



Document

Document Name	SepMinutes92002	Subject	September 9, 2002 Code Enforcement	Date	Thu 09/19/2002
Directory	Code	Type	Minutes	Category	Code Enforcement

I. **Call to Order:** The meeting was called to order at 2:02 p.m. by Vice-Chairman, P. Robert Bale.

PRESENT:

Dr. Harry Horwich, Member
M. S. Rukeyser, Jr., Member
Pamela Hoffpauer, Member
Timothy Hoffman, Alternate Member
Brian K. House, Chief Code Compliance Officer
Robert S. Walton, Code Compliance Officer
John C. Randolph, Attorney

Eugene Lawrence, Chairman (unexcused)
Richard A. Raffo, Member (excused)
Joel P. Koeppel, Member (excused)

RECORDING SECRETARY: Deborah A. Morakis

MOTION BY DR. HORWICH TO APPROVE THE MINUTES OF THE
AUGUST 15, 2002 CODE ENFORCEMENT BOARD MEETING.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

A Case #02-1441, Gail Trinko, 2300 South 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 and building or building system. This permit must be obtained prior to commencing work.

Pamela Hoffpauer has recused herself since Gail Trinka is an associate.
After testimony was heard by Peter Broberg and Brian House the following motion was

made:

MOTION BY MR. HOFFMAN THAT THE DEFENDANT IN CASE #02-1441 BE FOUND GUILTY AND GIVEN THIRTY (30) DAYS AFTER THE TOWN COUNCIL DECISION TO ACHIEVE COMPLIANCE BY REMOVING THE AWNING OR HAVING THE AWNING PERMITTED AND INSPECTED.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

- B Case #02-1444, Danny Eugene Swanson, Addison Development, 209 Via Tortuga
Violation of Chapter 18, Section 18-87 (d) of the Town of Palm Beach Code of Ordinances, all properties must retain or properly drain all soil and water contained on or from the property, and any modification which may alter the drainage plan must be approved by the Town.
MOTION BY MS. HOFFPAUER TO FIND THE DEFENDANT IN CASE #02-1444 GUILTY AND ORDER THEM TO OBTAIN APPROVAL FOR CONSTRUCTION OF THE WALL WITHIN THIRTY (30) DAYS.
MOTION SECONDED BY DR. HORWICH.
MOTION CARRIED UNANIMOUSLY.
- C Case #02-1447, Guardhill Financial Corp., 205 Worth Avenue, Suite 201
Violation of Section 114.31 of the Town of Palm Beach Code of Ordinances, any person doing business in Town must obtain a Town occupational license.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #02-1447, 02-1454, 02-1455, 02-1456 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- D Case #02-1454, 101 No. County Road, Casablanca Café Americain, Inc.
Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinances, failure to submit acceptable Town-Serving documentation as required by Special Exception #21-99.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #02-1447, 02-1454, 02-1455, 02-1456 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- E Case #02-1455, 131 Seaview Avenue, George E. & Carole A. Mastics
Violation of Chapter 18, Section 18-242 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 MS. HOFFPAUER TO DISMISS CASE #02-1447, 02-1454, 02-1455, 02-1456 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- F Case #02-1456, 175 Worth Avenue, Hals Realty Associated, LTD
Violation of Chapter 18, Section 18-242 (103.5) of the Town of Palm Beach Code of Ordinances, all electrical systems which are unsafe or constitute a hazard shall be declared illegal and must be abated by repair or demolition as necessary.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #02-1447, 02-1454, 02-1455, 02-1456 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- G Case #02-1457, John L. & Louisa R. Cohan, 241 Kenlyn 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.

Brian House informed the Code Enforcement Board that we have not been able to obtain legal service and this case will be brought back at a later date. Attorney Skip Randolph indicated that no motion is necessary to do this.

- H Case #02-1458, Michael E. Bernstein, 242 Kenlyn 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 DR. HORWICH IN CASE #02-1458 TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- I Case #02-1459, Myron A. & Carolyn Minskoff, 111 El Mirasol
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.

Testimony was heard by Robert Kennedy, Trash Bureau Supervisor.
MOTION BY MR. HOFFMAN TO FIND THE DEFENDANT IN CASE #02-1459 GUILTY AND ORDERED TO PAY THE \$50.00 FINE PLUS COURT COSTS IN THE AMOUNT OF \$82.30 FOR A TOTAL DUE AND OWING OF \$132.30.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.
- J Case #02-1460, Jeffrey P. Prudden, Vacant Lot on Indian 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 DR. HORWICH THAT THE DEFENDANT BE FOUND GUILTY BUT ALL FINES AND COURT COSTS ARE WAIVED.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- K Case #02-1461, 105 Clarendon Corp., 105 Clarendon Avenue
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. RUKEYSER THAT THE DEFENDANT BE FOUND GUILTY BUT ALL FINES AND COURT COSTS ARE WAIVED.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- L Case #02-1462, Edie A. Balestrieri, 271 La Puerta Way
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 MS. HOFFPAUER TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE FOR CASE #'S 02-1462 AND #02-1463.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- M Case #02-1463, Brian J. & Lynne Cooke, 278 La Puerta Way
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 MS. HOFFPAUER TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE

FINE FOR CASE #'S 02-1462 AND #02-1463.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

- N Case #02-1464, Vesna Oelsner, 153 Woodbridge Road
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. HOFFMAN TO DISMISS CASE #02-1464 WITHOUT PREJUDICE.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

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

- A Case #02-1465, Frederick T. Bedford III, 345 Brazilian Avenue
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.
- B 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.
- C 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.
- D 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.
- E 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.
- F 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.
- G Case #02-1471, Catherine O. Yoh, 341 Peruvian Avenue
Violation of Chapter 106, Section 106-159 (a) 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.
- H Case #02-1472, Ms. Jane Freeman, 268 Nightingale Trail

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.

MOTION BY MS. HOFFPAUER TO SET CASE #'S 02-1465, 02-1466, 02-1467, 02-1468, 02-1469, 02-1470, 02-1471, 02-1472 FOR HEARING ON OCTOBER 17, 2002.

MOTION SECONDED BY DR. HORWICH.

MOTION CARRIED UNANIMOUSLY.

VI. New Business:

VII. Old Business:

A Case #00-1200. Joseph Burakoff, 201 El Dorado Lane

Violation of the Town of Palm Beach Code of Ordinances, Chapter 18, Section 18-242, Subsection 1 104.1.1, a building permit is required to construct, install, repair or alter any building or building system.

Brian House asked the Board to vacate the previous order and fine. We did not have proper legal notice back in 2000. The case will be brought back before the Board with a difference case number.

MOTION BY MR. RUKEYSER TO VACATE THE CODE ENFORCEMENT BOARD'S PREVIOUS ORDER AND FINE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

B Case #02-1354. Laura Andre, Inc., 159 Sunset Avenue

Violation of the Town of Palm Beach Code of Ordinances, Section 104.6.1.4, Small Projects, all new or remodel construction projects of 3,999 sq. ft. or less shall be allowed twelve (12) months.

Brian House read the previous Code Enforcement Board order. He stated that the lien was filed on May 24, 2002 and requested that the board authorize foreclosure. MOTION MY DR. HORWICH TO AUTHORIZE FORECLOSURE IN CASE#02-1354.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

C Case #02-1355. Laura Andre, Inc., 159 Sunset Avenue

Violation of the Town of Palm Beach Code of Ordinances, Section 104.6.1.4, Small Projects, all new or remodel construction projects of 3,999 sq. ft. or less shall be allowed twelve (12) months.

MOTION MY DR. HORWICH TO AUTHORIZE FORECLOSURE IN CASE #02-1355.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

D Case #02-1358. Harry J. Brown, 130 Peruvian Avenue

Violation of the Town of Palm Beach Code of Ordinances, Section 104.6.1.4, Small Projects, all new or remodel construction projects of 3,999 sq. ft. or less shall be allowed twelve (12) months.

MOTION BY MS. HOFFPAUER TO SET CASE #02-1358 FOR HEARING AT THE OCTOBER 17, 2002 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

- E Case #02-1396. Javier Marques De Olaso. 1496 North Lake Way
Violation of the Town of Palm Beach Code of Ordinances, Section 104.6.1.4, Medium Projects, all new or remodel construction projects of 4,000 sq. ft. to 8,999 sq. ft. shall be allowed twenty (20) months.

After much discussion the following motion was made:

MOTION BY MR. RUKEYSER TO AUTHORIZE FORECLOSURE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED 4 TO 1 WITH MR. HOFFMAN OPPOSED.

VIII. **Adjournment:** The meeting was adjourned at 3:18 p.m. without benefit of a motion.