

- B** Case #05-1920, 100 Everglades Avenue, 100 Everglades Avenue
Violation of Chapter 74, Section 74-223 of the Town of Palm Beach Code of Ordinances, all ocean front property owners must ensure that no artificial light shall illuminate any area of beach or water that may be used by nesting sea turtles and hatchlings anytime from March 1st until October 31st.
- Chief Code Compliance Officer Walton requested a finding of non compliance with no fine imposed at this time. Turtle season is now over, but should the violation occur again in the future, this case could be brought back.
- Chairman Lawrence advised the Board that ocean front lighting must be satellite controlled.
- MOTION BY MR. KOEPEL TO FIND THE DEFENDANT IN NON COMPLIANCE WITH NO FINE AT THIS TIME.**
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- C** Case #05-1923, 560 So. Ocean Blvd., James A. Patterson
Violation of Chapter 74, Section 74-223 of the Town of Palm Beach Code of Ordinances, all ocean front property owners must ensure that no artificial light shall illuminate any area of beach or water that may be used by nesting sea turtles and hatchlings anytime from March 1st until October 31st.
- MOTION BY MR. KOEPEL TO FIND THE DEFENDANT IN NON COMPLIANCE WITH NO FINE AT THIS TIME.**
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED WITH MR. KLEIN OPPOSED.
- D** Case #05-1924, 1451 No. Lake Way, West Group Residential LLC
Violation of Chapter 18, Section 18-242 (104.1.1.1) of the Town of Palm Beach Code of Ordinances, any site on which reconstruction does not commence within fifteen (15) days of demolition, must be leveled, irrigated, sodded and maintained so as not to be in an unsightly condition.
- MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1924, 05-1925, 05-1926, 05-1927, 05-1928, 05-1929, 05-1930, 05-1931, 05-1932 AND 05-1937 FOR COMPLIANCE.**
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- E** Case #05-1925, 735 Island Drive, Say Hey, LLC
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 or other vegetation to become overgrown or accumulate.
- MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1924, 05-1925, 05-1926, 05-1927, 05-1928, 05-1929, 05-1930, 05-1931, 05-1932 AND 05-1937 FOR COMPLIANCE.**
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- F** Case #05-1926, 401 Antigua Lane, Four 01 Antigua Lane
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.
- MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1924, 05-1925, 05-1926, 05-1927, 05-1928, 05-1929, 05-1930, 05-1931, 05-1932 AND 05-1937 FOR COMPLIANCE.**
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

- G Case #05-1927, 115 Parc Monceau, Dial Florida House Ltd.
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.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1924, 05-1925, 05-1926, 05-1927, 05-1928, 05-1929, 05-1930, 05-1931, 05-1932 AND 05-1937 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- H Case #05-1928, 145 Woodbridge Road, JBPB Holdings, Inc.
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.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1924, 05-1925, 05-1926, 05-1927, 05-1928, 05-1929, 05-1930, 05-1931, 05-1932 AND 05-1937 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- I Case #05-1929, 200 El Bravo Way, Michael J. Bove, III
Violation of Section 126-32 of the Town of Palm Beach Code of Ordinances, all coconut trees in the Town shall be required to be trimmed annually by August of each year, so that on August 1 of each year all coconut trees in the Town shall be free of coconuts, coconut blooms, and dead or dying fronds.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1924, 05-1925, 05-1926, 05-1927, 05-1928, 05-1929, 05-1930, 05-1931, 05-1932 AND 05-1937 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- J Case #05-1930, 220 Ocean Terrace, Paula Mikus
Violation of Section 126-32 of the Town of Palm Beach Code of Ordinances, all coconut trees in the Town shall be required to be trimmed annually by August of each year, so that on August 1 of each year all coconut trees in the Town shall be free of coconuts, coconut blooms, and dead or dying fronds.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1924, 05-1925, 05-1926, 05-1927, 05-1928, 05-1929, 05-1930, 05-1931, 05-1932 AND 05-1937 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- K Case #05-1931, 1700 So. Ocean Blvd., Gertrude Maxwell
Violation of Section 126-32 of the Town of Palm Beach Code of Ordinances, all coconut trees in the Town shall be required to be trimmed annually by August of each year, so that on August 1 of each year all coconut trees in the Town shall be free of coconuts, coconut blooms, and dead or dying fronds.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1924, 05-1925, 05-1926, 05-1927, 05-1928, 05-1929, 05-1930, 05-1931, 05-1932 AND 05-1937 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- L Case #05-1932, 254 Tradewind Drive, Nancy S. Colhoun

Violation of Section 126-32 of the Town of Palm Beach Code of Ordinances, all coconut trees in the Town shall be required to be trimmed annually by August of each year, so that on August 1 of each year all coconut trees in the Town shall be free of coconuts, coconut blooms, and dead or dying fronds.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1924, 05-1925, 05-1926, 05-1927, 05-1928, 05-1929, 05-1930, 05-1931, 05-1932 AND 05-1937 FOR COMPLIANCE.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

M Case #05-1933, 208 Mockingbird Tr., Carol Casey, Carol Casey TR, John Casey, John Casey TR

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 or other vegetation to become overgrown or accumulate.

Violation of Chapter 42, Section 126 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to permit any collection of standing water in which mosquitoes are likely to breed.

MOTION BY MR. KOEPPPEL TO POSTPONE CASE #05-1933 UNTIL THE DECEMBER 15, 2005 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

N Case #05-1934, 411 So. County Road, First Union Ntl Bank dba Wachovia

Violation of Section 38-35 (b) of the Town of Palm Beach Code of Ordinances, alarm system users with fines not paid within thirty (30) days of first billing shall be referred to the Town's Code Enforcement Board.

MOTION BY MR. KOEPPPEL TO POSTPONE CASE #05-1934 UNTIL THE DECEMBER 15, 2005 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

O Case #05-1935, 2875 So. Ocean Blvd., First Union Ntl Bank dba Wachovia

Violation of Section 38-35 (b) of the Town of Palm Beach Code of Ordinances, alarm system users with fines not paid within thirty (30) days of first billing shall be referred to the Town's Code Enforcement Board.

MOTION BY MR. HOFFMAN TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE FOR CASE #05-1935.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

P Case #05-1936, 200 So. Ocean Blvd., Julie A. Heberlein

Violation of Chapter 74, Section 74-223 of the Town of Palm Beach Code of Ordinances, all ocean front property owners must ensure that no artificial light shall illuminate any area of beach or water that may be used by nesting sea turtles and hatchlings anytime from March 1st until October 31st.

MOTION BY MR. KOEPPPEL REGARDING CASE #'S 05-1936, 05-1938, 05-1939 AND 05-1940 TO FIND IN NON COMPLIANCE WITH NO FINES IMPOSED AT THIS TIME.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

Q Case #05-1937, 111 El Brillo Way, Claire/Gregory Papadopoulos

Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet, measured vertically above all streets and roadways in the Town, shall be maintained at all times for the unobstructed passage of vehicles and others using said streets and roadways.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1924, 05-1925, 05-1926, 05-1927, 05-1928, 05-1929, 05-1930, 05-1931, 05-1932 AND 05-1937 FOR COMPLIANCE.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

R Case #05-1938, 100 Sunrise Avenue, Sun & Surf

Violation of Chapter 74, Section 74-223 of the Town of Palm Beach Code of Ordinances, all ocean front property owners must ensure that no artificial light shall illuminate any area of beach or water that may be used by nesting sea turtles and hatchlings anytime from March 1st until October 31st.

MOTION BY MR. KOEPEL REGARDING CASE #'S 05-1936, 05-1938, 05-1939 AND 05-1940 TO FIND IN NON COMPLIANCE WITH NO FINES IMPOSED AT THIS TIME.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

S Case #05-1939, 200 No. Ocean Blvd., Warden House Condo

Violation of Chapter 74, Section 74-223 of the Town of Palm Beach Code of Ordinances, all ocean front property owners must ensure that no artificial light shall illuminate any area of beach or water that may be used by nesting sea turtles and hatchlings anytime from March 1st until October 31st.

MOTION BY MR. KOEPEL REGARDING CASE #'S 05-1936, 05-1938, 05-1939 AND 05-1940 TO FIND IN NON COMPLIANCE WITH NO FINES IMPOSED AT THIS TIME.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

T Case #05-1940, 101 Wells Road, Viscaya Corp.

Violation of Chapter 74, Section 74-223 of the Town of Palm Beach Code of Ordinances, all ocean front property owners must ensure that no artificial light shall illuminate any area of beach or water that may be used by nesting sea turtles and hatchlings anytime from March 1st until October 31st.

MOTION BY MR. KOEPEL REGARDING CASE #'S 05-1936, 05-1938, 05-1939 AND 05-1940 TO FIND IN NON COMPLIANCE WITH NO FINES IMPOSED AT THIS TIME.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

VI **Presentation of Cases to Set for Hearing:**

MOTION BY MR. HOFFMAN TO SET CASE #'S 05-1941, 05-1942, 05-1943, 05-1944 AND 05-1945 FOR HEARING AT THE DECEMBER 15, 2005 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

A Case #05-1941, 308 Cocoanut Row, Anita Thorhaug

Violation of Chapter 18, Section 18-241, of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

B Case #05-1942, 400 South Ocean Blvd., Four Hundred South Ocean Blvd. Condo Assoc.

Violation of Chapter 74, Section 74-223 of the Town of Palm Beach Code of Ordinances, all ocean front property owners must ensure that no artificial light shall illuminate any area of beach or water that may be used by nesting sea turtles and hatchlings anytime from March 1st until October 31st.

- C Case #05-1943, 227 Garden Road, Edward/Grace Fey
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet, measured vertically above all streets and roadways in the Town, shall be maintained at all times for the unobstructed passage of vehicles and others using said streets and roadways.
- D Case #05-1944, 137 Woodbridge Road, Avram/Jill Glazer
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet, measured vertically above all streets and roadways in the Town, shall be maintained at all times for the unobstructed passage of vehicles and others using said streets and roadways.
- E Case #05-1945, 1178 No. Ocean Blvd., Frank Jensen TR
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 trash and debris to accumulate.

VII New Business:

VIII Old Business:

- A Case #04-1752, 129 Clarendon Avenue, Gloria G. Stuart
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all walls shall be kept in a safe condition and a good state of repair.

Chief Code Compliance Officer Walton reported that this wall is now complete and requested that the Board dismiss this case.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #04-1752.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

- B Case # 05-1828, 2730 So. Ocean Blvd., #510, Arthur Gelbart & Rose Gelbart
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances: building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

Chief Code Compliance Officer Walton reported that the permit has been obtained and therefore requested that the Board dismiss this case.

MOTION BY MR. KOEPEL TO DISMISS CASE #05-1828.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

- C Case #05-1850, 1072 No. Ocean Blvd., Diana & George Abouzeid

Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Medium Projects, of the Town of Palm Beach Code of Ordinances: all new or remodel construction projects of 4,000 sq. ft. to 8,999 sq. ft. under roof shall be allowed 20 months.

Diana Abouzeid reported to the Board the problems encountered with the landscaping portion of her project due to the recent hurricanes. The trees and plants that were due to be installed were destroyed in the hurricane. Her landscape architect Ray Wall expects to have 95% of the planting done, with the exception of some flowers, by December 14, 2005.

MOTION BY MR. KOEPEL TO ALLOW SIXTY (60) DAYS TO COME BACK TO THE BOARD WITH A STATUS REPORT.

MOTION SECONDED BY MR. RAFFO.

Mr. Hoffman requested that Mrs. Abouzeid report back at the December 15, 2005 Code Enforcement Board Hearing with the status.

MOTION AMENDED BY MR. KOEPEL THAT MRS. ABOUZEID GIVE A STATUS REPORT AT THE DECEMBER 15, 2005 CODE ENFORCEMENT BOARD HEARING.

AMENDED MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED WITH MR. RAFFO OPPOSED.

D Case #05-1859, 740 Hi Mount Road, Bartlett Burnap

Violation of Section 18-205 of the Town of Palm Beach Code of Ordinances, the Architectural Commission may approve building plans with conditions.

MOTION BY MR. KOEPEL TO DISMISS CASE #05-1859 FOR COMPLIANCE.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

E Case #05-1851, 231 Kenlyn Road, Woolems, Inc.

Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, small projects, of the Town of Palm Beach Code of Ordinances: all new or remodel construction projects of 3,999 sq. ft. or less under roof shall be allowed 12 months.

Chief Code Compliance Officer Walton reported to the Board that they have supplied us with a schedule, the property is not complete and we have had the hurricane. The Town would recommend granting a thirty (30) day extension to November 30, 2005 for the completion of the project.

MOTION BY MR. KOEPEL TO GRANT A THIRTY (30) DAYS EXTENSION UNTIL NOVEMBER 30, 2005 FOR COMPLETION OF THE PROJECT, WITH NOTIFICATION GIVEN THAT IF THE PROJECT IS NOT COMPLETED BY NOVEMBER 30, 2005 A FINE MAY BE IMPOSED.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

F Case #05-1896, 279 Colonial Lane, Doris & Licinio Cruz, CSS Building & Design, Inc.

Violation of Chapter 18, Section 18-242, Subsection 105.6.1.6, Small Projects, of the Town of Palm Beach Code of Ordinances, all new or remodel construction projects of 3,999 sq. ft. or less under roof shall be allowed 12 months.

Chief Code Compliance Officer Walton read into the record a letter from the contractor requesting a 30 day extension.

MOTION BY MR. KOEPEL TO GRANT UNTIL DECEMBER 14, 2005 TO COMPLETE THE PROJECT.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

IX

Reports:

Mr. Raffo asked about the Roddy property on Brazilian Avenue. There have been numerous complaints from the neighbors. Chief Walton reported that one of the old boats has been towed away. Chief Walton reported that he does a site visit two times a week and has helped with debris removal by arranging for a pick up by Town forces. The fine on the property is continuing to run and will accrue until compliance is obtained, at which time the property owner must call for a reinspection. Discussion continued.

Veronica Close, Director of Planning, Zoning & Building advised the Board that the notice of violation states the amount of time given to come into compliance. In certain limited circumstances, a municipality may gain entry and correct a violation and assess a fee for it. Staff will meet with the Town Attorney to see if that is a feasible alternative.

X

Adjournment: The meeting was adjourned at 2:45 p.m. without benefit of a motion.