

**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, MAY 19, 2005
AT THE TOWN COUNCIL CHAMBERS, 360 SO. COUNTY ROAD**

- I Call to Order:** Vice Chair Hoffpauer called the meeting to order at 2:06 p.m.
- II Roll Call:** Present: Pamela Hoffpauer, Vice-Chair
 Timothy Hoffman, Member
 Joel P. Koepfel, Member
 Richard A. Raffo, Member
 Hugh C. Davis, III, Member
 Larry Ochstein, Alternate Member
 Robert S. Walton, Chief Code Compliance Officer
 Stirling E. Clarke, Town Attorney's Office
- Absent: Eugene Lawrence, Chairman
 Thomas Youchak, Member
 George Klein, Alternate Member
- Recording Secretary: Deborah Morakis

Let the record show that all members will be voting today.

- III Approval of the Minutes of April 21, 2005:**
 MOTION BY MR. HOFFMAN FOR APPROVAL OF THE MINUTES.
 MOTION SECONDED BY MR. RAFFO.
 MOTION PASSES UNANIMOUSLY.

- IV Administration of the Oath to all persons who wish to testify:**
 Let the record show that all persons testifying today were sworn in at this time.

- V Public Hearings:**
- A 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.
- Attorney Ron Kolins, representing the property owner, advised the Board that his
client has applied for a variance that will be considered at the August Town Council
meeting. A postponement of this case until the August Code Enforcement Board
Hearing was requested.

**MOTION BY MR. KOEPPEL TO POSTPONE CASE #05-1834 UNTIL THE
AUGUST 18, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

- B** 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.

Chief Code Compliance Officer Robert S. Walton requested that the Board postpone this case until the August 18, 2005 Code Enforcement Board Hearing.

**MOTION BY MR. KOEPPEL TO POSTPONE CASE #05-1836 UNTIL THE
AUGUST 18, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.**

- C** Case #05-1840, 150 Bradley Place #408V, William & Jean Koppel
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 MR. KOEPPEL TO DISMISS CASE #'S 05-1840, 05-1845, 05-1848, 05-1853, 05-1855 AND 05-1856 FOR COMPLIANCE.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.**

- D** Case #05-1843, 1220 No. Ocean Blvd., Jeffrey J. Lorenz
Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances: putting trash on right-of-way out of line with the schedule.
**MOTION BY MR. HOFFMAN TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

- E** Case #05-1844, 249 Royal Palm Way, Ste 301I, Philip Michael Bock
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. KOEPPEL TO FIND THE DEFENDANT IN NON COMPLIANCE WITH NO FINE AT THIS TIME.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.**

- F** Case #05-1845, 350 Royal Palm Way, Ste 409, Kent David Huffman
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. KOEPPEL TO DISMISS CASE #'S 05-1840, 05-1845, 05-1848, 05-1853, 05-1855 AND 05-1856 FOR COMPLIANCE.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.**

- G Case #05-1846, 6 Via Sunset, Amanda Panda, 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.
MOTION BY MR. KOEPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND ALLOW 7 DAYS TO REACH COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- H Case #05-1847, 255 Sunrise Ave., Nurses Professional Registry of PB County, 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.
MOTION BY MR. KOEPEL TO POSTPONE CASE #05-1847.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- I Case #05-1848, 242 Merrain Road, Andrew S. & Nancy T. Frazier
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances: a clearance of eighteen (18) feet, measured vertically above all streets and roadways in the Town, shall be maintained at all times for the unobstructed passage of vehicles and others using said streets and roadways.
MOTION BY MR. KOEPEL TO DISMISS CASE #'S 05-1840, 05-1845, 05-1848, 05-1853, 05-1855 AND 05-1856 FOR COMPLIANCE.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.
- J Case #05-1849, 970 No. Lake Way, Serraes Construction
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Large Projects, of the Town of Palm Beach Code of Ordinances: all new or remodel construction projects of 10,000 sq. ft. or more under roof shall be allowed 27 months.
MOTION BY MR. RAFFO TO FIND THE DEFENDANT IN NON COMPLIANCE AND GIVE 60 DAYS TO OBTAIN THE FINAL INSPECTION.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.
- K Case #05-1850, 1072 No. Ocean Blvd., First Construction of the Palm Bchs, Inc.
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Medium Projects, of the Town of Palm Beach Code of Ordinances: all new or remodel construction projects of 4,000 sq. ft. to 8,999 sq. ft. under roof shall be allowed 20 months.

After testimony was heard by Pat Seagraves of SKA Architects and George Kay of First Construction, the following motion was made:
MOTION BY MR. KOEPEL TO POSTPONE CASE #05-1850 UNTIL THE JUNE 16, 2005 CODE ENFORCEMENT BOARD HEARING. THE DEFENDANT IS ORDERED TO OBTAIN THE REQUIRED PERMIT, CLEAN UP THE EXTERIOR OF THE PROPERTY, REMOVE THE CONSTRUCTION FACILITIES, COMPLETE THE LANDSCAPING AND PRESENT A CONSTRUCTION SCHEDULE TO THE CODE ENFORCEMENT BOARD AT THE JUNE 16, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- L 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.

After testimony was heard by Robert Roddy, the property owner, Roger Peppin, Sr. Project Manager and Dave Wallace of Woolems, the following motion was made:
MOTION BY MR. KOEPEL TO GRANT AN EXTENSION TO OCTOBER 28, 2005 FOR COMPLETION OF THE PROJECT WITH A STATUS REPORT DUE AT THE AUGUST 18, 2005 CODE ENFORCEMENT BOARD HEARING. THE CONSTRUCTION SITE MUST BE KEPT CLEARED FROM THE STREET VIEW. AMENDED MOTION BY MR. KOEPEL TO FIND THE DEFENDANT IN NON COMPLIANCE OF TOWN ORDINANCES. THE DEFENDANT IS ORDERED TO MEET WITH ROB WALTON IN CODE ENFORCEMENT ON A MONTHLY BASIS TO ENSURE THE JOB REMAINS ON SCHEDULE. IT IS FURTHER ORDERED THAT THE DEFENDANT MUST APPEAR BEFORE THE CODE ENFORCEMENT BOARD AT THE AUGUST 18, 2005 CODE ENFORCEMENT BOARD HEARING. MOTION SECONDED BY MR. HOFFMAN. MOTION CARRIED UNANIMOUSLY.

- M 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 MR. KOEPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND GRANT UNTIL THE AUGUST 18, 2005 CODE ENFORCEMENT BOARD HEARING TO ACHIEVE COMPLIANCE. MOTION SECONDED BY MR. DAVIS. MOTION CARRIED UNANIMOUSLY.

- N Case #05-1853, 1451 No. Lake Way, West Group Residential LLC
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: trash and debris shall not be allowed to accumulate on property in the Town of Palm Beach.
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: it shall be 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 MR. KOEPEL TO DISMISS CASE #'S 05-1840, 05-1845, 05-1848, 05-1853, 05-1855 AND 05-1856 FOR COMPLIANCE. MOTION SECONDED BY MR. DAVIS. MOTION CARRIED UNANIMOUSLY.

- O Case #05-1854, 159 Sunset Avenue, 159 Sunset Avenue, LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: it shall constitute a nuisance for any property owner to permit on their property sand or soil to be stock piled and weeds shall not grow to a height greater than eight (8) inches.

Violation of Chapter 18, Section 18-242 (104.1.7) of the Town of Palm Beach Code of Ordinances: any site on which reconstruction does not commence within 15 days or demolition of the reconstruction permit becomes void, must be leveled, irrigated, sodded and maintained so as not to be in an unsightly condition.

Violation of 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.

MOTION BY MR. KOEPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND ALLOW SEVEN (7) DAYS TO BRING THE PROPERTY INTO COMPLIANCE.

MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

P Case #05-1855, 3474 So. Ocean Blvd., #11, Laurence J. Hoffman

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 MR. KOEPEL TO DISMISS CASE #'S 05-1840, 05-1845, 05-1848, 05-1853, 05-1855 AND 05-1856 FOR COMPLIANCE.

MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

Q Case #05-1856, 125 Worth Avenue, #100, Colonial Bank

Violation of Section 134-229 of the Town of Palm Beach Code of Ordinances, as part of your Special Exception approval to occupy and conduct business at your present location, you are required to provide the Town of Palm Beach with acceptable Town-Serving documentation.

MOTION BY MR. KOEPEL TO DISMISS CASE #'S 05-1840, 05-1845, 05-1848, 05-1853, 05-1855 AND 05-1856 FOR COMPLIANCE.

MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

R Case #05-1857, 224 So. Ocean Blvd., Kevin M. & Lisa McGovern

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, and all doors, windows and stairs shall be in a maintained condition.

MOTION BY MR. KOEPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND GIVE UNTIL JUNE 16, 2005 TO COMPLY.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

VI Presentation of Cases to Set for Hearing:

A Case #05-1858, 220 Esplanade Way (aka 224/244 Esplanade Way), Clement Proulx

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.

B Case #05-1859, 740 Hi Mount Road, Bartlett Burnap

Violation of Section 18-205 of the Town of Palm Beach Code of Ordinances, the Architectural Commission may approve building plans with conditions.

- C Case #05-1860, 179 Main Street (aka 177/181 Main Street), 177 Main Street, 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.
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, and all doors, windows and stairs shall be in a maintained condition.
- D Case #05-1861, 210 Manana Lane, Jane L. Scott, Joel Scott
Violation of Chapter 118, Section 118-88 of the Town of Palm Beach Code of Ordinances, it is unlawful to park a boat trailer on private property within the Town, between any street and the building setback line on the property where such boat trailer is parked.
- E Case #05-1862, 128 Ocean View Road, 128 Ocean View, LLC.
Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, any site on which reconstruction does not commence within fifteen (15) days of demolition, must be leveled, irrigated, sodded and maintained so as not to be in an unsightly condition.
- F Case #05-1863, 301 Ridgeview Road, Donald Carmichael
Violation of Chapter 134, Section 134-1637 of the Town of Palm Beach Code of Ordinances, vegetation at intersections must be maintained at a height no greater than thirty (30) inches for a distance of thirty (30) feet along thru street (North Lake Way) and fifteen (15) feet along the side street (Ridgeview Drive) from the point of intersection of the two street lot lines. The height of vegetation may be no higher than thirty (30) inches within this vision triangle.
- G Case #05-1864, 205 Royal Palm Way, J. P. Morgan Trust Company NA
Violation of Section 134-229 of the Town of Palm Beach Code of Ordinances, as part of your Special Exception approval to occupy and conduct business at your present location, you are required to provide the Town of Palm Beach with acceptable Town-Serving documentation.
- H Case #05-1865, 350 Royal Palm Way, Deutsche Bank Florida NA
Violation of Section 134-229 of the Town of Palm Beach Code of Ordinances, as part of your Special Exception approval to occupy and conduct business at your present location, you are required to provide the Town of Palm Beach with acceptable Town-Serving documentation.
- I Case #05-1866, 247 Southland Road, Daniels Brothers, Inc.
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, of the Town of Palm Beach Code of Ordinances, Medium Projects, all new or remodel construction projects of 4,000 sq ft to 8,999 sq ft under roof shall be allowed 20 months.
- J Case #05-1867, 2252 West Ibis Isle Road, Walter Jackson
Violation of Chapter 42, Section 42-86 (3) 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 and other vegetation to become overgrown or accumulate.

Violation of Chapter 106, Section 106-59 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eighteen (18) feet above all roadways must be maintained to allow unobstructed passage of vehicles.

**MOTION BY MR. KOEPEL TO SET CASE #'S 05-1858, 05-1859, 05-1860, 05-1861, 05-1862, 05-1863, 05-1864, 05-1865, 05-1866 AND 05-1867 FOR HEARING AT THE JUNE 16, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.**

VII New Business:

NONE

VIII Old Business:

- A Case #04-1752, Gloria G. Stuart, 129 Clarendon Avenue
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all walls shall be kept in a safe condition and a good state of repair.

Chief Code Compliance Officer Walton read a letter from Attorney Larry M. Mesches of Koepfel Gottlieb Mesches advising the Board that the property owner has discharged Dosdourian Enterprises and requested an additional 30 day extension of time. Mr. Koepfel advised the Board that Attorney Mesches is his partner and therefore he must file a conflict of interest form and recuse himself from this case.

Mr. Walton reported that the wall has been substantially removed but not in its entirety. The property owner's intention is to replace the wall. After further discussion, the following motion was made:

**MOTION BY MR. OCHSTEIN TO FIND THE DEFENDANT IN NON COMPLIANCE.
THE DEFENDANT MUST APPEAR AT THE JUNE 16, 2005 CODE
ENFORCEMENT BOARD HEARING WITH A CONSTRUCTION SCHEDULE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

- B Case #04-1794, 171 Royal Poinciana, 171 Main Street
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 8" and debris shall not be allowed to accumulate on property in the Town of Palm Beach.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls shall be kept free of cracks and painted, interior walls and ceilings shall be structurally sound, roofs must be maintained so as not to leak, and all doors, windows and stairs shall be in a maintained condition.

**MOTION BY MR. DAVIS TO DISMISS CASE #'S 05-1794 AND 05-1823 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.**

- C Case #05-1808, Joseph Burakoff, 201 El Dorado Lane

Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits (plumbing, electrical or HVAC) are required to install, repair or alter any building or building system. These permits must be obtained prior to commencing work.

Mr. Walton reported that the Board had found Mr. Burakoff in non compliance and gave him until May 18, 2005 to come into compliance. The property is not in compliance. However, he has hired an engineer and contractor who has applied for the permits. The Town would recommend an additional thirty (30) days or until June 16, 2005.

John Terrell of Nick Raich Building Corporation stated that a permit has been applied for. He requested additional time to come into compliance.

MOTION BY MR. RAFFO THAT THE DEFENDANT HAS UNTIL JUNE 16, 2005 TO COME INTO COMPLIANCE.

MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

- D Case #05-1823, Fifth Third Bank, 319 Peruvian Avenue
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 DISMISS CASE #'S 05-1794 AND 05-1823 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

IX

Reports:

- A Case #05-1839, 264/270 Seminole Avenue, Sharon Talbot
Violation of Chapter 18, Section 18-242, Subsection 1 *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.
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.

A report was given by Robert S. Walton that a roofing permit has been obtained, the property was cleaned within the time allowed and painting is being done now.

X

Adjournment: