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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, MAY 16, 2002
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

I. **Call to Order:** The meeting was called to order at 2:00 p.m. by Chairman Eugene Lawrence.

II. **Roll Call:** PRESENT: Eugene Lawrence, Chairman
P. Robert Bale, Vice-Chairman
Dr. Harry Horwich, Member
M. S. Rukeyser, Jr., Member
Pamela Hoffpauer, Member
Joel P. Koeppel, Member
Richard A. Raffo, Member(arrived at 2:06 pm)
Lowell Levine, Alternate Member(arrived at 2:05 pm)
Timothy Hoffman, Alternate Member

RECORDING SECRETARY: Deborah A. Morakis

III. **Approval of the Minutes of April 18, 2002:**
MOTION BY MS. HOFFPAUER TO APPROVE THE MINUTES OF THE
APRIL 18, 2002 CODE ENFORCEMENT BOARD MEETING.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

All parties giving testimony are sworn in by Recording Secretary, Debby Morakis.

IV. **Public Hearings:**

A **Case #02-1394, Michael & Elizabeth Kaiser, 225 Dunbar Road**
Violation of Chapter 18, Section 18-87 (d) of the Town of Palm Beach Code of Ordinances,
all properties must retain or properly drain all soil and water contained on or from the
property, and any modification which may alter the drainage plan must be approved by the
Town.
MOTION BY DR. HORWICH TO DISMISS CASE #S 02-1394 AND 02-1411 WITHOUT
PREJUDICE.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.

B **Case #02-1411, Richard C. Bauer, 201 La Puerta Way**

Violation of Chapter 18, Section 18-242, Subsection 104.1.1 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair or alter any building or building system. This permit must be obtained prior to commencing work.

MOTION BY DR. HORWICH TO DISMISS CASE #'S 02-1394 AND 02-1411 WITHOUT PREJUDICE.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED UNANIMOUSLY.

C Case #02-1418. Donald K. Miller. 225 Via Tortuga

Violation of Chapter 18, Section 18-87 (d) of the Town of Palm Beach Code of Ordinances, all properties must retain or properly drain all soil and water contained on or from the property, and any modification which may alter the drainage plan must be approved by the Town.

MOTION BY MR. BALE TO DISMISS CASE #'S 02-1418, 02-1419, 02-1420 AND 02-1421 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED UNANIMOUSLY.

D Case #02-1419. Violet Werner Tr.. 215 Via Tortuga

Violation of Chapter 18, Section 18-87 (d) of the Town of Palm Beach Code of Ordinances, all properties must retain or properly drain all soil and water contained on or from the property, and any modification which may alter the drainage plan must be approved by the Town.

MOTION BY MR. BALE TO DISMISS CASE #'S 02-1418, 02-1419, 02-1420 AND 02-1421 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED UNANIMOUSLY.

E Case #02-1420. Nancy Brinker. 211 Via Tortuga

Violation of Chapter 18, Section 18-87 (d) of the Town of Palm Beach Code of Ordinances, all properties must retain or properly drain all soil and water contained on or from the property, and any modification which may alter the drainage plan must be approved by the Town.

MOTION BY MR. BALE TO DISMISS CASE #'S 02-1418, 02-1419, 02-1420 AND 02-1421 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED UNANIMOUSLY.

F Case #02-1421. Brian P. Burns. 217 Via Tortuga

Violation of Chapter 18, Section 18-87 (d) of the Town of Palm Beach Code of Ordinances, all properties must retain or properly drain all soil and water contained on or from the property, and any modification which may alter the drainage plan must be approved by the Town.

MOTION BY MR. BALE TO DISMISS CASE #'S 02-1418, 02-1419, 02-1420 AND 02-1421 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED UNANIMOUSLY.

G Case #02-1422. Vesna Oelsner. 153 Woodbridge Road

Violation of Chapter 18, Section 18-242, Subsection 104.1.1 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair, or alter any building or building system.

Mr. House asked that this case be dismissed without prejudice. Work has begun but has

not yet been completed.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #02-1422 WITHOUT PREJUDICE.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

- H Case #02-1423. Robert G. Markey Trust, 1440 So. Ocean Blvd.
Violation of Chapter 134, Section 134-792 of the Town of Palm Beach Code of Ordinances, in the R-AA large estate residential district, when the principal structure is demolished, the use of the accessory structures shall be terminated.
MOTION BY DR. HORWICH TO DISMISS CASE #'S 02-1423, 02-1424, 02-1425, 02-1426 AND 02-1427 FOR COMPLIANCE.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.
- I Case #02-1424. Florence Greenstein, 2720 So. Ocean Blvd., Apt. 223
Violation of Chapter 18, Section 18-242, Subsection 104.1.1 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair, or alter any building or building system. This permit must be obtained prior to commencing work.
MOTION BY DR. HORWICH TO DISMISS CASE #'S 02-1423, 02-1424, 02-1425, 02-1426 AND 02-1427 FOR COMPLIANCE.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.
- J Case #02-1425. George Levin, Fernando Paredes, New Bradley House, Ltd., 280 Sunset Avenue
Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, construction work (building) without permits.
MOTION BY DR. HORWICH TO DISMISS CASE #'S 02-1423, 02-1424, 02-1425, 02-1426 AND 02-1427 FOR COMPLIANCE.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.
- K Case #02-1426. George Levin, Fernando Paredes, New Bradley House Ltd., 280 Sunset Avenue
Violation of Chapter 18, Section 18-367 of the Town of Palm Beach Code of Ordinances, construction work (electrical) without permits.
MOTION BY DR. HORWICH TO DISMISS CASE #'S 02-1423, 02-1424, 02-1425, 02-1426 AND 02-1427 FOR COMPLIANCE.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.
- L Case #02-1427. George Levin, Fernando Paredes, New Bradley House Ltd., 280 Sunset Avenue
Violation of Chapter 18, Section 18-407 of the Town of Palm Beach Code of Ordinances, construction work (plumbing) without permits.
MOTION BY DR. HORWICH TO DISMISS CASE #'S 02-1423, 02-1424, 02-1425, 02-1426 AND 02-1427 FOR COMPLIANCE.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.
- M Case #02-1428. Citibank FL FSB, 400 Royal Palm Way

Violation of Section 38-35 (b) of the Town of Palm Beach Code of Ordinances, alarm system users with fines not paid within thirty (30) days of first billing.

Mr. House requested that Case #02-1428 be postponed until the June 20, 2002 Code Enforcement Board Hearing.

MOTION BY MR. RUKEYSER TO POSTPONE CASE #02-1428 UNTIL THE JUNE 20, 2002 CODE ENFORCEMENT BOARD MEETING.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

N Case #02-1434, Dan Swanson, Addison Development, 205 Via Tortuga

Violation of Section 118-47 of the Town of Palm Beach Code of Ordinances, continuing to locate construction/office trailers on property after being ordered to remove same.

All parties who were to give testimony were sworn in and testimony was given by Brian K. House relevant to the dates that correspondence was sent out and received in the case.

Mr. Dan Swanson of Addison Development testified that he thought the agreements and extension that were signed by the Town would take them through to April of 2003. They just received ARCOM approval for one of the last houses to be built there. Since they have only one home left to build they were asked to remove the trailers. They have signed a contract on a new location and will go ahead and move the trailers and move the office but it will take thirty (30) to sixty (60) days to have the office ready and then move the trailers so it will take ninety (90) to one-hundred twenty (120) days to accomplish all that.

Mr. House indicated that their agreement with Mr. Moore was that they could keep the trailers there and that they could take that long to do the development but the ordinance states that the units must be removed when sufficiently completed to permit the use of a temporary office.

Mr. Swanson indicated that two (2) of the trailers were on his personal property. He has looked at a lot of places and has decided that he will be moving across the bridge.

Mr. House said that the first letter went out January 28, 2002 from Mr. Castro and the second letter went out February 12, 2002 and Mr. Swanson came to him almost immediately indicating that he could be out by July. But July is now less than forty-five (45) days away. The Town would be recommending forty-five (45) days.

Mr. Paul Castro, Zoning Administrator was sworn in and testified as to the dates of the correspondence and that the development was primarily completed. There was one vacant lot to be constructed on but it was not owned by Mr. Swanson so the determination was made that since there was no other construction going on, the trailers had to be removed. However, they would be able to have a construction trailer on the property if they were the contractor on the last vacant lot that would be considered at this time. There are other lots but there are structures on them at this time. The reason for the removal was that these were being used as sales trailers and not construction trailers and there was no construction going on. They were also being used as the office for the subdivision. We were providing the opportunity for construction trailers but they had to be on the lot that was being built.

Mr. House read from the ordinance and after further discussion the following motion was made:

MOTION BY MR. KOEPPPEL THAT THE DEFENDANT IN CASE #02-1434 BE ORDERED TO REMOVE THE CONSTRUCTION / OFFICE TRAILERS WITHIN SEVENTY-FIVE (75) DAYS.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

V. Presentation of New Cases to Set for Hearing:

- A Case #02-1429, The Roberts Law Firm, 2335 So. Ocean Blvd., Suite 10C
Violation of the Town of Palm Beach Zoning Ordinance #2-74, as amended, no one may conduct business in a condominium.
- B Case #02-1430, Friedrich Michael Moog de Medici, % J. Richard Allison, 205 Worth Avenue, Suite 201
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, doing business without a license.
- C Case #02-1431, Gregory M. Gavakis, 179 Royal Poinciana Way
Violation of Section 114-31 of the Town of Palm Beach Code of Ordinances, any person doing business in Town must obtain a Town occupational license.
- D Case #02-1432, Eve A. Ward, 224/244 Esplanade Way
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all structures must be kept painted and in a good state of repair.
- E Case #02-1433, Vernon A. Walters, 222 Plantation Road
Violation of Chapter 18, Section 18-242, Subsection 104.1.1, a building permit is required to construct, install, repair, or alter any building or building system. This permit must be obtained prior to commencing work.

MOTION BY DR. HORWICH TO SET CASE #'S 02-1429, 02-1430, 02-1431, 02-1432 AND 02-1433 FOR HEARING AT THE JUNE 20, 2002 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. BALE.

MOTION CARRIED UNANIMOUSLY.

VI. New Business:

VII. Old Business:

- A Case #02-1417, Consolidated Equities SA, 317 Garden Road
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 eight (8) inches and debris shall not be allowed to accumulate on property in the Town of Palm Beach.

Mr. House stated that the attorney for this case received notification yesterday and has requested that this be postponed until next month so we will be bringing this back next month under old business and if they have not complied with your previous order then we will consider a fine.

VIII. Reports:

IX. Adjournment: The meeting was adjourned at 2:40 p.m. without benefit of a motion.