO SIGN THE CODE ENFORCEMENT BOARD ORDERS.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED 5 to 1 WITH MR. KOEPEL OPPOSING.

VII. Old Business:

A Case #02-1440, Joseph Burakoff, 201 El Dorado Lane
Violation of Chapter 18, Section 18-242, Subsection 1 104.1.1 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair, or alter any building or building system. This permit must be obtained prior to commencing work.

Mr. Daniel Brams, with the Law Firm of Hicks Brams Scher & Motto, was sworn

in to give testimony on behalf of Mr. Burakoff. He stated that a fence permit was issued and a final inspection was obtained. Mr. Danton, on behalf of Mr. Burakoff, installed this lattice section, a cosmetic treatment to one section of the fence.

Mr. House stated that the lattice is part of the old fence that was ordered to be taken down. It was taken down for a short period of time, a new chain link fence was put up and the lattice was put back. The lattice was part of the original fence that was in violation. A permit would not be issued for this since it is made of PVC and does not meet code.

Mr. Richard Danton was sworn in and testified that this was a piece of the original fence but his attorney was not aware of this. When we put the pool in we put a PVC fence up. We found out the town does not allow this so we pulled a permit to remove the fence and install a chain link fence according to code. We wanted to bring the new chain link fence to the easement but were told we needed an easement agreement with the county in order to put a gate in the easement. It took six (6) weeks to get this done and it is now filed with the county. The contractor who was going to install the fence was told that the town would never allow this.

Mr. Robert Walton shared pictures of the fence with the board members and after further discussion it was suggested Mr. Steve Carew be requested to testify.

Mr. Gordon Steven Carew, Chief Building Inspector for the Town of Palm Beach was sworn in and testified that the Palm Beach Public Works Department controls the easements and that it would not have been his decision.

After further discussion the following motion was made:

**MOTION BY MR. KOEPEL THAT THE FINE BE REDUCED TO \$2500.00 AND PAID WITHIN TEN (10) DAYS. IF NOT PAID WITHIN TEN (10) DAYS, THE TOWN WILL PROCEED WITH FORECLOSURE AND RESTORE THE FINE TO THE FULL AMOUNT OF \$9500.00.
MOTION SECONDED BY MR. RAFFO.**

After further discussion, Mr. Brams asked for a two (2) minute recess in order to confer with his client. Mr. House asked to move on to the next case and come back to this case.

Board. Mr. Brams returned and stated that his client has agreed to the terms of the

**MOTION BY MR. KOEPEL THAT THE FINE BE REDUCED TO \$2500.00 AND PAID WITHIN TEN (10) DAYS. IF NOT PAID WITHIN TEN (10) DAYS, THE TOWN WILL PROCEED WITH FORECLOSURE AND RESTORE THE FINE TO THE FULL AMOUNT OF \$9500.00.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

VIII. Reports:

A Case #01-1358, Harry J. Brown, 130 Peruvian Avenue
Violation of Section 104.6.1.4 of the Town of Palm Beach Code of Ordinances, Small Projects, all new or remodel construction projects of 3,999 sq. ft. or less shall be allowed twelve (12) months.

Mr. House reported that they are still working on this project and the fine is still running. He will report back to the Code Enforcement Board at the next meeting.

B Letter of Resignation from M. S. Rukeyser, Jr.
Mr. House stated that a resignation letter was received from Mr. Rukeyser effective January 2003. He is moving to CitiPlace and therefore he will no longer be a town resident, he will no longer be eligible to serve on the Code Enforcement Board. The Board would like to express its appreciation for his valuable service to the Code Enforcement Board. He will be missed.

IX. Adjournment:

Mr. Raffo indicated that after reading the code book, it appears that the Code Enforcement Board could have foreclosed on Case 02-1482 and since we had to take the time to bring it before the Town Council it cost the Town money since it afforded Washington Mutual the time to foreclose first.

Mr. Randolph will bring Mr. Raffo's suggestion to the Town Council to see if they would be willing to go forward with foreclosures based upon an order of the Code Enforcement Board as opposed to having to come before them.

The meeting was adjourned by Mr. Bale at 3:21 p.m. without benefit of a motion.

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