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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, MAY 18, 2000
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

I. Call to Order: The meeting was called to order at 2:05 p.m. by Chairman David J. Thomas.

Chairman David Thomas welcomed M. S. Rukeyser, Jr. and Lowell E. Levine as new Code Enforcement Board Alternate Members and welcomed back Dr. Horwich, who did attend last months meeting.

II. Roll Call: PRESENT: David J. Thomas, Chairman
 Eugene Lawrence, Member
 Robert W. Gottfried, Member
 P. Robert Bale, Member
 Dr. Harry Horwich, Member
 M. S. Rukeyser, Jr., Alternate Member
 Lowell E. Levine, Alternate Member
 Brian K. House, Chief Code Compliance Officer
 Robert S. Walton, Code Compliance Officer

 ABSENT: Scott Sloan, Vice-Chairman (unexcused)
 J. Richard Allison, Member (unexcused)

RECORDING SECRETARY: Deborah A. Morakis

III. Approval of the Minutes of April 20, 2000:

MOTION BY MR. BALE TO ACCEPT THE MINUTES AS MAILED.
MOTION SECONDED BY DR. HORWICH.
MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

 A Case #00-1136, Taheda Ltd., 351 Crescent Drive.

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, stumps or other vegetation to become overgrown or accumulate.

Mr. House requested the dismissal of Case #00-1136 and indicated that it would be brought back under a different owner.

MOTION BY DR. HORWICH TO DISMISS CASE #00-1136.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.

B Case #00-1137, Nicole K. & Mark D. Rattinger, 256 Via Marila.

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 and alleys must be maintained to allow unobstructed passage for vehicles.

MOTION BY MR. LAWRENCE TO DISMISS CASE #00-1137 FOR COMPLIANCE.

MOTION SECONDED BY MR. GOTTFRIED.
MOTION CARRIED UNANIMOUSLY.

C Case #00-1138, Alan & Patricia Lebow, 272 Via Marila.

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 and alleys must be maintained to allow unobstructed passage for vehicles.

MOTION BY MR. LAWRENCE TO DISMISS CASE #00-1138 FOR COMPLIANCE.

MOTION SECONDED BY MR. GOTTFRIED.
MOTION CARRIED UNANIMOUSLY.

D Case #00-1139, Three Thousand South Ocean Inc., 3000 South Ocean Blvd.

Violation of Chapter 18-242 Amendments to Standards Building Code, 1997 Edition, Section 103.5 Unsafe Buildings or Systems of the Town of Palm Beach Code of Ordinances.

MOTION BY DR. HORWICH TO POSTPONE CASE #00-1139 UNTIL THE JUNE 15, 2000 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.

E Case #00-1140, Sand Pillow Properties, 2315 South Ocean Blvd.

Violation of Chapter 18-242 Amendments to Standard Building Code, 1997 Edition, Section 103.5 Unsafe Buildings or Systems of the Town of Palm Beach Code of Ordinances.

MOTION BY MR. BALE TO MOVE THE HEARING OF CASE #00-1140 TO OLD BUSINESS SECTION AFTER CASE #99-1073.
MOTION SECONDED BY DR. HORWICH.

MOTION CARRIED UNANIMOUSLY.

- F Case #00-1141, Franklyn P. DeMarco, Jr., 1098 North Lake Way.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all accessory structures must be kept in a safe condition and in a good state of repair.

MOTION BY MR. LAWRENCE TO POSTPONE CASE #00-1141 UNTIL THE JUNE 15, 2000 CODE ENFORCEMENT BOARD MEETING.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.

- G Case #00-1142, Sloans Curve North Inc., 1980 South Ocean Blvd.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all accessory structures / walls must be kept in a safe condition and in a good state of repair.

MOTION BY DR. HORWICH TO POSTPONE CASE #00-1142 UNTIL THE JUNE 15, 2000 CODE ENFORCEMENT BOARD MEETING.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.

- H Case #00-1143, Dorothy B. Lunken, 254 Tangier Avenue.
Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances, relative to placing yard trash on Town right-of-way out of line with the schedule.

MOTION BY MR. LAWRENCE REGARDING CASE #00-1143 TO ACCEPT THE DEFENDANT'S GUILTY PLEA AND PAYMENT OF THE \$50.00 FINE.
MOTION SECONDED BY MR. GOTTFRIED.
MOTION CARRIED UNANIMOUSLY.

- I Case #00-1144, Mary S. Conrad, 105 Banyan Road.
Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances, relative to placing yard trash on Town right-of-way out of line with the schedule.

MOTION BY DR. HORWICH REGARDING CASE #00-1144 TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE \$50.00 FINE.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.

- J Case #00-1145, Federal National Mortgage Assoc., 249 Sandpiper Road.
Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances, relative to placing yard trash on Town right-of-way out of line with the schedule.

All parties were sworn in by Code Enforcement Board Secretary Debby Morakis.
Testimony was given by Mr. Brian House and Mr. Robert Kennedy, Town of Palm Beach Yard Trash Bureau Supervisor.

MOTION BY DR. HORWICH REGARDING CASE 00-1145 FIND THE

DEFENDANT GUILTY AND BE ORDERED TO PAY THE \$50.00 FINE PLUS COURT COSTS.

MOTION SECONDED BY MR. GOTTFRIED.

MOTION CARRIED UNANIMOUSLY.

- K Case #00-1146, Robert G. Simses & Mary A. McGowan, 241 West Indies Drive.
Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances, relative to placing yard trash on Town right-of-way out of line with the schedule.

MOTION BY DR. HORWICH REGARDING CASE #00-1146 TO POSTPONE UNTIL

THE JUNE 15, 2000 CODE ENFORCEMENT BOARD MEETING.

MOTION SECONDED BY MR. BALE.

MOTION CARRIED UNANIMOUSLY.

- L Case #00-1147, Mr. Arij Gasiunasen, 341 Peruvian Avenue.
Violation of #2-74 of the Town of Palm Beach Zoning Ordinance, the subject property may only be used for residential purposes.

Mr. Brian House testified that Mr. Gasiunasen is renting the subject property in the commercial zoning district. However, it is a residential piece of property. Mr. Gasiunasen did business at 341 Peruvian Avenue.

It is a residential piece of property and it does not meet the codes for commercial use, such as parking and square footage. He did conduct business outside the building which would not be allowed.

Mr. Greg Kino, representative for Mr. Gasiunasen, testified and acknowledged that there are commercial standards that this residential structure would have to be brought up to code on if there were to be a true commercial use of the property and apologized for any inconvenience that this has caused the Town and this Board.

MOTION BY DR. HORWICH REGARDING CASE #00-1147 TO FIND THE DEFENDANT GUILTY OF USING THE SUBJECT RESIDENTIAL PROPERTY FOR COMMERCIAL PURPOSES BUT IN COMPLIANCE AT THIS TIME.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

V. Presentation of New Cases to Set for Hearing:

- A Case #00-1148, David James Kennedy, Rear of 235 Sunrise Avenue.
Violation of Section 42-197 (5) of the Town of Palm Beach Code of Ordinances, creating loud and raucous noise.
- B Case #00-1149, Margaret S. Shaffer, 306 Hibiscus Avenue.
Violation of Chapter 106, Section 106-59 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet, measured vertically from the edges and extending the full width of all side walks must be maintained for the unobstructed passage of pedestrians.

- C Case #00-1150, Hospitality Group, 2870 South Ocean Blvd.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls shall be free of cracks, painted and be kept in good repair.

MOTION BY MR. GOTTFRIED TO SET THE ABOVE CASES #00-1148, #00-1149 AND #00-1150 FOR HEARING AT THE JUNE 15, 2000 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. BALE.

MOTION CARRIED UNANIMOUSLY.

VI. New Business: No new business.

VII. Old Business:

- A Case #99-1073, Sand Pillow Properties, 2315 South Ocean Blvd.
Consideration of authorization for foreclosure action.

MOTION BY MR. BALE REGARDING CASE #99-1073 TO POSTPONE UNTIL THE JUNE 15, 2000 CODE ENFORCEMENT BOARD HEARING SUBJECT TO PARTIAL PAYMENT IN THE AMOUNT OF \$10,000.00 IN ACCRUED PENALTY PAYMENTS BEFORE JUNE 1, 2000. DEFENDANT MUST ALSO APPLY FOR A BUILDING PERMIT AS WELL AS PROVIDE AN IRREVOKABLE LETTER OF CREDIT IN AN AMOUNT EQUAL TO 135% OF THE TOTAL ESTIMATED REPAIR VALUE PLUS THE AMOUNT OF THE LIEN AS OF THE DATE OF PERMITTING. FAILURE TO COMPLY WILL RESULT IN AUTHORIZATION FOR FORECLOSURE.

MOTION SECONDED BY DR. HORWICH.

MOTION CARRIED UNANIMOUSLY.

The following case was postponed from the Public Hearings section of the meeting until after the above Case #99-1073 was heard.

- E Case #00-1140, Sand Pillow Properties, 2315 South Ocean Blvd.
Violation of Chapter 18-242 Amendments to Standard Building Code, 1997 Edition, Section 103.5 Unsafe Buildings or Systems of the Town of Palm Beach Code of Ordinances.

MOTION BY DR. HORWICH TO POSTPONE CASE #00-1140 UNTIL CASE #99-1073 IS CLOSER TO RESOLUTION.

MOTION SECONDED BY MR. BALE.

MOTION CARRIED UNANIMOUSLY.

- B Case #00-1124, BLW Construction, Inc., 325 Seaspray Avenue.
Violation of Section 104.6.1.4 of Chapter 18 of the Town of Palm Beach Code of Ordinances, the subject property was required to be completed within twelve (12) months.

MOTION BY MR. BALE REGARDING CASE #00-1124 TO FIND THE DEFENDANT GUILTY, BUT GRANT AN ADDITIONAL 20 DAY PERIOD FROM

TODAY'S DATE IN ORDER TO COMPLY.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

VIII. Adjournment: The meeting was adjourned at 3:12 p.m. without benefit of a motion.