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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, SEPTEMBER 18, 2003
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

I Call to Order: Vice-Chair Pamela Hoffpauer called the meeting to order at 2:00 p.m.

II Roll Call: Present: Pamela Hoffpauer, Vice Chair
Timothy Hoffman, Member
Hugh C. Davis, III, Member
Thomas M. Youchak, Member
George Klein, Alternate Member
Larry Ochstein, Alternate Member
Robert S. Walton, Code Compliance Officer
John C. Randolph, Town Attorney

Absent: Eugene Lawrence, Chairman (excused absence)
Joel P. Koeppel, Member (excused absence)
Richard A. Raffo, Member (excused absence)

Recording Secretary: Deborah A. Morakis

Let the record show that Alternate Members, George Klein and Larry Ochstein will vote today in the absence of Eugene Lawrence, Joel Koeppel and Richard Raffo.

III Approval of the Minutes of August 21, 2003:

MOTION BY MR. HOFFMAN FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.

Let the record show that all parties were sworn in by Ms. Morakis in preparation of their testimony today.

IV Public Hearings:

- A Case #03-1530, Edna C. Schmitt, 300 Seabreeze Avenue
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.
MOTION BY MR. DAVIS TO POSTPONE CASE #'S 03-1530, 03-1572 AND 03-1575 UNTIL THE OCTOBER 16, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.
- B Case #03-1554, Lovedy Barbatelli, % Henry Loos TR HLDR, 200 Kawama Lane
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, a building permit is required to 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 #'S 03-1554, 03-1562, 03-1570, 03-1571 AND 03-1574 FOR COMPLIANCE.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.
- C Case #03-1562, Lenne Gapstur, % Murphy Reid Pilotte Ord & Austin, 340 Royal Palm Way, Suite 100
Violation of Sections 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, anyone failing to renew their occupational license is doing business without a license.
MOTION BY MR. HOFFMAN TO DISMISS CASE #'S 03-1554, 03-1562, 03-1570, 03-1571 AND 03-1574 FOR COMPLIANCE.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.
- D Case #03-1570, Kean Investments, Inc., 260 Miraflores Drive
Violation of Chapter 42, Section 42-86 (3), grass shall not grow to a height greater than eight (8) inches and debris shall not be allowed to accumulate on property in the Town of Palm Beach. Also, according to the same Code, Section 42-86 (5), sand, soil, or other material shall not be allowed to accumulate.
MOTION BY MR. HOFFMAN TO DISMISS CASE #'S 03-1554, 03-1562, 03-1570, 03-1571 AND 03-1574 FOR COMPLIANCE.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.

- E Case #03-1571, Sand Pillow Properties, Inc., 2310 South Ocean Blvd.
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. Also, according to the same Code, Chapter 42, Section 42-86, grass shall not be allowed to grow taller than eight (8) inches and trash or debris shall not be allowed to accumulate on property in the Town of Palm Beach.
MOTION BY MR. HOFFMAN TO DISMISS CASE #'S 03-1554, 03-1562, 03-1570, 03-1571 AND 03-1574 FOR COMPLIANCE.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.
- F Case #03-1572, Devine Talent, 235 Sunrise Avenue, Suite C9
Violation of Chapter 114, Section 114-31 of the Town of Palm Beach Code of Ordinances, anyone doing business in the Town of Palm Beach must obtain an occupational license.
MOTION BY MR. DAVIS TO POSTPONE CASE #'S 03-1530, 03-1572 AND 03-1575 UNTIL THE OCTOBER 16, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.
- G Case #03-1573, Polly Earl, 209 Seaspray Avenue
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.
MOTION BY MR. YOUCHAK REGARDING CASE 03-1573 TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- H Case #03-1574, 1620 So. Ocean, LLC, 1620 So. Ocean Blvd.
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, grass shall not grow to a height greater than eight (8) inches and debris shall not be allowed to accumulate on property in the Town of Palm Beach.
MOTION BY MR. HOFFMAN TO DISMISS CASE #'S 03-1554, 03-1562, 03-1570, 03-1571 AND 03-1574 FOR COMPLIANCE.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.
- I Case #03-1575, Milton Partnership, LTD., 296 So. County Road
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior appurtenances shall be kept in sound condition and good repair.
MOTION BY MR. DAVIS TO POSTPONE CASE #'S 03-1530, 03-1572 AND 03-1575 UNTIL THE OCTOBER 16, 2003 CODE ENFORCEMENT BOARD HEARING.

**MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.**

- J Case #03-1576, Brian Kosoy, 211 Seabreeze Avenue
Violation of Chapter 134, Section 134-1671 of the Town of Palm Beach Code of Ordinances, a wall or fence shall not be located within two and one half feet (2 ½') of the rear property line without prior approval.
MOTION BY MR. KLEIN TO DISMISS CASE #03-1576.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.

V Presentation of New Cases to Set for Hearing:

- A Case #03-1577, Karen M. True, 324 Barton Avenue
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, grass shall not grow to a height greater than eight (8) inches and debris shall not be allowed to accumulate on property in the Town of Palm beach. Also, according to 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.
- B Case #03-1578, Murgan Family Partnership, 233 Royal Poinciana Way

Violation of Chapter 114, Section 14-34 of the Town of Palm Beach Code of Ordinances, it is unlawful to rent units without obtaining a valid occupational license. C Case #03-1579, Four 01 Antigua Ltd., 401 Antigua
Violation of Chapter 106, Section 106-59 of the Town of Palm beach Code of Ordinances, a clearance of eighteen (18) feet must be maintained above all roadways and alleys.
- D Case 03-1580, Anthony Solo, 227 Angler Avenue
Violation of Chapter 42, Section 42-86 of the Town of Palm beach Code of Ordinances, grass shall not grow to a height greater than eight (8) inches and debris shall not be allowed to accumulate on property in the Town of Palm Beach.
- E Case #03-1581, Sandra G. Cofer, 2227 Ibis Isle Road
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, grass shall not grow to a height greater than eight (8) inches and debris shall not be allowed to accumulate on property in the Town of Palm Beach.
- F Case #03-1582, ERA Construction Inc., of Palm Beach, 1090 South Ocean Blvd.

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, grass shall not grow to a height greater than eight (8) inches and debris shall not be allowed to accumulate on property in the Town of Palm Beach. Also, according to 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.

- G Case #03-1583, Stationer on Sunrise, % Darlene Blanchard, 247 Sunrise Avenue
Violation of Sections 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, on February 1 of each year, anyone failing to renew their Occupational License is doing business without a license. (Fictitious Name Registration Required).
- H Case #03-1584, Peter Matwiczuk, 1215 N Lake Way
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.
- I Case #03-1585, Elizabeth Bartram, 285 Orange Grove Road
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.
- J Case #03-1586, David M. Zirin, 110 Angler Avenue
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.
- K Case #03-1587, Justus W. Reid, 227 Eden Road
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.
- L Case #03-1588, John C. Rau, 207 Mediterranean Road
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.
- M Case #03-1589, Jennifer Garrigues, 246 Esplanade Way
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.

- N Case #03-1590, John Atkinson, 250 Clarke Avenue
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.
- O Case #03-1591, Double US Inc., 248 Sandpiper Drive
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.

MOTION BY MR. HOFFMAN TO SET CASE #S 03-1577, 03-1578, 03-1579, 03-1580, 03-1581, 03-1582, 03-1583, 03-1584, 03-1585, 03-1586, 03-1587, 03-1588, 03-1589, 03-1590 AND 03-1591 FOR THE OCTOBER 16, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

VI New Business:

No new business.

VII Old Business:

- A 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.

Mr. Robert Walton, Code Compliance Officer for the Town of Palm Beach stated that this house has taken considerably longer than the Code allows for completion of a project this size.

Attorney Skip Randolph reminded the Board that their recommendation for foreclosure went to the Town Council which authorized foreclosure. There were some postponements by the Town Council and the Council advised Mr. Brown that they would forego foreclosure proceedings if Mr. Brown would agree to pay a deposit of \$40,000.00 toward the fine. Mr. Brown would then have the opportunity to come before the Code Enforcement Board and explain why this fine should be abated or reduced. The fine has accrued to approximately \$112,000.00 and Mr. Brown is here today to give his reasons why the Board should abate or reduce the fine.

Mr. Alfred M. Brown, here on behalf of Harry J. Brown, stated that at the October 2002 Code Enforcement Board Meeting, the Board allowed sixty (60) days to get

substantial completion on the house. At the end of that meeting, he and Rick Warner asked Mr. House to clarify the terms of substantial completion. Mr. House said to do the pavers in the front and get the landscaping in the front done. A statement from BD Inspection Company, an independent inspection agency, done on December 27, 2002 that states that the project was 94% completed.

After the inspection report and pictures, identified as December 27, 2002 were passed around for the board to see, Mr. Walton gave specific dates of correspondence in the case and read the previous order given by the Board. The October 17, 2002 order granted a sixty-day extension for completion or a \$250.00 per day fine would start. In December of 2002, the lien was recorded and the notice of foreclosure was mailed out in April.

Mr. House stated that as the Town's Chief Code Compliance Officer he tried to give them extra time before bringing this case before the Code Enforcement Board. In October, when they were given an extra sixty days, the Board said that the landscaping had to be complete. Mr. Brown said that the landscape was complete. When I left the Town in June, the neighbors were still complaining. The landscaping along the west side of the property was not complete and neither was the wall.

Mr. Walton stated that the final inspection was passed on July 7, 2003 but the Certificate of Occupancy has not been issued pending resolution of the Code Enforcement issue.

Mr. House read from the October 17, 2002 minutes. The landscaping had to be in. The landscaping was not in. For the record, Mr. Brown is seeking a total rescinding of the fine. Mr. Walton stated that as of September 9, 2003, the fine is at \$116,000.00. Mr. Walton recommended the fine be split to \$58,000.00 and paid within ten (10) days and if not paid, the Town should proceed with foreclosure.

Robert Moore, Director of Planning, Zoning and Building was sworn in and stated that the fine is an important issue and an important message to send. There are cases that come to the Planning, Zoning and Building Department and 90% of them never get to the Code Enforcement Board for hearing and maybe 1% ever get to the Board for negotiations of the fine. Mr. Brown maintained that he was unable to get the windows. The Town closed the street and they could not work on the pool. Mr. Brown could ask for relief for that number of days only.

After further discussion the following motion was made:

MOTION BY MR. HOFFMAN REGARDING CASE #01-1358, TO REDUCE THE AMOUNT OF THE LIEN FROM \$116,000.00 TO \$75,000.00 AND ORDER PAYMENT BY CASHIERS CHECK WITHIN FIFTEEN (15) DAYS. IF PAYMENT IS NOT RECEIVED WITHIN FIFTEEN (15) DAYS, FORECLOSURE PROCEEDINGS WILL CONTINUE.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.

- B Case #03-1550, Adelphia, 360 So. County Road
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, balance due of \$65.00 and must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.

Robert Walton, Town of Palm Beach Code Compliance Officer, stated that Adelphia is working diligently on this and has requested a 30-day postponement. Mr. Walton read a letter received from Adelphia requesting a thirty-day postponement.

**MOTION BY MR. HOFFMAN TO POSTPONE CASE #03-1550 UNTIL THE OCTOBER 16, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.**

- C Case #03-1534, Brighton Pavillion, 336 Worth Avenue
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.

Mr. Robert Walton stated that Brighton Pavillion and Devonshire owe money to the State of Florida. They are unable to obtain the Fictitious name registration until the balance is paid to the State. They have reached an agreement with the State and the balance will be paid by December. They are requesting a thirty-day postponement.

**MOTION BY MR. DAVIS TO POSTPONE CASE #'S 03-1534 AND 03-1537 UNTIL THE DECEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.**

- D Case #03-1537, Devonshire, 340 Worth Avenue
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, balance due of \$34.70 and must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.

Mr. Robert Walton stated that Brighton Pavillion and Devonshire owe money to the State of Florida. They are unable to obtain the Fictitious name registration until the balance is paid to the State. They have reached an agreement with the State and the balance will be paid by December. They are requesting a thirty-day postponement.

MOTION BY MR. DAVIS TO POSTPONE CASE #'S 03-1534 AND 03-1537

UNTIL THE DECEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. YOUCHAK.

MOTION CARRIED UNANIMOUSLY.

E Case #01-1384, 332 South County Road, LLC, 332 South County Road

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

Mr. Walton stated that the owner of the property has paid a total of \$23,000.00 to the Town of Palm Beach to date. The balance of the fine is \$36,500.00 and the property owner is working toward completion of the project. There are painters and plasterers working there today. Mr. Roddy was reminded this morning that someone needed to be here today to address the board.

Mr. Brooks Ricca, Attorney representing Mr. Roddy, stated that to date work is continuing on the property and he is here to answer any questions the Board may have. Mr. Ricca asked that the case be postponed for thirty (30) days.

MOTION BY MR. HOFFMAN TO POSTPONE CASE # 01-1384 UNTIL THE OCTOBER 16, 2003 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. YOUCHAK.

Mr. Walton confirmed that the fine will stop when the job is completed.

MOTION CARRIED UNANIMOUSLY

VIII Adjournment: The meeting was adjourned at 3:05 p.m. without benefit of a motion.