

**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, APRIL 21, 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
 Timothy Hoffman, Member
 Joel P. Koepfel, Member
 Richard A. Raffo, Member
 Thomas Youchak, Member
 Larry Ochstein, Alternate Member
 Robert S. Walton, Chief Code Compliance Officer
 John C. Randolph, Town Attorney
- Absent: Hugh C. Davis, III, Member
 George Klein, Alternate Member
- Recording Secretary: Gretchen Dayton (for Deborah Morakis)

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

- III Election of Officers:**
Chairman Lawrence passed the gavel to Attorney John C. Randolph for the election of officers. Attorney Randolph asked for nominations for Chairman.
- MOTION BY MR. HOFFMAN TO NOMINATE EUGENE LAWRENCE AS CHAIR.**
Attorney Randolph stated that no second was necessary. No other nominations were made so Attorney Randolph called for a roll call vote.
MOTION CARRIED UNANIMOUSLY AFTER ROLL CALL VOTE.
- Attorney Randolph passed the gavel back to Chairman Lawrence.
- MOTION BY MR. HOFFMAN TO NOMINATE PAMELA HOFFPAUER FOR VICE CHAIR.**
MOTION SECONDED BY MR. KOEPPFEL.
MOTION CARRIED UNANIMOUSLY.

IV Approval of the Minutes of March 17, 2005:

**MOTION BY MS. HOFFPAUER FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION PASSES UNANIMOUSLY.**

V 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.

VI Public Hearings:

A Case #05-1833, 1220 No. Ocean Blvd., Jeffrey J. Lorenz

Violation of Chapter 42, Section 42-164 of the Town of Palm Beach Code of Ordinances: it shall be unlawful for any property to cause or allow fugitive dust or sand to blow on to neighboring properties. In this case, the fugitive dust is from the lack of sodding along the south side of your property abutting Mockingbird Trail.

Mr. Walton asked for a dismissal without prejudice as this case sites the wrong ordinance.

**MOTION BY MR HOFFMAN TO DISMISS WITHOUT PREJUDICE CASE #05-1833.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.**

B 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 MR. YOUCHAK TO POSTPONE CASE #'S 05-1834, 05-1836 AND 05-1840 UNTIL THE MAY 19, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION PASSES UNANIMOUSLY.**

C Case #05-1835, 220 Sunrise Ave., #205, Morse Hill Foundation/Michael Picotte

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 MS. HOFFPAUER TO DISMISS CASE #05-1835 AND CASE #05-1841 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

D 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.

**MOTION BY MR. YOUCHAK TO POSTPONE CASE #'S 05-1834, 05-1836 AND 05-1840 UNTIL THE MAY 19, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION PASSES UNANIMOUSLY.**

E Case #05-1837, 139 No. County Road, Paramount Church, Inc.

Violation of Chapter 42, Section 42-86 and 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.

Dwight Stevens, Pastor of Paramount Church testified that Ranger Roofing would begin the reroof project on or about June 1, 2005 and will take approximately 45 days to complete. The other minor repairs will be done by The Jack Vogel Company. The permit has already been obtained. After further discussion, the following motion was made:

MOTION BY MR. KOEPEL TO POSTPONE CASE #05-1837 UNTIL THE JULY 21, 2005 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RAFFO.

Further discussion clarified that meaningful work must continue.

MOTION CARRIED UNANIMOUSLY.

F Case #05-1838, 253 Oleander Avenue, Sharon P. Talbot TR

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.

Ms. Talbot advised the Board the building has been painted, some caulking and minor items still need to be done. The outside has been cleaned up. The work upstairs which includes the removal of two sections of cabinets, and electrical to install some outlets still has to be done.

Chief Code Compliance Officer Walton stated that he is satisfied with the cleaning and painting with the exception of the painting in the back. The Town would ask for a finding of non compliance and give them 30 days to come into compliance.

MOTION BY MS. HOFFPAUER TO FIND THE DEFENDANT IN NON COMPLIANCE AND ALLOW 30 DAYS TO COME INTO COMPLIANCE.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

G 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.

Mr. Walton distributed photographs of this property to the Board. There are four buildings on this property.

Ms. Talbot addressed the Board and explained that the current condition of the

property is due to damage suffered in the hurricanes. The roof permits are in the Building Department for approval. The painting will be done as soon as the cracks are repaired and the debris will be cleaned up as soon as a truck is purchased. After further discussion, Ms. Talbot asked the Board for 60 days in which to bring the property into compliance.

Mr. Walton recommended 7 days to clean the property and remove the debris and 60 days to complete the remainder of the work.

MOTION BY MR. YOUCHAK THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE AND IS GIVEN 7 DAYS TO CLEAN THE PROPERTY AND CLEAR THE DEBRIS AND 60 DAYS TO COMPLETE THE WORK. IT IS FURTHER ORDERED THAT A REPORT BE GIVEN AT THE MAY 19, 2005 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

- H 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. YOUCHAK TO POSTPONE CASE #'S 05-1834, 05-1836 AND 05-1840 UNTIL THE MAY 19, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION PASSES UNANIMOUSLY.

- I Case #05-1841, 314 Dunbar Road, Burton & Marilyn Sultan
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.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #05-1835 AND CASE #05-1841 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

- J Case #05-1842, 1220 No. Ocean Blvd., Jeffrey J. Lorenz
Violation of 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.

Chief Code Compliance Officer Walton advised the Board that the pool has been cleaned but not within the time frame allowed. The Town would ask for a finding of non compliance with no fine at this time. If the conditions happen again, the case could be brought back before the board for consideration of fine.

MOTION BY MR. HOFFMAN TO FIND IN NON COMPLIANCE WITH NO FINE AT THIS TIME.

MOTION SECONDED BY MR. OCHSTEIN.

MOTION CARRIED UNANIMOUSLY.

- A 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.
- B 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.
- C 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.
- D 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.
- E Case #05-1847, 255 Sunrise Avenue, 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.
- F 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.
- G 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.
- H 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.
- I 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.
- J 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.
- K 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.
- L 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.

- M 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.
- N 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.
- O 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 MS. HOFFPAUER TO SET CASE #'S 05-1843 THROUGH 05-1857 FOR HEARING AT THE MAY 19, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

VIII New Business:

NONE

IX Old Business:

- A Case #04-1711, David J. Jenkins, 300 Indian Road
REPEAT Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances, is shall be unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.

Chief Code Compliance Officer Walton reminded the Board that in August of 2004 the Code Enforcement Board found Mr. Jenkins in non compliance and the fine was waived since Mr. Jenkins installed a temporary filter. The pool is back in poor condition and the temporary filter has been removed. The Town would ask for him to be found in non compliance as a repeat violator and give him 3 days to bring the pool into compliance. Mr. Walton was asked by the Board to research the Board's previous order.

**MOTION BY MR. HOFFMAN TO FIND THE DEFENDANT IN NON COMPLIANCE AS A REPEAT VIOLATOR AND ALLOW 3 DAYS TO BRING INTO COMPLIANCE.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.**

- B 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.

Mr. Walton brought the Board up to date on the status of the wall. The wall has not been repaired.

Mr. Harry Ackerman, Assistant Building Official for the Town of Palm Beach advised the Board that he had been out to the property twice today and also several months ago. The wall has several cracks in it, it is leaning as much as 5 or 6 inches out of plum in some areas. There are places where it has no foundation underneath it. It appears that the existing foundation, where there is one, is not adequate as a retaining wall. That appears to be where the problem is. It is now being used as a retaining wall and probably was never built that way originally. The wall is approximately 100 feet long. The first 25 feet or so is not in failure but from there back it is falling towards the adjacent property to the west. The wall is in a state of failure.

Sam Dosdourian, the General Contractor, stated that he, along with Albert Gargiulo, the Structural Designer and Engineer are working for the property owners. A current survey has been obtained which is dated April 14, 2005. It appears as if the majority of the wall is not encroaching on the neighbors property. However, approximately 16 to 20 feet is encroaching. The survey shows that it is listing.

Mrs. Gloria Stuart advised the Board that her neighbor will not allow access to the wall through his property. The neighbor would allow the wall to come down and a new wall to go up.

MOTION BY MR. KOEPPPEL TO POSTPONE CASE #04-1752 FOR THIRTY DAYS AND ALSO REQUIRE THAT A CONSTRUCTION SCHEDULE BE PRESENTED AT THAT TIME.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

C 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.

Mr. Walton reported to the Board that the fine which ran for 75 days has been paid. The demolition permit has been applied for. The Town would recommend that the Defendant be given 30 to 45 days in which to comply with Town Ordinances.

Ray O'Neal, the General Contractor indicated that 30 days would be sufficient to complete the demolition.

MOTION BY MS. HOFFPAUER TO POSTPONE CASE #04-1794 FOR 30 DAYS.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

D 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.

John Tarrell of Nick Raich Building, was here to report to the Board that an Engineer will be brought out to look at the wall and he will then apply for a permit. A permit should be obtained within 30 days.

Mr. Walton stated that the Town's recommendation would be to postpone this case to the May 19, 2005 Code Enforcement Board Hearing.

MOTION BY MR. KOEPPPEL TO POSTPONE CASE #05-1808 UNTIL THE MAY 19, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

- E Case #05-1816, Westminster Financial Securities, 2875 So. Ocean Blvd., #101
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. HOFFMAN TO DISMISS CASE #05-1816, 05-1826, 05-1827 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION CARRIED UNANIMOUSLY.

- F Case # 05-1826, 217 Debra Lane, Robert P. Leidy
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. HOFFMAN TO DISMISS CASE #05-1816, 05-1826, 05-1827 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION CARRIED UNANIMOUSLY.

- G Case # 05-1827, 230 Onondaga Avenue, Cynthia Wild
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances: a vertical clearance of eighteen (18) feet above all roadways in the Town, shall be maintained at all times for the unobstructed passage of vehicles.

MOTION BY MR. HOFFMAN TO DISMISS CASE #05-1816, 05-1826, 05-1827 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION CARRIED UNANIMOUSLY.

- H Case # 05-1828, 2730 So. Ocean Blvd., #510, Arthur Gelbart & Rose Gelbart
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.

Mr. Walton requested a postponement to November 1, 2005. The owner sent a letter and it was accepted by Mr. Ackerman. These repairs will be done prior to November 1, 2005.

MOTION BY MR. KOEPPPEL TO POSTPONE CASE #05-1828 UNTIL THE NOVEMBER 17, 2005 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MS HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

- I Case # 05-1832, 110 Atlantic Avenue, Tim Givens Building & Remodeling, 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 be allowed 20 months.

Mr. Walton reported to the Board that a letter was received from Mr. Givens indicating that he is in substantial compliance with the schedule and no problems are anticipated with obtaining compliance.

X **Reports:**

 NONE

XI **Adjournment:** The meeting was adjourned by Chairman Lawrence without benefit of a motion.