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TOWN OF PALM BEACH

CODE ENFORCEMENT BOARD MINUTES

2:00 P.M. THURSDAY, NOVEMBER 15, 2001

AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD

I. **Call to Order:** The meeting was called to order at 2:00 p.m. by Chairman David J. Thomas.

II. **Roll Call:** PRESENT: David J. Thomas, Chairman

Scott Sloane, Vice-Chairman

Eugene Lawrence, Member

Dr. Harry Horwich, Member

M. S. Rukeyser, Jr., Member

P. Robert Bale, Member

Pamela Hoffpauer, Member

Lowell Levine, Alternate Member

RECORDING SECRETARY: Deborah A. Morakis

III. Approval of the Minutes of October 18, 2001:

MOTION BY MR. BALE TO APPROVE THE MINUTES OF THE OCTOBER 18, 2001 CODE ENFORCEMENT BOARD MEETING.

MOTION SECONDED BY DR. HORWICH.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

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A Case #01-1337, Dan E. Swanson, 205 Via Tortuga

Violation of Chapter 18, Section 18-242, 18-367, 18-407, and 18-477 of the Town of Palm Beach Code of Ordinances, before any construction work begins, permits must be obtained.

MOTION BY DR. HORWICH TO DISMISS CASE #01-1337 AND CASE #01-1345 WITHOUT PREJUDICE.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

B Case #01-1345, Paramount Church, Inc. 139 North County Road

Violation of Chapter 42, Section 42-86 and Section 42-87 of the Town of Palm Beach Code of Ordinances, all structures must be kept painted and in a good state of repair and shall not provide harborage for vermin (termites), or any deposits that may be detrimental to health allowed to accumulate.

MOTION BY DR. HORWICH TO DISMISS CASE #01-1337 AND CASE #01-1345 WITHOUT PREJUDICE.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

C Case #01-1350, Antos Glogowski, 305 Indian Road

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.

Brian House gave testimony regarding the case. No one was here on behalf of the defendant.

MOTION BY MR. LAWRENCE THAT THE DEFENDANTS BE FOUND GUILTY AND ORDERED TO PAY THE FINE WITHIN FIFTEEN (15) DAYS.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

D Case #01-1351, Mrs. William R. Wister, Jr., 335 El Vedado Road

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. BALE TO DISMISS CASE #01-1351, 01-1352, 01-1353, 01-1360, 01-1361, 01-1365, 01-1369 FOR COMPLIANCE.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

E Case #01-1352, Citibank FL FSB, 400 Royal Palm Way

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. BALE TO DISMISS CASE #01-1351, 01-1352, 01-1353, 01-1360, 01-1361, 01-1365, 01-1369 FOR COMPLIANCE.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

F Case #01-1353, Jerome Heilwell, 1632 South Ocean Blvd.

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. BALE TO DISMISS CASE #01-1351, 01-1352, 01-1353, 01-1360, 01-1361, 01-1365, 01-1369 FOR COMPLIANCE.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

G Case #01-1354, Laura Andre, Inc., 159 Sunset 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.

Testimony was given by Brian House and an explanation of the ordinance was given.

Testimony was heard by Greg Holloway, Vice President of the corporation that owns the property. He state that they purchased the property in the year 2000 and they hired an Architect to determine what the status of all the permits was before the purchase of the property. It was not discovered until after we had started the project that the front elevation had not obtained ARCOM approval. By the time we were able to get the required ARCOM approval it was mid-2001. We had a 1-year construction mortgage and because it took us a lot longer to get all the approvals to start this, it was time for the bank to be paid. We have only this week reached an agreement with the bank to extend the mortgage. They are willing to give us

until August 2002. Here is a schedule that was prepared in June indicating that we estimate it will take approximately five (5) months to complete this project.

Brian House testified that five months is too long to finish up a project of this size. Ninety days should be the maximum time allowed.

Mr. Holloway testified that the bank was unwilling to finance the project without all the approvals in place. This project was stopped once it was determined by the Town that the front elevation had been built by the previous owner without ARCOM approval. We were unaware of this at the time of purchase. By the time we had all of our approvals and could start the bank would not release any future draws until we had the issues resolved. We

received ARCOM approval in March 2001 and by the time we then got the plans stamped, the date of the payment to the bank was due in May 2001. It has been a tedious process to get them to work with us. Our contractor has laid out a schedule for completion.

Mr. Harry Ackerman, Assistant Building Official, was sworn in and gave testimony that he had been approached by the property owner and Mr. Moody, the contractor and they were both informed that we had problems that the previous owners had not completed the project on time. They assured us that they would complete the project in a short time. They were informed that there was a problem with the front elevation that had been installed by the previous owner which was never approved by ARCOM and had been red-tagged so they were aware of that. They originally took out an interior permit in June 2000. They went to the Town Council and had to get a variance for the addition so we gave them the permit for the addition but it was noted on the permit that they would have to obtain ARCOM approval.

Further discussion continued.

MOTION BY MR. LAWRENCE THAT THE DEFENDANTS IN CASE # ' S 01-1354 AND 01-1355 ARE FOUND GUILTY AND ORDERED TO COMPLY WITHIN THREE (3) MONTHS.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

H Case #01-1355, Laura Andre, Inc., 159 Sunset 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.

MOTION BY MR. LAWRENCE THAT THE DEFENDANTS IN CASE # ' S 01-1354 AND 01-1355 ARE FOUND GUILTY AND ORDERED TO COMPLY WITHIN THREE (3) MONTHS.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

I Case #01-1356, Michael & Elizabeth Kaiser, 225 Dunbar Road

Violation of Chapter 30, Section 30-114 of the Town of Palm Beach Code of Ordinances, the water quality will be protected by the retention of the first two (2) inches of rain fall prior to discharge into the Town ' s system.

MOTION BY MR. BALE TO POSTPONE CASE #01-1356 UNTIL THE
JANUARY 17, 2002 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY DR. HORWICH.

MOTION CARRIED UNANIMOUSLY.

J Case #01-1357, Yaakov Elkon, 251 Jungle Road

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/debris to become overgrown or accumulate. Also, according to the same section, trash and debris shall not be allowed to accumulate on the property.

Testimony was heard by Brian House indicating that he had spoken to the new property owner and that they told him that the property was to be torn down within 30 days. ARCOM approval is not required since the Town has ordered the demolition.

MOTION BY MR. SLOANE TO FIND THE DEFENDANT GUILTY AND ORDERED TO REMOVE THE BUILDING.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

K 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.

Testimony was give by Brian House that the first permit was issued on June 28, 2000 for

the new primary building. There are extenuating circumstances here. We do have a critical path here. They indicate that they can be finished by February 28, 2002.

Alfred M. Brown who was here on behalf of Harry J. Brown, his cousin and property owner, testified that the original contractor took the money and ran. The window contractor took the money and didn't deliver the windows. We have hired a new contractor, the windows have now been delivered, and the stucco is going up.

After further discussion the following motion was made:

MOTION BY MR. SLOANE THAT THE DEFENDANTS BE FOUND GUILTY AND ORDERED TO COMPLETE THE C.O. BY FEBRUARY 28, 2002.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

L Case #01-1359, Sand Pillow Properties, Inc., 2305/2315 So. Ocean Blvd.

Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eighteen (18) feet above all roadways must be maintained to allow for unobstructed passage of vehicles.

Violation of Chapter 42, Section 42-86 (2) of the Town of Palm Beach Code of Ordinances, no property shall become overgrown with vegetation and debris may not be allowed to accumulate on same.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior walls, etc., shall be reasonably free of cracks, painted and shall be kept in sound condition and good repair.

Mr. Lawrence asked to recuse himself from the case.

Testimony was given by Brian House, Chief Code Compliance Officer. There are three violations of three different codes. Each should be heard separately.

MOTION BY DR. HORWICH THAT THE DEFENDANTS BE FOUND GUILTY OF SECTION 106-159 OF THE TOWN OF PALM BEACH CODE OF ORDINANCES AND ORDERED TO COMPLY BY TRIMMING THE TREE WITHIN FORTY-EIGHT (48) HOURS OR WE CAN CONSIDER A FINE OF UP TO \$500.00 PER DAY.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. BALE TO FIND THE DEFENDANT GUILTY OF CHAPTER 42, SECTION 42-86 (2) OF THE TOWN OF PALM BEACH CODE OF ORDINANCES AND ORDERED TO COMPLY BY NOVEMBER 19, 2001 OR WE CAN CONSIDER A FINE OF UP TO \$500.00 PER DAY.

MOTION SECONDED BY MR. HORWICH.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. BALE TO FIND THE DEFENDANT GUILTY OF CHAPTER 42, SECTION 42-87 OF THE TOWN OF PALM BEACH CODE OF ORDINANCES AND ORDERED TO COMPLY BY NOVEMBER 26, 2001 OR WE CAN CONSIDER A FINE OF UP TO \$500.00 PER DAY.

MOTION SECONDED BY DR. HORWICH.

MOTION CARRIED UNANIMOUSLY.

M Case #01-1360, Dora Blanco, Altima International Realty, 251 Worth Ave., Ste A

Violation of Section 14-31 of the Town of Palm Beach Code of Ordinances, an occupational license is required for each individual Real Estate Salesperson working in the Town of Palm Beach.

MOTION BY MR. BALE TO DISMISS CASE #01-1351, 01-1352, 01-1353, 01-1360, 01-1361, 01-1365, 01-1369 FOR COMPLIANCE.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

N Case #01-1361, Lydia Fener, Altima International Realty, 251 Worth Ave., Ste A

Violation of Section 14-31 of the Town of Palm Beach Code of Ordinances, an occupational license is required for each individual Real Estate Salesperson working in the Town of Palm Beach.

MOTION BY MR. BALE TO DISMISS CASE #01-1351, 01-1352, 01-1353, 01-1360,

01-1361, 01-1365, 01-1369 FOR COMPLIANCE.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

O Case #01-1362, Phyllis Jacknin, Altima International Realty, 251 Worth Ave., Ste A

Violation of Section 14-31 of the Town of Palm Beach Code of Ordinances, an occupational license is required for each individual Real Estate Salesperson working in the Town of Palm Beach.

MOTION BY MR. SLOANE TO DISMISS CASE # ' S 01-1362, 01-1363, 01-1364,

01-1370.

MOTION SECONDED BY MR. BALE.

MOTION CARRIED UNANIMOUSLY.

P Case #01-1363, Doug Long, Altima International Realty, 251 Worth Ave., Ste A

Violation of Section 14-31 of the Town of Palm Beach Code of Ordinances, an occupational license is required for each individual Real Estate Salesperson working in the Town of Palm Beach.

MOTION BY MR. SLOANE TO DISMISS CASE # ' S 01-1362, 01-1363, 01-1364,

01-1370.

MOTION SECONDED BY MR. BALE.

MOTION CARRIED UNANIMOUSLY.

Q Case #01-1364, Maria Luisa Mendoza, Altima International Realty, 251 Worth Ave., Suite A

Violation of Section 14-31 of the Town of Palm Beach Code of Ordinances, an occupational license is required for each individual Real Estate Salesperson working in the Town of Palm Beach.

MOTION BY MR. SLOANE TO DISMISS CASE # ' S 01-1362, 01-1363, 01-1364,

01-1370.

MOTION SECONDED BY MR. BALE.

MOTION CARRIED UNANIMOUSLY.

R Case #01-1365 Ann Baker Curtin, Dufrank Corp., 125 Worth Avenue, Ste 220

Violation of Section 14-31 of the Town of Palm Beach Code of Ordinances, an occupational license is required for each individual Real Estate Salesperson working in the Town of Palm Beach.

MOTION BY MR. BALE TO DISMISS CASE #01-1351, 01-1352, 01-1353, 01-1360, 01-1361, 01-1365, 01-1369 FOR COMPLIANCE.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

S Case #01-1366, Marlena Buswell, Earl A. Hollis Inc., 217 Peruvian Avenue

Violation of Section 14-31 of the Town of Palm Beach Code of Ordinances, an occupational license is required for each individual Real Estate Salesperson working in the Town of Palm Beach.

MOTION BY MR. SLOANE THAT THE DEFENDANT IS GUILTY AND ORDERED TO COMPLY BY PAYING THE OCCUPATIONAL LICENSE FEES AND PENALTIES WITHIN FIFTEEN (15) DAYS.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

T Case #01-1367, Jorge Rodriguez-Lugo, Lehman Brothers, Inc., 450 Royal Palm Way, Ste 200/300

Violation of Section 14-31 of the Town of Palm Beach Code of Ordinances, an occupational license is required for each individual Broker working in the Town of Palm Beach.

MOTION BY MR. SLOANE TO FIND THE DEFENDANT GUILTY AND ORDERED TO COMPLY BY PAYING THE OCCUPATIONAL LICENSE FEES AND PENALTIES WITHIN FIFTEEN (15) DAYS.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

U Case #01-1368, James Cole, Sotheby ' s International Realty, 340 Royal Poinciana Way, Suite 337

Violation of Section 14-31 of the Town of Palm Beach Code of Ordinances, an occupational license is required for each individual Real Estate Salesperson working in the Town of Palm Beach.

MOTION BY DR. HORWICH TO FIND THE DEFENDANT GUILTY AND ORDERED TO COMPLY BY PAYING THE OCCUPATIONAL LICENSE FEES AND PENALTIES WITHIN FIFTEEN (15) DAYS.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

V Case #01-1369, Mahnaz Whelton, Sotheby ' s International Realty, 340 Royal Poinciana Way, Suite 337

Violation of Section 14-31 of the Town of Palm Beach Code of Ordinances, an occupational license is required for each individual Real Estate Salesperson working in the Town of Palm Beach.

MOTION BY MR. BALE TO DISMISS CASE #01-1351, 01-1352, 01-1353, 01-1360, 01-1361, 01-1365, 01-1369 FOR COMPLIANCE.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

_W Case #01-1370, Karen Linden, Sotheby ' s International Realty, 340 Royal Poinciana Way, Suite 337

Violation of Section 14-31 of the Town of Palm Beach Code of Ordinances, an occupational license is required for each individual Real Estate Salesperson working in the Town of Palm Beach.

MOTION BY MR. SLOANE TO DISMISS CASE # ' S 01-1362, 01-1363, 01-1364,
01-1370.

MOTION SECONDED BY MR. BALE.

MOTION CARRIED UNANIMOUSLY.

_X Case #01-1371, Howard Acquiring, 810 So. Ocean Blvd.

Violation of Section 122.53 of the Town of Palm Beach Code of Ordinances, operating sprinkler system at the wrong time.

MOTION BY MR. SLOANE TO POSTPONE CASE # ' S 01-1371, 01-1372, 01-1373
UNTIL PROOF OF SERVICE IS OBTAINED.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

_Y Case #01-1372, Per A. & Rachel C. Lorentzen, 216 Garden Road

Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard trash on Town right-of-way out of line with the schedule.

 MOTION BY MR. SLOANE TO POSTPONE CASE # ' S 01-1371, 01-1372, 01-1373
UNTIL PROOF OF SERVICE IS OBTAINED.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

_Z Case #01-1373, Toni Hollis, 250 List Road

Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard trash on Town right-of-way out of line with the schedule.

MOTION BY MR. SLOANE TO POSTPONE CASE # ' S 01-1371, 01-1372, 01-1373
UNTIL PROOF OF SERVICE IS OBTAINED.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

AA Case #01-1374, Kate C. Gubelman, 265 Tradewind Drive

Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard trash on Town right-of-way out of line with the schedule.

MOTION BY MR. LAWRENCE TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

V. Presentation of New Cases to Set for Hearing:

A Case #01-1376, Harry Cornelius, 3474 So. Ocean Blvd.

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.

B Case #01-1377, Cara Smolen, 122 Peruvian Avenue, Suite #4

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.

C Case #01-1378, Mathew B. McCormak, 233 Bahama Lane

Violation of Chapter 18, Section 18-87 of the Town of Palm Beach Code of Ordinances, all properties must retain or drain properly all soil and water contained on or from the property.

D Case #01-1379, Jane H. Janssen, 300 Barton Avenue

Violation of Chapter 106, Section 106-159 (a) and (b) of the Town of Palm Beach Code of Ordinances, a vertical clearance of eighteen (18) feet above all roadways and alleys must be maintained to allow unobstructed passage of vehicles. Also, according to the same Code, a vertical clearance of eight (8) feet above all sidewalks and extending the full width above all sidewalks must be maintained.

E Case #01-1380, Marie E. Wilson, 1388 North Lake Way

Violation of Chapter 106, 106-159 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eighteen (18) feet above all roadways and alleys must be maintained

to allow unobstructed passage for vehicles.

F Case #01-1381, Echo Restaurant, 230 Sunrise Avenue

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. SLOANE TO SET THE ABOVE CASE # ' S 01-1376, 01-1377, 01-1378, 01-1379, 01-1380, 01-1381 FOR HEARING AT THE DECEMBER 20, 2001 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

VI. New Business:

VII. Old Business:

A Case #01-1344, Donna H. Ross, 163 Seabreeze 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.

MOTION BY MR. LAWRENCE WITH THE PROVISION THAT THE DEFENDANT MUST SUBMIT THE APPLICATION FOR THE PERMIT NO LATER THAN NOVEMBER 20, 2001 TO GRANT THE DEFENDANT 95 DAYS FROM THE DATE OF PERMIT ISSUANCE TO REACH COMPLETION OF THE GUEST HOUSE.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

VIII. Adjournment: The meeting was adjourned at 3:22 p.m. without benefit of a motion.