

**CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, AUGUST 18, 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 Joel P. Koeppe, Member Hugh C. Davis, III, Member George Klein, Alternate Member Robert S. Walton, Chief Code Compliance Officer John C. Randolph, Town Attorney
Absent:	Timothy Hoffman, Member (excused) Richard A. Raffo, Member (excused) Thomas Youchak, Member (resigned) Larry Ochstein, Alternate Member (excused)
Recording Secretary:	Deborah Morakis

Mr. Lawrence announced that the Town has received a letter of resignation from Thomas Youchak. Mr. Youchak made a major contribution to the Code Enforcement Board and we wish him well.

III Approval of the Minutes of July 21, 2005:
MOTION BY MR. DAVIS FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MS. HOFFPAUER.
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 #05-1880, 232 Tradewind Dr, TAJA Realty TR, Lewis J. Dinitto TR, Henry M. Rosen 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.

Chief Code Compliance Officer Robert Walton reported to the Board that this house is slated for demolition. The house was tented yesterday and will be demolished by Cushing Demolition. The owner's representative who was met on site said it would be cleaned up by noon today. Town Code Enforcement Officer Mohammad Jamal was at the site today at 1:30 p.m. and confirmed that the property has not been cleaned. Mr. Walton recommended that the Code Enforcement Board find the Defendant in non compliance and allow three (3) days to clean this property.

**MOTION BY MR. KOEPPPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND
ALLOW THREE (3) DAYS TO CLEAN THE PROPERTY.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.**

- B Case #05-1881, 1388 No. Lake Way, Wilson E. Marie EST
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.

Mr. Walton advised the Board that this is the same property owner as Case #05-1880 and this property is also slated for demolition. Code Officer Mohammad Jamal was on site today and found the property has not been cleaned. After further discussion, the following motion was made:

**MOTION BY MR. KOEPPPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND
ALLOW THREE (3) DAYS TO CLEAN THE PROPERTY.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.**

- C Case #05-1882, 2310 So. Ocean Blvd., Craig J. Martone, Stacey Martone
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 MS. HOFFPAUER TO DISMISS CASE # 05-1882, 05-1885, 05-1886, 05-1889,
05-1891, 05-1892, 05-1893, 05-1894 AND 05-1897 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- D Case #05-1883, 233 Mockingbird Trail, Dave Scialabba
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.

Mr. Walton reported that this is a vacant lot where the house was torn down and the lot was irrigated and seeded. The grass has become overgrown.

**MOTION BY MR. KOEPPPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE
AND IS GIVEN SEVEN (7) DAYS TO COMPLY.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.**

- E 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.

**MOTION BY MR. KOEPPPEL THAT CASE #05-1884 BE POSTPONED UNTIL THE
SEPTEMBER 15, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.**

- F Case #05-1885, 206 Caribbean Road, William T. Kemble, Jr.
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 MS. HOFFPAUER TO DISMISS CASE # 05-1882, 05-1885, 05-1886, 05-1889, 05-1891, 05-1892, 05-1893, 05-1894 AND 05-1897 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- G Case #05-1886, 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.
MOTION BY MS. HOFFPAUER TO DISMISS CASE # 05-1882, 05-1885, 05-1886, 05-1889, 05-1891, 05-1892, 05-1893, 05-1894 AND 05-1897 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- H Case #05-1887, 216 Colonial Lane, David A. Freeman
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.
- Mr. Walton reported that this vacant lot has become overgrown since the house was demolished. The property is being cut but not frequently enough. Mr. Walton asked for a finding of non compliance.
MOTION BY MR. KOEPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND ALLOW SEVEN (7) DAYS TO COMPLY.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- I Case #05-1888, 1438 No. Ocean Blvd., Lisa Schultz, Michael Schultz
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 trash and debris to accumulate.
Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances, it shall be unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.
- Mr. Walton reported that he met with the local caretaker on site. The pool pump was repaired and the pool is now being maintained but the property was not cleaned. Mr. Walton's recommendation to the Board was to find the Defendant in non compliance of Chapter 42, Section 42-86 and allow seven days to comply and that the violation of Section 42-126 be dismissed.
MOTION BY MR. KOEPEL TO DISMISS THE VIOLATION OF CHAPTER 42, SECTION 42-126.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- MOTION BY MS. HOFFPAUER TO FIND THE DEFENDANT IN NON COMPLIANCE WITH CHAPTER 42, SECTION 42-86 WITH SEVEN (7) DAYS TO COMPLY.**
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.

- J Case #05-1889, 241 El Dorado Lane, Evelyn A. Hall
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 trash and debris to accumulate.
Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances, it shall be unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.
MOTION BY MS. HOFFPAUER TO DISMISS CASE # 05-1882, 05-1885, 05-1886, 05-1889, 05-1891, 05-1892, 05-1893, 05-1894 AND 05-1897 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- K Case #05-1890, 1348 No. Lake Way, Taja Realty Trust
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 Code Compliance Officer Walton reported that this property is overgrown and is slated for demolition. Town Code Compliance Officer Mohammad Jamal was at the site at 1:30 p.m. today and the property has not been cleaned.
MOTION BY MS. HOFFPAUER TO FIND THE DEFENDANT IN NON COMPLIANCE AND ALLOW THREE (3) DAYS TO COMPLY.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.
- L Case #05-1891, 221 El Vedado Road, Marjorie E. Cloud
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.
MOTION BY MS. HOFFPAUER TO DISMISS CASE # 05-1882, 05-1885, 05-1886, 05-1889, 05-1891, 05-1892, 05-1893, 05-1894 AND 05-1897 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- M Case #05-1892, 211 Eden Road, William S. Friedman
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet, measured vertically above all alleyways in the Town, shall be maintained at all times for the unobstructed passage of pedestrians and others using said alleyways.
MOTION BY MS. HOFFPAUER TO DISMISS CASE # 05-1882, 05-1885, 05-1886, 05-1889, 05-1891, 05-1892, 05-1893, 05-1894 AND 05-1897 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- N Case #05-1893, 227 Eden Road, Justus W. Reid, Phyllis Reid
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet, measured vertically above all alleyways in the Town, shall be maintained at all times for the unobstructed passage of pedestrians and others using said alleyways.
MOTION BY MS. HOFFPAUER TO DISMISS CASE # 05-1882, 05-1885, 05-1886, 05-1889, 05-1891, 05-1892, 05-1893, 05-1894 AND 05-1897 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.

- O Case #05-1894, 324 Garden Road, Lido, LLC
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet, measured vertically above all alleyways in the Town, shall be maintained at all times for the unobstructed passage of pedestrians and others using said alleyways.
MOTION BY MS. HOFFPAUER TO DISMISS CASE # 05-1882, 05-1885, 05-1886, 05-1889, 05-1891, 05-1892, 05-1893, 05-1894 AND 05-1897 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- P Case #05-1895, 226 Royal Palm Way, #A, American Resort Properties, Inc., Peter Gemmi
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.

Mr. Walton reported that American Report Properties has moved out of town.
MOTION BY MR. KOEPPPEL TO DISMISS CASE #05-1895.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- Q 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.

Chief Code Compliance Officer Walton reported to the Board that this project is now in its nineteenth (19) month.

Attorney Peter Broberg, representing the property owner, testified that this property was purchased by Mr. & Mrs. Cruz with architectural plans already approved by the Architectural Review Commission. However, this project had to go back before the Architectural Review Commission since the style of the house was being changed from a British Colonial style to a Spanish Revival style. A list of delays that were encountered due to the hurricanes last year was also reported. The construction schedule indicates a completion date of November 2, 2005.

Town Attorney Skip Randolph advised the Board that the Town's Code of Ordinance was modified to require builders who were going to exceed the allowable time frame, to come before the Town Council and advise them or it would be turned over to the Code Enforcement Board.

Chief Code Officer Walton reported to the Board that the site has been improved recently but that there have been complaints from the neighbors.

J. P. DeMissa of the New Century Company, the owner's representative, advised the Board that Mel Urban is the project general contractor who has obtained the permit. Referencing the completion schedule, landscaping will begin on August 25. The installation of the remaining landscaping will start on September 28 and will be completed October 10, 2005.

After further discussion, the following motion was made:
MOTION BY MR. KOEPPPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND REQUIRE THAT THE DEFENDANT COMPLETE THE LANDSCAPING PORTION OF THE PROJECT BY AUGUST 31, 2005 AND GRANT UNTIL NOVEMBER 15, 2005 FOR COMPLETION OF THE PROJECT. IT IS FURTHER ORDERED THAT THE DEFENDANT PROVIDE A REPORT TO THE BOARD AT THE SEPTEMBER 15, 2005 AND OCTOBER 20, 2005 CODE ENFORCEMENT BOARD HEARINGS.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

R Case #05-1897, 200 No. Ocean Blvd., Warden House Condominium
Violation of Section 54-71 of the Town of Palm Beach Code of Ordinances, no landmark nor any building or site planning feature, including but not limited to landscaping garden walls, pools, fountains, etc., on a landmarked site or within a 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 for an approval by the Commission.
MOTION BY MS. HOFFPAUER TO DISMISS CASE # 05-1882, 05-1885, 05-1886, 05-1889, 05-1891, 05-1892, 05-1893, 05-1894 AND 05-1897 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.

S Case #05-1898, 1530 No. Lake Way, Malcolm Geffer, Katherine Kirk
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all appurtenances such as driveway shall be kept in a safe condition and a good state of repair. 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 vegetation to accumulate.

Brett Elhilow of Marion Construction, the general contractor for the project, advised the Board that this property is scheduled for demolition in approximately two weeks.
MOTION BY MR. KOEPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND ALLOW UNTIL SEPTEMBER 14, 2005 TO COMPLY.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.

VI Presentation of Cases to Set for Hearing:
MOTION BY MR. KOEPEL TO SET CASE #'S 05-1899, 05-1900, 05-1901, 05-1902, 05-1903, 05-1904, 05-1905, 05-1906, 05-1907, 05-1908, 05-1909, 05-1910, 05-1911, 05-1912 AND 05-1913 FOR HEARING AT THE SEPTEMBER 15, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.

A Case #05-1899, 225 Worth Avenue, Brooks Brothers, Inc.
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.

B Case #05-1900, 137 Dunbar Road, Parker B. Ladd TR, Arnold Scaasi TR
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet, measured vertically above all roads and alleyways in the Town, shall be maintained at all times for the unobstructed passage of pedestrians and others using said roads and alleyways.

C Case #05-1901, 147 Dunbar Road, Jane B. Holzer
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet, measured vertically above all roads in the Town, shall be maintained at all times for the unobstructed passage of vehicles.

D Case #05-1902, 230 Royal Palm Way, Ste 232A, FJK Properties, Inc.
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

- E Case #05-1903, 3230 So. Ocean Blvd., #307, Dinair O. Fisher
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.
- F Case #05-1904, 211 Tangier Avenue, Janina Radtke 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.
- G Case #05-1905, 215 Seminole Avenue, Brenda H. Schwerin
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.
- H Case #05-1906, 208 Mockingbird Trail, Carol A. Casey, John J. Casey
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.
- I Case #05-1907, 209 Mockingbird Trail, Kathryn's Corp.
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 42-126 of the Town of Palm Beach Code of Ordinances, it shall be unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.
- J 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.
- K 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.
- L 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.
- M Case #05-1911, 353 Peruvian Avenue, Steve & Linda Horn, Inc.
Violation of Chapter 22, Section 22-57 and 22-58 of the Town of Palm Beach Code of Ordinances, all windows of buildings located in the commercial zoning districts, either vacant or under renovation shall screen the interior for the full size of the window and this screen shall be lighted and decorated.

N Case #05-1912, 408 Chilian Avenue, Danielle Debenedictis
Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances, it shall be unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.
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.

O Case #05-1913, 111 Atlantic Avenue, Sandell Corp.
Violation of Chapter 106, Section 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 for unobstructed passage of pedestrians.
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.

VII New Business:

No New Business.

VIII Old Business:

Mr. Walton advised the Board that although different motions may be required for each of the next three cases, 04-1706, 04-1707 and 04-1708 the testimony heard will be for all three cases. The fines to date are \$11,000.00 on each case for a total of \$33,000.00 and are continuing to run. The projects are substantially complete.

Michael Mosher, Architect for the project, reported to the Board the status of the project and stated that a Certificate of Completion should be obtained within several days.

After further discussion, it was determined that at this time, a request for the reduction of the fines is premature. They will return in September after the project is completed.

MOTION BY MR. KOEPEL THAT CASE #'S 04-1706, 04-1707 AND 04-1708 BE POSTPONED UNTIL THE SEPTEMBER 15, 2005 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

A Case #04-1706, Mr. Thomas Campaniello, 308 So. County Road
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, interior walls and ceilings shall be structurally sound, roofs must be maintained so as not to leak, all doors and windows shall be in a maintained condition and other appurtenances shall be kept in a good state of repair.

B Case #04-1707, Mr. Thomas Campaniello, 306 So. County Road
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, interior walls and ceilings shall be structurally sound, roofs must be maintained so as not to leak, all doors and windows shall be in a maintained condition and other appurtenances shall be kept in a good state of repair.

- C Case #04-1708, Mr. Thomas Campaniello, 304 So. County Road
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, interior walls and ceilings shall be structurally sound, roofs must be maintained so as not to leak, all doors and windows shall be in a maintained condition and other appurtenances shall be kept in a good state of repair.
- D Case #05-1834, 265 Everglades Avenue, Borden W. Stevenson TR
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances: building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

**MOTION BY MS. HOFFPAUER TO DISMISS CASE #05-1834 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION CARRIED UNANIMOUSLY.**

- E 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.

Mr. Walton testified that the shed on this property was destroyed by the hurricanes last year and that Mr. Lynn rebuilt the shed without a permit. Mr. Lynn is investigating the possibility of converting this property from a duplex to a single family home which will change the setback requirements for this accessory structure. Mr. Walton suggested the Board find the Defendant in non compliance and grant 30 days to come in with a construction schedule.

Veronica Close, Assistant Director for Planning, Zoning & Building Department advised the Board that setback requirements for single family homes are different from requirements for duplex homes. The applicant is hoping that if he comes in for conversion to a single family structure he can keep the shed in its original place and include it in the permit. If he retains a duplex, he will have to rebuild the shed in a different location.

**MOTION BY MR. KOEPPPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND GIVE
UNTIL SEPTEMBER 14, 2005 TO COMPLY. DEFENDANT MUST APPEAR AT THE
SEPTEMBER 15, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.**

- F 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.

Roger Peppin, Sr. Project Manager for Woolems Construction and David Wallace the Superintendent on this job reported to the Board the status of the project. The property owner is out of town and will not permit work to be done in his absence and will not permit more than three workers onsite at any time. If normal construction methods were used, this project could be completed within three weeks. The project is approximately three weeks behind the previously submitted construction schedule.

After further discussion, it was determined that no motion was necessary at this time since this was a progress report only.

- G Case #05-1852, 710 So. Ocean Blvd., Brookshire, Ltd.
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.
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: debris shall not be allowed to accumulate on property in the Town of Palm Beach.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #05-1852 FOR COMPLIANCE.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.

- H Case #05-1870, 183 No. County Road, Janith P. Holmes
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior surfacing shall be kept painted and in good repair.

Mr. Walton reported to the Board that a roofing permit was obtained within the five days as ordered by the Board. The Board granted forty-five days to complete the project. No motion is needed at this time.

- I Case #05-1876, 2875 S. Ocean Blvd. #104, Safe Technologies International, Inc.
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.

Mr. Walton reminded the Board that the Defendant was found in non compliance at the last meeting and given seven days to obtain an occupational license. He requested that a fine be imposed in the amount of \$250.00.

MOTION BY MS. HOFFPAUER TO IMPOSE A \$250.00 FINE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.

IX

Reports:

Town Attorney Skip Randolph reported to the Board that staff is looking at a way to overhaul the process of how cases are set for hearing by the Code Enforcement Board. The Town Council has stated some concern regarding the length of time that people can remain in non compliance with Town Ordinances. Violation letters are sent asking them to come into compliance by a certain date. If compliance is not obtained by that date, the case is placed on the agenda for the Code Enforcement Board to hear at a subsequent hearing.

Staff is looking at amending the ordinance to allow the assessment of an administrative fee against persons and properties when they have to be set for hearing when they have ignored the first letter from Code Enforcement. There is concern that there are people who continue to violate. The case may be set for hearing, but then compliance is obtained before they come for hearing so the case is dismissed for compliance. Because they have not been found in non compliance, they could commit the same violation. Perhaps, rather than dismissing someone for compliance, if they have not abided by Code Enforcement's first letter, they should be found in non compliance so that if the violation happens a second time they could be looking at a double fine as opposed to a single fine. Town Council is concerned and staff is looking to address these issues by perhaps some sort of amendment to the ordinance and/or an amendment in its procedures.

Rob Walton demonstrated to the Board an example of how this would work.

A comment was made by Mr. Davis regarding the length of time allowed for construction projects and the steps contractors need to take in order to request time extensions. The process is spelled out in the Town's Code of Ordinances. An amendment to the ordinance may need to be made to accommodate projects of all sizes and also take into consideration the changes being made in the work hours permitted. At this time, only the larger projects have the ability to ask for a time extension.

X

Adjournment:

Meeting adjourned at 3:25 p.m. without benefit of a motion.