



COMPLY WITHIN 45 DAYS.  
MOTION SECONDED BY MR. RUKEYSER  
MOTION CARRIED UNANIMOUSLY.

- B     Case #01-1330. Paul J. & Florence M. Chase. 10 Middle Road  
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. BALE TO DISMISS CASE #'S 01-1330, 01-1338, 01-1340, 01-1341 AND 01-1343 FOR COMPLIANCE.  
MOTION SECONDED BY MR. RUKEYSER.  
MOTION CARRIED UNANIMOUSLY.
- C     Case #01-1336. Stephen H. Durland. 176 Seminole Avenue  
Violation of Chapter 106, Section 106-59 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks and bike trails must be maintained to allow unobstructed passage of pedestrians.  
  
Mr. House indicated that as of this morning the violation still exists. Some cutting has taken place but they have not been trimmed properly.  
Mr. Steve Durland testified that he cuts the hedge himself personally but until now has not had a clear understanding of what is required.  
MOTION BY MR. LAWRENCE REGARDING CASE #01-1336 TO FIND THE DEFENDANT GUILTY AND ORDERED TO COMPLY WITHIN 15 DAYS AND CONTINUE TO MAINTAIN IN COMPLIANCE.  
MOTION SECONDED BY MR. SLOANE.  
MOTION CARRIED UNANIMOUSLY.
- D     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 POSTPONE CASE #'S 01-1337 AND 01-1345 UNTIL THE NOVEMBER 15, 2001 CODE ENFORCEMENT BOARD HEARING.  
MOTION SECONDED BY MR. SLOANE.  
MOTION CARRIED UNANIMOUSLY.
- E     Case #01-1338. Rush & Marta Limbaugh. 1495 No. Ocean Blvd.  
Violation of Section 104.6.1.4 of the Town of Palm Beach Code of Ordinances requires that construction work on a residence involving over 9,000 square feet be completed within twenty-seven (27) months.  
MOTION BY MR. BALE TO DISMISS CASE #'S 01-1330, 01-1338, 01-1340, 01-1341 AND 01-1343 FOR COMPLIANCE.  
MOTION SECONDED BY MR. RUKEYSER.  
MOTION CARRIED UNANIMOUSLY.
- F     Case #01-1339. Mildred Resnick, Linda A Gary Real Estate. 420 So. County Rd.  
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 FIND THE DEFENDANT GUILTY AND ORDERED TO COMPLY WITHIN FIFTEEN (15) DAYS.  
MOTION SECONDED BY DR. HORWICH.  
MOTION CARRIED UNANIMOUSLY.

- G     Case #01-1340. Stephen Ploof. Linda A. Gary Real Estate. 420 So. County Rd.  
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 #'S 01-1330, 01-1338, 01-1340, 01-1341 AND 01-1343 FOR COMPLIANCE.  
MOTION SECONDED BY MR. RUKEYSER.  
MOTION CARRIED UNANIMOUSLY.
- H     Case #01-1341. Bunny Forman. Linda A. Gary Real Estate. 420 So. County Rd.  
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 #'S 01-1330, 01-1338, 01-1340, 01-1341 AND 01-1343 FOR COMPLIANCE.  
MOTION SECONDED BY MR. RUKEYSER.  
MOTION CARRIED UNANIMOUSLY.
- I     Case #01-1342. Angela DeFina. Linda A. Gary Real Estate. 420 So. County Rd.  
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. SLOAN TO DISMISS CASE #01-1342.  
MOTION SECONDED BY MR. LAWRENCE.  
MOTION CARRIED UNANIMOUSLY.
- J     Case #01-1343. Story Redfield. Linda A. Gary Real Estate. 420 So. County Rd.  
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 #'S 01-1330, 01-1338, 01-1340, 01-1341 AND 01-1343 FOR COMPLIANCE.  
MOTION SECONDED BY MR. RUKEYSER.  
MOTION CARRIED UNANIMOUSLY.
- K     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.

Mr. House indicated that the construction began on 4-6-2000 and is continuing on and it should have been completed within twelve (12) months. They have submitted a schedule to us indicating that they can be completed with this part of the work by January 15, 2002.

Kent Huffman, on behalf of the property owner, indicated that they anticipate the installation of a swimming pool which has not yet been permitted. It will probably require a variance and will necessitate some extension of this schedule. There is also some additional work to be done on the guest house which has not yet been permitted or commenced. Understanding that the guest house is not before us today, and the pool will at some point be coming before us. We are really talking about finishing this house before the 15<sup>th</sup> of

January.

Robert L. Moore, Director of Planning, Zoning & Building testified that this is one of many cases this Board will be getting in the future regarding construction projects not being completed in a timely fashion. Our offices have not issued permits for this guest house since we have an outstanding violation on the main house. We are asking you to give them a reasonable amount of time to finish their project, but if they don't finish the project we are also asking you to impose a fine that would date back to the time that you find them not in compliance. So it would be a financial incentive for them to complete the project by their deadline, in this case January 15, 2002. A separate permit would have to be taken out for the guest house. A physical barrier would have to be placed between the guest house and main house so we can separate the construction from the C.O.'d portion of the house. Work could go on in the guest house and the main house would be separate.

Mr. House testified that the chart he has indicates that the work was proposed to begin on the guest house on the 10<sup>th</sup> of November and be completed by February 6, 2002.

Mr. Gene Pandula testified that his firm was brought on board within the last 30 to 45 days to assist in bringing this to completion. The scope of work indicated by documents is now equal to what is going on. We do have all of our ARCOM approvals. It is a renovation of an existing house in an existing footprint. Just replacing windows in existing openings, architecturally there is very little change from the outside. The guest house, which is really a garage with a single room above it, is included with the ARCOM Staff Approval since it is just window changes with the same stucco texture. The roof is included with the original approval it has just not been done since there is no permit for the garage.

After further discussion, testimony was heard and the following motion was made:

MOTION BY MR. LAWRENCE TO FIND THE DEFENDANT GUILTY AND ORDERED TO COMPLETE WORK ON THE MAIN HOUSE BY JANUARY 15, 2002. PERFORM SELECT DEMOLITION ON THE GUEST HOUSE AND REQUIRE COMPLETION OF THE GUEST HOUSE BY FEBRUARY 6, 2002. THE DEFENDANT WILL RETURN TO THE NOVEMBER 15, 2001 CODE ENFORCEMENT BOARD HEARING WITH A STATUS REPORT. IF WORK IS NOT COMPLETED ON TIME, THE FINE WOULD BE RETROACTIVE TO TODAY'S DATE.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED SIX TO ONE WITH MR. LEVINE OPPOSING.

**L**     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 POSTPONE CASE #'S 01-1337 AND 01-1345 UNTIL THE NOVEMBER 15, 2001 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

**M**     Case #01-1346, Benjamin Wohl, 111 Dunbar Road

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 indicated that he was assured by the defendant that the project would be

completed by December 20, 2001. All that remains to be done is to finish the landscaping and a few small items.

MOTION BY MR. SLOANE TO FIND THE DEFENDANT GUILTY AND ORDERED TO COMPLETE THE PROJECT BY DECEMBER 20, 2001. IF THE PROJECT IS NOT COMPLETED, THE FINE WOULD BE RETROACTIVE TO TODAY'S DATE.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

N Case #01-1347. Donna A. Ward. 1564 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 DR. HORWICH TO POSTPONE CASE 01-1347 UNTIL THE DECEMBER 20, 2001 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

O Case #01-1348. Down By the Sea LLC. 224 South Ocean Blvd.

Violation of Chapter 42, 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 roofs shall be maintained so as not to leak.

Testimony was given by Brian House that as of today, nothing has been done. They are in the process of trying to sell this property. He advised the contractor that he would ask that they be found guilty and ordered to comply within 30 days.

Tom Dyer, on behalf of Ray Moran and Down by the Sea, indicated that this project is scheduled to be auctioned on December 1, 2001. If the property does not sell, they would go immediately before the building department to get a permit and have the house torn down by the 10<sup>th</sup> of December.

Robert L. Moore, Director of Planning, Zoning & Building indicated that since he had not gone before the Architectural Commission, he would have to file an application to go before the Architectural Commission for approval of a demolition plan in December. He could always withdraw the application if the property does sell. If it does not sell, they would already be on the December ARCOM Agenda and with approval they could take the permit out within 10 days. It will take a little longer to tear it down since it is beyond the December 1 deadline. He could actually complete this demolition process by January 15 to January 20, 2002.

Brian House recommended that the Board find them guilty and order to comply by repairing or raising the property by January 20, 2002.

MOTION BY MR. LAWRENCE TO FIND THE DEFENDANT GUILTY AND REQUIRE THEM TO MAKE APPLICATION FOR DEMOLITION TO ARCOM BY NOVEMBER 1, 2001 AND TO REPAIR OR DEMOLISH THE PROPERTY BY JANUARY 20, 2002.

MOTION SECONDED BY DR. HORWICH.

MOTION CARRIED UNANIMOUSLY.

- P     Case #01-1349, Laura Andre, Inc., 159 Sunset Avenue  
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. Also, according to the same Code, Chapter 106, Section 106-159 (a) and (b) a vertical clearance of eight (8) feet above the Lake Trail and sidewalks and extending the full width above all sidewalks and the Lake Trail must be maintained.

Mr. House requested that the Board find them guilty of both violations. They did not bring the property into compliance within the requested time limit. We can bring it back in the future if compliance is not maintained.

MOTION BY MR. SLOANE TO FIND THE DEFENDANT GUILTY AND ORDERED TO MAINTAIN COMPLIANCE.

MOTION SECONDED BY MR. BALE.

MOTION CARRIED UNANIMOUSLY.

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

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

- H     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.
- I     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.
- J     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.
- K     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.
- L     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.
- M     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.
- N     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.
- O     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.
- P     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.
- Q     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.

- R     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.
- S     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.
- T     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.
- U     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.
- V     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.
- W     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.
- X     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.
- Y     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.
- Z     Case #01-1375, Maureen N. Donnell, 300 Parc Monceau  
Violation of Chapter 18, Section 102.4.4 of the Town of Palm Beach Code of Ordinances, the installation of an addition to a wall requires a building permit. The Town may not issue a permit for the subject wall addition. The addition made the wall one (1) foot in height greater than allowed by Town Zoning Ordinance #2-74, as amended.

MOTION BY MR. BALE TO SET THE ABOVE CASE #'S 01-1350, 01-1351, 01-1352, 01-1353, 01-1354, 01-1355, 01-1356, 01-1357, 01-1358, 01-1359, 01-1360, 01-1361, 01-1362, 01-1363, 01-1364, 01-1365, 01-1366, 01-1367, 01-1368, 0-1369, 01-1370, 01-1371, 01-1372, 01-1373, 01-1374, 01-1375 FOR HEARING AT THE NOVEMBER 15, 2001 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

**VI. New Business:**

**VII. Old Business:**

A Case #01-1277, William J. Condren, 240 Banyan Road

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, prior to commencing work.

Brian House testified that Mr. Condren had been previously ordered to comply by obtaining a building permit for the fence that had been installed. It was installed on the easement and therefore we were not able to approve or issue a permit. He spoke to the attorney who agreed to comply as soon as he gets down here. If he cannot get his contractor to do it, he will hire another contractor to do it. He has asked for forty-five (45) days in order to accomplish this.

Lowry Bell, the neighbor across the street at 231 Banyan Road testified that he brought this matter to the Town's attention six or seven months ago. It was built too close to the street or in the right-of-way.

Mr. Sloane suggested that he be required to provide a survey. Further discussion continued.

MOTION BY MR SLOANE THAT THE DEFENDANTS BE FOUND GUILTY AND ORDERED TO BRING THE VIOLATION INTO COMPLIANCE WITHIN FORTY-FIVE (45) DAYS. A DOUBLE PERMIT FEE MUST BE PAID AND A SURVEY MUST BE SUBMITTED IN ORDER TO OBTAIN THE PERMIT. IF COMPLIANCE IS NOT OBTAINED, A FINE WOULD BE IMPOSED RETROACTIVE TO TODAY'S DATE.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED 5 TO 2, WITH MR. BALE AND MR. LEVINE OPPOSED.

**VIII. Adjournment:** The meeting was adjourned at 3:32 without benefit of a motion.