

CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, OCTOBER 20, 2005
AT THE TOWN COUNCIL CHAMBERS, 360 SO. COUNTY ROAD

I Call to Order: Chairman Lawrence called the meeting to order at 2:00 p.m.

II Roll Call:

Present:	Eugene Lawrence, Chairman Pamela Hoffpauer, Vice-Chair Timothy Hoffman, Member Joel P. Koepfel, Member Richard A. Raffo, Member (arrived at 2:05) Larry Ochstein, Alternate Member Robert S. Walton, Chief Code Compliance Officer Stirling E. Clark, Town Attorney's Office
Absent:	Hugh C. Davis, III, Member (excused) George Klein, Alternate Member (excused)
Recording Secretary:	Deborah Morakis

III Approval of the Minutes of September 15, 2005:
 MOTION BY MR. HOFFMAN FOR APPROVAL OF THE MINUTES.
 MOTION SECONDED BY MR. OCHSTEIN.
 MOTION PASSED UNANIMOUSLY.

IV Administration of the Oath to all persons who wish to testify:
 Let the record show that all persons testifying were sworn in at this time.

V Public Hearings:

A Case #05-1910, 280 No. Ocean Blvd., Rami Toram Weisfisch
 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 testified that it was reported that lights from this property are shining on the beach. However, there have been no reports of turtle disorientations at this time. Chief Walton recommended that the Board find the defendant in non compliance and allow ten (10) days to come into compliance. After further discussion, the following motion was made:

MOTION BY MS. HOFFPAUER TO FIND THE DEFENDANT IN NON COMPLIANCE AND ALLOW FIVE (5) DAYS TO COMPLY.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

B Case #05-1914, 1438 No. Ocean Blvd., Lisa Schultz/Michael Schultz

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls shall be free of cracks and painted, roofs must be maintained so as not to leak, all doors and windows shall be in a maintained condition and other appurtenances such as fences shall be kept in a good state of repair.

Chief Walton advised the Board that the property manager and an architect are here today to discuss this property.

Pat Seagraves of SKA Architects shared photographs of the property with the Board. The pool has been drained and secured with a fence. The house suffered some hurricane damage last year which is now covered with plywood that has been painted white to match the house. This property is being considered for Landmark designation and is currently in the process of requesting four variances to be heard in December 2005. A total restoration with addition to the house has been proposed to include new windows, doors and roof. The grass has been trimmed. If the requested variances are granted, construction would begin in January or February of 2006.

After further discussion, Chief Walton recommended a finding of non compliance and an order that the house deteriorate no further, the property landscape be continually maintained, and the pool be maintained so as not to be a mosquito harborage.

**MOTION BY MS. HOFFPAUER TO FIND THE DEFENDANT IN NON COMPLIANCE AND ORDER THE DEFENDANT TO MAINTAIN THE LANDSCAPING, POOL AREA AND STRUCTURE AS REQUIRED BY THE TOWN.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.**

- C Case #05-1915, 242 Colonial Lane, Reynco, Inc.
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.
Violation of Chapter 42, Section 42-87 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.

Chief Walton advised the Board that this is an ongoing construction site. The property was posted due to lack of service. Clean up of the property has started, but needs further work. The Town would ask for a finding of non compliance and give them five (5) days to finish cleaning the site.

**MOTION BY MR. KOEPEL TO FIND IN NON COMPLIANCE AND ALLOW FIVE (5) DAYS TO COMPLY.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

- D Case #05-1916, 129 Woodbridge Road, Abe Haruvi
Violation of Chapter 106, 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 other using said streets and roadways.
**MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1916, 05-1917, 05-1918, 05-1919, 05-1922 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.**

- E Case #05-1917, 140 No. County Road, Barnett Bank Palm Beach County

Violation of Chapter 106, Chapter 106-159 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks must be maintained to allow unobstructed passage of pedestrians.

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 the roadways.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1916, 05-1917, 05-1918, 05-1919, 05-1922 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

F Case #05-1918, 248 Colonial Lane, Charles Sullivan

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

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1916, 05-1917, 05-1918, 05-1919, 05-1922 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

G Case #05-1919, 1299(fka 1300) So. Ocean Blvd., 1300 South Ocean Blvd. Trust

Violation of Chapter 126, Section 126-58 of the Town of Palm beach Code of Ordinances, it is unlawful for any person to cut down, remove or move, or effectively destroy through damage any historic or specimen tree without written permission and a hearing before the Town Council.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1916, 05-1917, 05-1918, 05-1919, 05-1922 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

H 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 Walton requested that this case be postponed until the November 17, 2005 hearing due to lack of service.

MOTION BY MR. KOEPPPEL TO POSTPONE CASE #05-1920 UNTIL THE NOVEMBER 17, 2005 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

I Case #05-1921, 240 Atlantic Avenue, J. Lee Rifkind, ET AL TRS TI HLR

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.

Mr. Walton advised the Board that this case should be withdrawn. It was improperly addressed. No motion was required or made.

J Case #05-1922, 190 So. Ocean Blvd., Edwin L. Ecclestone, Jr.

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 MS. HOFFPAUER TO DISMISS CASE #'S 05-1916, 05-1917, 05-1918, 05-1919, 05-1922 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

- K 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.

Chief Walton requested to postpone this case due to lack of service.

MOTION BY MS. HOFFPAUER TO POSTPONE CASE #05-1923 UNTIL THE NOVEMBER 17, 2005 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

VI Presentation of Cases to Set for Hearing:

MOTION BY MR. KOEPPPEL TO SET CASE #'S 05-1924 THROUGH 05-1942 FOR THE NOVEMBER 18, 2005 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

- A 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.
- B 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.
- C 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.
- D 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.
- E 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.
- F 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.

- G 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.
- H 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.
- I 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.
- J 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.
- K 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.
- L 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.
- M 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.
- N 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.
- O 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.

- P 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.
- Q Case #05-1940, 100 Everglades Avenue, 100 Everglades LLC
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.
- R Case #05-1941, 280 No. Ocean Blvd., 280 North Ocean Blvd.
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.
- S Case #05-1942, 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.

VII New Business:

NONE

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 Walton advised the Board that the wall was completed within the time ordered by the Board. However, the final inspection failed because the landscaping was not complete. After a site visit yesterday, the wall is now complete, painted and landscaped. After further discussion the following motion was made:

**MOTION BY MR. HOFFMAN TO POSTPONE CASE #04-1752 UNTIL THE NOVEMBER 17, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.**

- B Case #04-1787, Charles T. Roddy, 432 Brazilian Avenue

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it shall be unlawful and constitute a nuisance for any owner of land within the Town to allow building materials, non operative boats, automobiles or other such items to accumulate.

Chief Walton advised the Board that this case was heard in November 2004 and was found in non compliance and ordered to clean up the property by the 24th. At the December 2004 hearing, the homeowner was ordered to have the property cleaned up by December 23, 2004. The property was cleaned up at that time. On September 21, 2005, the property was again found in non compliance, the property owner was cited as a repeat violator and was noticed of this hearing. Photographs of the property taken this date, were shared with the Board.

Testimony was heard by the property owner, Charles Roddy, regarding the truck with no license plate and the accumulation of other articles.

Chairman Lawrence noted the photographs show three boats, one on top of a truck, a van that has parts of it hanging off, a ladder in the yard, a wheelbarrow, etc.

Mr. Walton said that the non operative boats and vehicles are still there. The grass has been cut.

Mr. Roddy stated that he has four or five small speed boats, four brand new 25hp Mercury marine engines and one 60-hp engine. There are licenses for all of the boats and trailers. One trailer was just purchased and will replace the trailer currently stored in the garage.

Chief Walton advised the Board that the violation for which Mr. Roddy was cited as a repeat violator on September 21, 2005 still exists. There are still non operative boats and vehicles and an accumulation of debris on the property. A recommendation was made for a daily fine starting on September 21, 2005 and continuing until the property is in compliance with Town codes and a reinspection is called for by the property owner.

After further testimony, the following motion was made:

MOTION BY MR. RAFFO THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE AND ORDERED TO PAY A FINE IN THE AMOUNT OF \$50.00 PER DAY STARTING ON SEPTEMBER 21, 2005 AND CONTINUING UNTIL THE PROPERTY IS IN COMPLIANCE. MR. RODDY MUST CALL FOR A REINSPECTION. MOTION SECONDED BY MR. OCHSTEIN. MOTION CARRIED UNANIMOUSLY.

- C Case #05-1836, 263 Oleander Avenue, George L. Lynn
Violation of Chapter 18, Section 18-242, Subsection 104.1.1.1, of the Town of Palm Beach Code of Ordinances: Building permits are required to construct, install, repair, or alter any building or building system.

Gene Pandula advised the Board that drawings have been done for the permitting of the shed. This shed houses a washer, dryer and a water heater. Branch Construction will be the General Contractor for the project.

Chief Walton suggested the Board grant 60 days to complete the project. The property owners have already been found in non compliance.

MOTION BY MR. KOEPPPEL TO POSTPONE CASE #05-1836 UNTIL THE

**DECEMBER 15, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

- D Case #05-1858, 220 Esplanade Way (aka 224/244 Esplanade Way), Clement Prouix
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.

Chief Walton requested that this case be dismissed for compliance since the grass was cut.
**MOTION BY MS. HOFFPAUER TO DISMISS CASE #05-1858 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

- E 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.

Chief Walton recommended that his case be postponed until the November 17, 2005 Code Enforcement Board Hearing since a lot of the vegetation had been planted but one more inspection would be required to make sure it matches the drawings.
**MOTION BY MR. KOEPPPEL TO POSTPONE CASE #05-1859 UNTIL THE NOVEMBER 17, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

- F Case #05-1884, 770 So. County Road, Elizabeth E. Swope
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 dead or dying trees, stumps or other vegetation to accumulate.

Chief Walton advised the Board that this property is now in compliance and requested a dismissal for compliance.
**MOTION BY MR. KOEPPPEL TO DISMISS CASE #05-1884.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.**

- G Case #05-1908, 110 Angler Avenue, Eileen/Francis/Patrick/Sean Bresnan
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 MR. KOEPPPEL TO DISMISS CASE'S #05-1908 AND 05-1909.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

- H Case #05-1909, 244 Sunset Avenue, George J. Payne, President
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, every inside and outside stair, every porch and appurtenance thereto shall be constructed so as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in safe condition and a good state of repair.
**MOTION BY MR. KOEPPPEL TO DISMISS CASE'S #05-1908 AND 05-1909.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

IX Reports:

- A 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 Walton reported to the Board that the schedule previously submitted to the Board by Woolems allows until the end of the month for the completion of the project. Chief Walton will inspect the property and report to the Board at the November Code Enforcement Board Meeting.

- B 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.

J. P. DeMisa, the owner's representative, was sworn in. An updated schedule and photographs were provided to the Board. Mr. DeMisa reported that the project is on target to meet the November 15 completion date.

X **Adjournment:** The meeting was adjourned at 3:00 p.m. without benefit of a motion.