



TOWN OF PALM BEACH

TENTATIVE AGENDA: SUBJECT TO REVISION

CODE ENFORCEMENT BOARD

360 S. COUNTY ROAD, TOWN COUNCIL CHAMBERS

SEPTEMBER 15, 2022

02:00 P.M.

The progress of this meeting maybe monitored by visiting the Town's web site. (www.townofpalmbeach.com), selecting the "Your Government" tab and clicking on "Audio (Live and Archived)." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting."

I. Call to Order:

II. Roll Call:

Bram Majtlis, Chairman
Scotch Peloso, Vice Chairman
Linda K. Wartow
Martin Klein
Chris Larmoyeux
Pamela Saba
John McGowan
Harris S. Fried, Alternate Member
Pamela Davies, Alternate Member

III. Approval of the Minutes of August 15, 2022:

IV. Administration of the Oath to Town Staff:

V. Code Statistics:

VI. Public Hearings:

A. Case # CE 22-760, 1435 N Ocean Way (Blvd)., Platinum Palm Beach Holdings LLC:
Violation of Chapter 18, Section 18-233 of the Town of palm Beach Code of Ordinances adopts the Florida Building Code which requires building permits to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system. Chapter 18, Section 18-175 requires ARCM approval prior to the issuance of certain permits.

- B. Case # CE 21-1334, 1435 N Ocean Way (Blvd), Platinum Palm Beach Holdings LLC:
Chapter 18, Section 18-88 of the Town of Palm Beach Code of Ordinances states no person shall construct, modify or repair any retaining walls in the town without having first submitted to the building official detailed plans and specifications for the construction of such retaining walls, which detailed plans and specifications shall bear the approval of a professional engineer registered in the state. Upon review of the plans, the applicant may be required to submit a storm water management plan. Retaining walls shall not occupy easements or road rights of way.

Chapter 18-277(b) of the Town of Palm Beach Code of Ordinances states where public has established an accessway through private lands to lands Seward of mean high tide or water line prescription, perspective easement, or other legal means, development or construction shall not interfere with such right of access unless a comparable alternative accessway is provided. The property owner or developer shall have the right to improve, consolidate, or relocate such public accessways so long as they are:

- (1) Of substantially similar quality and convenience to the public.
- (2) Approved by the local government and approved by the Florida Department of Environmental Protection (DEP) whenever improvements are involved seaward of the coastal construction control line; and (3) Consistent with the coastal management element of the local comprehensive plan adopted pursuant to F.S. 163.3178.

- C. Case # CE 22-1486, 102 Reef Road, Garden Couture:
Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of Ordinances states lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199 which states work is allowed Monday thru Friday. Heavy equipment or other outdoor construction related, and lawn maintenance noise shall not be permitted before 9:00 a.m. Only quiet interior work from 8:00 am to 9:00 am is permitted.
- D. Case # CE 22-1445, 221 El Vedado Road, Hedrick Brothers Construction Company Inc.:
Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances states work is allowed Monday thru Friday. Heavy equipment or other outdoor construction related, and lawn maintenance noise shall not be permitted before 9:00 a.m. Only quiet interior work from 8:00 am to 9:00 am is permitted.
- E. Case # CE 22-1440, 1305 N. Ocean Way, Rogers Construction Contracting Corp.:
Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances states work is allowed Monday thru Friday. Heavy equipment or other outdoor construction related, and lawn maintenance noise shall not be permitted before 9:00 a.m. Only quiet interior work from 8:00 am to 9:00 am is permitted.
- F. Case # CE 22-1371, 120 Dunbar Road, 120 Dunbar Road Trust:
Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to have, keep, maintain, cause or permit within the town any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.

- G. Case # CE 22-1303, 2285 Ibis Isle Rd., Global One Investment Group LLC:
Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to have, keep, maintain, cause or permit within the town any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.
- H. Case # CE 22-1301, 230 S. Ocean Blvd., Melisa Ceriale:
Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances states work is allowed Monday thru Friday. Heavy equipment or other outdoor construction related, and lawn maintenance noise shall not be permitted before 9:00 a.m. Only quiet interior work from 8:00 am to 9:00 am is permitted.
- I. Case # CE 22-1280, 142 Casa Bendita, Greenz Pro:
Violation of Chapter 42, Section 42-197(12)(b) of the Town of Palm Beach Code of Ordinances states the use of gasoline powered leaf blowers is prohibited within the town, which is less than one acre in size. Effective May 1, 2022, gasoline powered leaf blowers shall be prohibited on any size property within the town.
- J. Case # CE 22-748, 210 Via Del Mar, Beachboyz Development LLC:
Violation of Chapter 54, Section 54-71(a) of the Town of Palm Beach Code of Ordinances states no landmark nor any building or site planning feature, including but not limited to landscaping, garden walls, pools, fountains, etc., on a landmark site or within an historic district shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the commission. Similarly, if earthworks of historical or archaeological importance exist in an historic district, or on a landmark site, there shall be no excavating or moving of earth, rock or subsoil in or about such earthworks without a certificate of appropriateness. For the purpose of this article, "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a landmark site or within an historic district, if located or plainly visible from out-of-doors, shall be under the control of the commission.
- K. Case # CE 21-1540, 168 Reef Road, Lea Butler:
Violation of Chapter 18, Section 18-233 of the Town of palm Beach Code of Ordinances adopts the Florida Building Code which requires building permits to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system.
- L. Case # CE 22-1170, 240 Oleander Ave., PTMJM Florida Investment Properties LLC:
Violation of Chapter 88, Section 88-16(L) of the Town of Palm Beach Code of Ordinances prohibits vegetation infested with pests such as whitefly.

- M. Case # CE 22-1054, 400 Seaspray Ave., 400 Seaspray Ave LLC:
Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances requires a clearance of 8 feet, measured vertically from the edges and extending the full width of all sidewalks and bike trails in the Town to be maintained at all times for the unobstructed passage of pedestrians and others using such sidewalks and bike trails.
Violation of Chapter 88, Section 88-16(L) of the Town of Palm Beach Code of Ordinances prohibits vegetation infested with pests such as whitefly.
- N. Case # CE 22-1475, 247 Worth Ave., Batten Construction:
Violation of Chapter 106, Section 106-4 of the Town of Palm Beach Code of Ordinances states the director of public works shall establish and maintain a manual pertaining to construction standards and town policy concerning work within road rights-of-way and easements. This manual shall be titled “Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach” and shall be binding upon contractors, utility companies, residents, and others with respect to construction and maintenance activities within the town’s rights-of-way and easements. The rights-of-way manual shall be adopted and amended as necessary by resolution of the town council.
- O. Case # CE 22-1046, 304 S. County Road, Thomas Campaniello:
Violation of Chapter 88, Section 88-16(c) of the Town of Palm Beach Code of Ordinances states sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- P. Case # CE 22-871, 3360 S. Ocean Blvd., 3360 South Ocean Condo Association:
Violation of Chapter 88, Section 88-18 of the Town of Palm Beach Code of Ordinances states that the exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare.
- Q. Case # CE 22-1623, 269 Jamaica Lane, Marrano Holdings 2022 LLC:
Violation of Chapter 2, Section 2-428 of the Town of Palm Beach Code of Ordinances states if the code inspector has reason to believe a violation presents a serious threat to public health, safety and welfare, or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may proceed directly to the procedure in section 2-432 without notifying the violator. Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to have, keep, maintain, cause or permit within the town any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding. Violation 106-159 of the Town of Palm Beach Code of Ordinances requires a clearance of 8 feet, measured vertically from the edges and extending the full width of all sidewalks and bike trails in the Town to be maintained at all times for the unobstructed passage of pedestrians and others using such sidewalks and bike trails.

VII. Fine Reduction Hearing:

A. Case # CE 22-183, 250 Worth Ave., Frank Aubert Jewelry:

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code, which requires building permits to construct, enlarge, alter, repair, move, convert, or replace any electrical, mechanical or plumbing system.

B. Case # CE 21-511, 425 Chilean Ave., Lorraine S. Charman:

Violation of Chapter 66, Section 66-23(a) of the Town of Palm Beach Code of Ordinances vegetation removal permits not sought in conjunction with building permits, shall be obtained by making application prior to removal, relocation or replacement to the building official or his designee, at least ten working days prior to the proposed date of removal.

VIII. Old Business:

A. Case # CE 18-400, 2840 S. Ocean Blvd. #223, Husnija Spahic:

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code, which requires building permits to construct, enlarge, alter, repair, move, convert, or replace any electrical, mechanical or plumbing system.

IX. Board Comments:

X. Adjournment: