

**Town of Palm Beach
Code Enforcement Board
Minutes**

Thursday, July 15, 2010, 2:00 p.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town’s website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Raychel Houston, Secretary to the Code Enforcement Board at (561) 227-6386. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. Call to Order: (2:00:15 p.m.)

The meeting was called to order by Chairman Timothy Hoffman at 2:00 p.m.

II. Roll Call: (2:00:30 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Joel P. Koepfel, Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, James M. Ballentine, Jr. and alternate members, W. Anthony Dowell and Scotch Peloso.

Staff present: Town Attorney Matthew Ramenda, Lead Code Enforcement Officer Robert Walton, Code Enforcement Officer Nick Gerry and Recording Secretary Raychel Houston.

III. Approval of the Minutes of June 17, 2010 (2:00:50 p.m.)

**MOTION BY MR. KOEPPPEL TO APPROVE THE JUNE 17, 2010 MINUTES
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

(Mr. Hoffman acknowledged the presence of Council Member Diamond in the audience.)

IV. Administration of the Oath to Town Staff: (2:01:12 p.m.)

Town Staff who would be testifying were sworn in by Recording Secretary Houston.

V. Public Hearings: (2:01:23 p.m.)

A. Case # CE 10-291, 302 Maddock Way, Jeffrey and Frances Fisher

Violation of Chapter 134, Section 134-7 of the Town of Palm Beach Code of Ordinances, failure to comply with conditions established in connection with grants of variances or special exceptions

Lead Code Enforcement Officer Walton presented the facts of the case and said the case was referred from the Building Department. Mr. Walton entered the photographs into evidence and said the property has not been brought into compliance. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until August 12, 2010 to comply.

Guy Rabideau was present on behalf of the property owners, Jeffrey and Frances Fisher. He said the Fishers bought the property and closed on April 21, 2010 and they did know they had an obligation to tear down the tea house. There was a tenant in the tea house who had not moved out yet and after the tenant moved out, the Fishers hired Cushing Demolition to pull the permit and demolish the house. Cushing did not get the final utilities sign off allowing them to demolish the house until yesterday but unfortunately, two days ago they found out they needed ARCOM approval. They did not know they needed to go to ARCOM because the demolition of the house was pursuant to an agreement with the Town Council. The earliest they can go before ARCOM is the August 25th meeting and pursuant to ARCOM rules, there is a 10 business day appeal period following that, so the earliest they can get a permit to demolish the house is September 10th.

Mr. Fried asked if there was any problem with the house not being demolished until the end of September. Mr. Walton said the house is well shielded by the shrubbery and he has not received any complaints on the structure. The only reason it has to be demolished is because of the agreement. Mr. Koepfel asked why this needed to go before ARCOM if it was part of an agreement. Paul Castro, Zoning Administrator, said a little over two years ago, the previous property owner was given approval to subdivide the Maddock estate into six lots. As a condition of approval, the Song Tea House was to be demolished by May 9th or when the lot sold, whichever came first. The lot sold in April so Mr. Fisher has had three months to demolish the building. As the Town was unaware the lot had sold, they had sent a letter to the previous owner back in April of this year reminding him of his obligation to demolish this building. Mr. Castro said both the previous and the current property owner have had substantial time to go through the process of going to ARCOM and demolishing this building. Although the Council told them it had to be demolished, they still have to go through the process. Mr. Koepfel said he still wanted to know why ARCOM approval was needed to demolish the building. Mr. Castro said what ARCOM does is place any conditions on the demolition they feel are appropriate.

Mr. Ballentine said there was not much to be gained by not giving the property owner sufficient time to go to ARCOM and have the building demolished by the end of September.

MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND TO GIVE THEM UNTIL SEPTEMBER 30, 2010 TO COMPLY

Mr. Walton asked Mr. Koeppel if he would mind amending his motion to require that the property be secured and have it re-inspected after it was secured.

MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00, REQUIRE THEM TO SECURE THE PROPERTY AND HAVE IT RE-INSPECTED AND GIVE THEM UNTIL SEPTEMBER 30, 2010 TO COMPLY

**SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

B. [Case # CE 10-264, 1255 S. Ocean Blvd., Ronald S. Kochman Trust](#)

Violation of Chapter 134, Section 134-797 of the Town of Palm Beach Code of Ordinances, the natural grade and topography of a lot in the R-AA large estate residential district shall not be raised more than 18 inches above the crown of the abutting street unless as part of a plan approved pursuant to established guidelines of the Town which provides for natural containment of rainwater and its percolation on the lot and Chapter 42, Section 42-164 of the Code which prohibits the stockpiling of sand or dirt without taking reasonable precautions to prevent them from trespassing on neighboring properties

Lead Code Enforcement Officer Robert Walton presented the facts of the case and said it was the result of a citizen complaint. He presented the photographs into evidence. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until July 23, 2010 to comply.

Maura Ziska was present on behalf of the property owner and said Mr. Walton was correct with his assessment of where they are at this point. Ms. Ziska said the property owner applied for a permit about two months ago for a driveway and at that time, the contractor thought it was a routine permit so the fill was delivered. There are two historic trees on the site and the proposed driveway is to go through the trees and it requires a ramped area so the cars will not damage the roots of the trees. Because this is in the mangrove area, they have to fence off the mangrove area and they just went to the site today with Marty Gauthier from Public Works to determine the exact location of the fence. They have to go to the county to have the health department sign off because when the subdivision agreement was enacted in the 80's, that is who was in charge of this. Ms. Ziska said the piles of dirt have been covered. They had to go to Town Council to modify the

subdivision agreement and get a variance to have a driveway without an accessory structure. Ms. Ziska said this has been a very complicated process for a permit and they are working their way through it and need more time. They have to go back and re-stake a jurisdictional line for the surveyor and make sure they do not need a DEP permit. They also had to get all of the neighbors' signatures pursuant to the subdivision agreement and that took some time although they all did consent.

Mr. Koeppel asked Ms. Ziska why there would have been a neighbor complaint if they all signed off on it. Ms. Ziska said it was one of the neighbors in the Blossom Estates subdivision and after Mr. Moens, who has an interest in the property, met with him for four hours to explain the whole process and get the signature for the consent, this individual understood why the property was in this condition. Mr. Koeppel asked Ms. Ziska how long she thought it was going to take. Ms. Ziska said she was at the property with the coastal engineer today and he thought they could get the necessary sign offs within a couple of weeks but they still have to go back to the building department. Ms. Ziska said they probably would need forty five days.

MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM 45 DAYS TO COMPLETE THE DRIVEWAY

During discussion on the motion, Mr. Castro said it is not the driveway that was the issue, it was the fence. They have to get the fence up before they can move any of the dirt and clear up those piles. Ms. Ziska said the fill is there for the driveway. Mr. Castro said they cannot move the fill or do anything until the fence is up; it has nothing to do with the driveway. Mr. Koeppel asked if the non-compliance related to the fill and the non-installation of the fence and Mr. Castro said that was correct. They cannot move or touch the fill until they get the permits from the DEP and the county to protect the mangroves. Ms. Ziska said they have a permit for the fence but Mr. Castro said they do not have the permit yet. Ms. Van Buren asked if there were any issues about rainwater and percolation still unresolved. Mr. Castro said, to his knowledge, there were not. He said the owner had agreed to meet with the Audubon Society because they were concerned about the drainage onto their property. The big hurdle was being able to get the permit around the mangrove area to move the dirt that was put there prior to the fence going up. Once the fence gets up, everything falls into place to let them build the approved driveway.

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 7, 2010 TO COMPLY
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

C. [Case # CE 10-289, 220 Clarke Ave., J.M.E. Landscape](#)

Violation of Chapter 102, Section 102-45 of the Town of Palm Beach Code of Ordinances, trash out of line with schedule

Lead Code Enforcement Officer Walton said the Town recommends this case be dismissed. The violator was improperly noticed as he had not been given a warning prior to the citation being issued. Mr. Walton said he thought Public Works had warned the company but found out the warning was issued to the property owner.

**MOTION BY MR. FRIED TO DISMISS THE CASE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

D. [Case # CE 10-238, 2842 S. Ocean Blvd., Omphoy Ocean Resort and 2401 2301 00 Trust](#)

Violation of Chapter 134, Section 134-2443 of the Town of Palm Beach Code of Ordinances, only one aid-to-traffic sign permitted for each access drive serving a parking area and Chapter 18, Section 18-175 of the Town of Palm Beach Code of Ordinances, any demolition, building, structure, sign or other development of property, or appurtenances or alterations thereto requires ARCOM approval

Lead Code Enforcement Officer Walton presented the facts of the case and said it originated both from a routine inspection and a complaint from John Lindgren from the Building Department. The property has been re-inspected and is still not in compliance. Mr. Walton entered the photographs into evidence. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until 7/27/2010 to comply.

Adam Schlesinger, president of CSC PB Beach Ltd., was present and said he would address the signage first. They have the tombstone entrance and exit signs; however, no one can see them from the street. They have one way to enter and one way to exit and in season, when it was busy, it became dangerous because people would enter the exit lane and it was difficult for business because people could not see the tombstone signs. Mr. Schlesinger asked Mr. Walton if the photograph he entered into evidence was taken yesterday and Mr. Walton said it was not. Mr. Schlesinger said he had a more recent photo that was taken today and he discussed planting landscape in front of the tombstone signs with Mr. Walton and he thought that was satisfactory to code enforcement. Mr. Schlesinger said they have to engage ARCOM and find out what they can do for a permanent solution. With respect to the planters, he had an agent of his meet with Mr. Lindgren and he also discussed them with Mr. Walton. Those planters or something like those planters have always existed at the hotel and they have photographs to prove that. Before the renovation, there were three pots, similar in

design to the three that are there now, maybe a little bit smaller but in the same area. Mr. Schlesinger said he was told by his agent that the Town would not have an issue with the location of the planters assuming DOT does not have an issue with them.

Mr. Schlesinger said, to the best of his knowledge, he has never received any notification from FDOT but he is still in the process of engaging them to see if they have an issue with the planters. The planters help identify the property and make it more esthetically pleasing. The planters also prevent the Four Seasons from parking their cars along the DOT right of way when they have a big function there.

Mr. Walton said Mr. Schlesinger was correct, that in the spirit of cooperation with a new business, he tried to accommodate them by allowing the bushes to grow up and cover one of the signs. However, shortly after that, they trimmed the bushes down and then had two signs again. Mr. Walton said he did notify a FDOT inspector about the pots but the inspector did not follow up and contact him. Mr. Walton said he got further complaints from the Building Dept. that the pots needed ARCOM approval. Mr. Walton said this case started back on May 14th and was supposed to be heard at the June hearing but neither he nor Mr. Schlesinger was available. Mr. Walton said he told Mr. Schlesinger he needed to meet with Mr. Lindgren and might be able to get a staff approval for the signs and then go to ARCOM for the pots. Mr. Schlesinger said he did not realize he needed to go to ARCOM for the pots.

Mr. Ochstein said he does not understand why it is a problem for them to go to ARCOM and get a permit. Mr. Schlesinger said he has a business to run and people were unable to find the hotel and they thought the signs were acceptable. They needed the entrance and exit signs to operate and he believes the tombstone signs they have are the maximum size they are permitted to have and they are insufficient. Mr. Ochstein told Mr. Schlesinger he is not going to get permission to change the signs at the Code Board and needs to go to the proper Board. Mr. Schlesinger said he was told that if he grew the landscaping to conceal the tombstone signs, then what they have is acceptable and it would not be necessary to go to ARCOM to get approval for a new sign. They went to that whole effort when they were designing the hotel and these signs are the maximum size they could get so he would just get more of the same, something that no one could see. Mr. Schlesinger said he is requesting more time for the planters so he can get FDOT's approval and then bring it back to the Town for approval.

Mr. Hoffman said most of the hotels and condominiums on A1A have entrance and exit arrows painted on the street and asked Mr. Walton if state approval was required to paint the asphalt. Mr. Walton said he did not know. Mr. Hoffman said he would assume not and this is much more effective and would bring them into compliance. Mr. Schlesinger said he is not sure it could be seen at night and Mr. Hoffman said you could see it at all of the other places. Mr. Hoffman said he is

less sympathetic to the sign issue because there are some solutions that other people have used. Mr. Schlesinger said he would have to discuss painting the sign on the pavement with his partners and the designer of the hotel because the hotel has a very strong design character about it. By doing that, it might be more of a problem than seeking a new permit for a different size sign.

John Lindgren, Planning Administrator, said he staff approved the original ingress/egress signs for this project. He said they cannot have the temporary signs, that ARCOM will not approve them and he will not staff approve it. The monument signs could be moved into the driveway and he would staff approve that if FDOT signs off on it. The pots are very aesthetically pleasing and he would also staff approve those if FDOT says these are allowed to be in their right of way. The monument signs could be raised and left where they are but that would require a variance that would have to go before Town Council.

Mr. Koeppel said this is a safety issue and should not be about location and type of sign. He said he does not find the type of sign they are using aesthetically pleasing and he would suggest they try to get DOT approval for both the sign and the pots but in the interim, they should cover the stone monuments. Ms. Greenberg said there are many condominiums and businesses in that area and she does not see signs like these except on election day. Mr. Koeppel asked how much time it would take to get approval from FDOT. Mr. Walton said he did not know because he had this discussion with Mr. Schlesinger in June and nothing has happened and they are here now asking for more time. Mr. Walton said the temporary signs cannot stay where they are; they are illegal and have to be removed. Mr. Walton said the Town is asking for a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until July 27, 2010 to come into compliance. Mr. Schlesinger said he is asking for an extension of thirty days and if they have to come back to the Board, they will demonstrate what they have done. Mr. Lindgren said some of the vegetation could be cleared away and they could put up some up lighting on the sign. Mr. Schlesinger said he would love to do that but the issue he has with lighting is the approved turtle lighting plan he has with FWC. Mr. Schlesinger said they have been put on notice about all the lights they have, even the ones in the front. He has to resolve some of the lighting issues in two days by submitting a current plan to the DEP and FWC and some of the lights involved are on the right of way and the signage. Mr. Lindgren said this sounds like an excellent opportunity to illuminate these signs and get the necessary approval. Mr. Lindgren said he is more concerned about the pots as the Town would assume some liability if someone was injured running into one of the pots and the Town knew they were there without FDOT approval. Mr. Lindgren said FDOT could also sign off on moving the monument signs to the right of way.

Mr. Ochstein said he did not think it was the Board's purview to do the work of other boards and commissions and he would like to make a motion to accept the Town's recommendation. Mr. Ballentine asked how long the entrance/exit signs

have been in place and Mr. Schlesinger said it had been a long time. Mr. Ballentine said he agreed with Mr. Ochstein that it was not the Board's job to try and solve the problem and he would be willing to give them thirty days to come into compliance and how they did it was up to them.

MOTION BY MR. KOEPPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL AUGUST 18, 2010 TO COME INTO COMPLIANCE OR COME BACK TO THE BOARD WITH A REPORT INDICATING WHAT THE STATUS IS IN DEALING WITH FDOT

During discussion on the motion, Mr. Fried wanted to know if the issue of the signs and the issue of the pots could be divided so there would not be a safety issue if the signs were removed. Ms. Van Buren asked if compliance could be achieved by covering up the second sign and Mr. Walton said it could not, that this was an accommodation he had granted them as a new business. The only permitted sign is the monument sign. Mr. Walton asked that the motion be modified to give them until August 18, 2010 to achieve compliance and if compliance was not achieved, they would come back to the Board on August 19, 2010 for a fine consideration hearing. Mr. Koeppele said he would modify his motion to that affect.

Mr. Fried asked if there had been pots of a similar nature on the road prior to the purchase of the hotel. Mr. Schlesinger said he had photos with him. Mr. Lindgren said even if pots were there previously, once they were removed, they were gone and any new pots would need approval. Mr. Schlesinger's photograph was presented to the Board but Mr. Hoffman said if the pots would not be grandfathered in, the photo would have no bearing on the situation.

MOTION BY MR. KOEPPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL AUGUST 18, 2010 TO COME INTO COMPLIANCE OR IF COMPLIANCE WAS NOT ACHIEVED, A FINE CONSIDERATION HEARING WILL BE HELD ON AUGUST 19, 2010.
MOTION DIED FOR LACK OF A SECOND

MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JULY 27, 2010 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED 6-1 WITH MR. KOEPPPEL DISSENTING

- E. [Case # CE 10-255, 124 Australian Ave., Michael A. Sullivan Jr.](#)
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as driveways to be maintained in good condition

Code Enforcement Officer Nick Gerry said the Town recommends this case be postponed until August 19, 2010.

MOTION BY MR. FRIED TO POSTPONE THE CASE UNTIL AUGUST 19, 2010

SECONDED BY MR. BALLENTINE

MOTION PASSED UNANIMOUSLY

- F. [Case # CE 10-280, 150 Worth Ave., # 128, Lily Holt and Worth Avenue Assoc Ltd.](#)

Violation of Chapter 114, Section 114-31 and Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Code Enforcement Officer Nick Gerry said the Town recommends this case be dismissed for compliance.

MOTION BY MS. GREENBERG TO DISMISS THE CASE

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

- G. [Case # CE 10-301, 2300 S. Ocean Blvd., Florida Window Co.](#)

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, building permit required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure

Code Enforcement Officer Nick Gerry said the Town recommends the violator be found in non-compliance and the Board accept the guilty plea and payment of the fine.

MOTION BY MR. KOEPPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE AND ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

- H. [Case # CE 10-259, 297 Tradewind Drive, Maya Cohen](#)

Violation of Chapter 106, Section 106-159 (b) of the Town of Palm Beach Code of Ordinances, a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways is to be maintained at all times for the unobstructed passage of vehicles

Lead Code Enforcement Officer Robert Walton presented the facts of the case and said it originated from a citizen complaint. The property has not been brought into compliance and Mr. Walton presented the photographs into evidence. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until July 27, 2010 to comply.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JULY 27, 2010 TO COMPLY
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

I. [Case # CE 10-262, 2800 S. Ocean Blvd., Tara Transportation](#)

Violation of Chapter 130, Section 130-61 of the Town of Palm Beach Code of Ordinances, it is unlawful for any person to operate a motor vehicle for hire in the Town without first having obtained a certificate of public convenience and necessity and the required permit

Lead Code Enforcement Officer Walton said this case involves a limousine service operating out of the Four Seasons Hotel. Tara Transportation's attorney faxed in a letter requesting the hearing be postponed until next month. Mr. Walton said the Town recommends this case be postponed until August 19, 2010.

**MOTION BY MR. OCHSTEIN TO POSTPONE THE CASE UNTIL
AUGUST 19, 2010
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration: (3:23:24 p.m.)

A. [Case # CE 10-142, 1300 N. Ocean Blvd., McIntosh Trust](#)

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, properties to be maintained in good condition and grass not to exceed 8" in height, Chapter 42, Section 42-87, all exterior surfacing material to be painted and in good repair and appurtenances such as guardrails to be maintained in good condition, Chapter 46, Section 46-66 and NFPA Life Safety Code, 2003 Edition, electrical lights/outlets and wiring to be kept in compliance with the National Electrical Code and Chapter 18, Section 18-242 which requires address numbers to be posted with 4 inch letters in a contrasting color from their background and visible from the street

Code Officer Nick Gerry said at the Board hearing in June, the property had been given until July 9, 2010 to come into compliance. The property has not been brought into compliance and the administrative costs have not been paid. The Town recommends a fine in the amount of \$100.00 a day be assessed, commencing on July 9, 2010 and continuing until compliance is achieved.

Gail Alexander was present on behalf of the property owner and said she was requesting an additional week to comply. Ms. Alexander said everything had been done except the masonry and that should be completed by next Friday. Mr. Gerry said the Town would amend its recommendation to give them until July 23, 2010 to comply and if compliance was not achieved by that date, a fine in the amount of \$100.00 a day would commence on July 24, 2010 and continue until compliance was achieved. Mr. Gerry said the Town also recommended the Board order the administrative fees be paid within three days.

**MOTION BY MS. VAN BUREN TO GIVE THE VIOLATOR ADDITIONAL TIME TO COMPLY, UNTIL JULY 23, 2010 AND IF COMPLIANCE WAS NOT ACHIEVED, A FINE IN THE AMOUNT OF \$100.00 A DAY WOULD COMMENCE ON JULY 24, 2010 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED. THE BOARD FURTHER ORDERED THE ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 A DAY BE PAID WITHIN THREE DAYS
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

B. [Case # CE 10-165, 345 Seabreeze Ave., Ramsey C. Speer](#)

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, properties required to be maintained in good condition and appurtenances such as walls to be kept in good condition and roofs maintained so as not to leak

Lead Code Enforcement Officer Walton said the Town recommends the violator be given additional time to comply, until August 18, 2010.

**MOTION BY MR. FRIED TO GIVE THE VIOLATOR ADDITIONAL TIME TO COMPLY, UNTIL AUGUST 18, 2010
SECONDED BY MR. KOEPPPEL
MOTION PASSED UNANIMOUSLY**

C. [Case # CE 10-182, 237 Brazilian Ave., Florida Capital Management LLC](#)

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful to have any building or other structure which is in such a dilapidated condition that it is unfit for human habitation and Chapter 42,

Section 42-87 of the Town of Palm Beach Code of Ordinances which requires foundations and structural members to provide a firm and substantial base and support for the structure and interior walls and ceilings to be structurally sound and for exterior walls to be kept painted and in good repair and appurtenances such as walls, fences and balconies to be kept in a safe and good state of repair

Lead Code Enforcement Officer Walton said the Board's order of June 17, 2010 set a deadline of July 1, 2010 to remove the roof and debris in Apt. C and the balcony on Apt. D. All of this work was completed within that time frame. The August 2nd deadline to remedy all other violations remains and if not complied with, a fine consideration hearing will be held at the August 19, 2010 meeting. Mr. Walton entered the photographs of the completed work into evidence. Mr. Koepfel asked what the other violations were and Mr. Walton said there was rotten wood and the building cannot be left in its present condition as it either has to be torn down or a roof put on it. There are numerous violations on the property. Mr. Ballentine asked what the property owner intended to do and Mr. Walton said he is now considering not razing the property but repairing it. Mr. Walton said the property owner had hired a local attorney to look into a demolition permit. In response to Mr. Ochstein's question, Mr. Walton said if the property owner is not in compliance by the August 2nd deadline, there will be a fine consideration hearing at the August 19th meeting.

MOTION BY MR. OCHSTEIN TO ORDER ALL REMAINING VIOLATIONS CORRECTED BY AUGUST 2, 2010 AND IF COMPLIANCE HAS NOT BE ACHIEVED, A FINE CONSIDERATION HEARING WILL BE HELD ON AUGUST 19, 2010
SECONDED BY MR. KOEPPPEL
MOTION PASSED UNANIMOUSLY

D. [Case # CE 10-145, 106 Hammon Ave., Sireny Investors Ltd.](#)

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, building surfaces, exterior walls, windows and exterior lights to be kept painted and maintained in good condition and Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Code Enforcement Officer Gerry said the property remains out of compliance and the administrative fines have not been paid. The Town recommends a fine in the amount of \$250.00 a day commence on July 10, 2010 and continue until compliance has been achieved.

MOTION BY MR. FRIED TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY, COMMENCING ON JULY 10, 2010 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED

**SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

VII. Board Comments: (3:34:44 p.m.)

Mr. Koepfel asked if the agenda could be e-mailed to him the day before and Ms. Houston said she was already doing this for several Board members and would add him to that list and would e-mail an agenda to all Board members. Ms. Greenberg asked what determined whether the property owner or the contractor was brought before the Board. Mr. Gerry said the violator or contractor is initially cited and this is followed up with a notice of violation to the property owner. Mr. Walton said there are many times they do not know who did the work without a permit and in those cases, the property owner has to be cited. If they find the contractor doing the work without a permit, he will be cited. Mr. Hoffman said it would be helpful in reviewing the fine considerations to have the photographs available and Ms. Houston said that would be done.

VIII. Adjournment: (3:37:43 p.m.)

The meeting was adjourned without benefit of motion.