

**CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, MARCH 16, 2006
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 Timothy Hoffman, Member Joel P. Koeppel, Member (arrived at 2:05) Richard A. Raffo, Member Rosemary Reder, Member Larry Ochstein, Alternate Member John C. Randolph, Town Attorney
Absent:	Pamela Hoffpauer, Vice-Chair Hugh C. Davis, III, Member
Staff:	Robert S. Walton, Chief Code Compliance Officer Nick Gerry, Code Enforcement Officer Deborah A. Morakis, Recording Secretary

Chairman Lawrence advised that we have a quorum and that all members will vote today.

III Approval of the Minutes of February 16, 2006:
MOTION BY MR. HOFFMAN FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. RAFFO.
MOTION PASSED UNANIMOUSLY.

IV Administration of the Oath to all persons who wish to testify:
Let the record show that all persons testifying were sworn in at this time by Recording Secretary Debby Morakis.

V Public Hearings:

A Case #06-1962, 222 Worth Ave., Escada USDA Retail, Inc., dba Escada
Violation of Section 134-229 (12) 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.

Chief Code Compliance Officer Walton reported to the Board that Escada USDA Retail, Inc. has supplied the Town with the required Town Serving documentation necessary for license renewal. Mr. Walton recommended that this case be dismissed for compliance.

MOTION BY MR. OCHSTEIN TO DISMISS CASE #06-1962 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

- B Case #06-1964, 125 Worth Avenue, Colonial Bank
Violation of Section 134-229 (12) 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.

Chief Code Compliance Officer Walton reported that this case was postponed last month in order to allow sufficient time to prepare the required Town-Serving documents. Colonial Bank has supplied the Town with the required Town Serving documentation necessary for license renewal. Mr. Walton recommended that this case be dismissed for compliance.

MOTION BY MR. RAFFO TO DISMISS CASE #06-1964 FOR COMPLIANCE.
MOTION SECONDED BY MS. REDER.
MOTION CARRIED UNANIMOUSLY.

- C Case #06-1975, 1270 No. Ocean Blvd., Elsa Messing
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: all exterior walls, roofs, doors and windows shall be reasonably free of cracks, painted and shall be kept in a sound condition and good repair.

Chief Code Compliance Officer Walton reported that this case was postponed from the February 2006 meeting and read a letter from the owner into the record.

The property owner, Mrs. Elsa Messing, advised the Board of her difficulty in obtaining a contractor to do the work necessary to bring the property into compliance. The tile roof repair will take approximately six months. The building needs to be sandblasted and painted but during the season, sandblasting cannot be done. She advised the Board that she needs three to six months to complete the work.

After further discussion, the following motion was made:

MOTION BY MR. KOEPPPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND GRANT FOUR (4) MONTHS TO COMPLETE THE WORK. THE DEFENDANT MUST PROVIDE THE CODE ENFORCEMENT BOARD WITH A STATUS REPORT AT THAT TIME.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.

- D Case #06-1976, 1451 No. Lake Way, Nick Raich Bldg.Corp/West Group Residential
Violation of Chapter 18, Section 18-242, (104.1.11) of the Town of Palm Beach Code of Ordinances: any site on which there is demolition, and reconstruction does not commence within 15 days of the demolition, the site must be irrigated, sodded or seeded and maintained so as not to be in an unsightly condition. Also, existing landscaping has been removed contrary to the ARCOM conditions and must be replaced in kind.

Chief Code Compliance Officer Walton reported to the Board that demolition took place and all the vegetation was removed. A condition of approval by the Architectural Commission for the demolition project was that all existing vegetation was to remain in place. At the February 2006 Code Enforcement Board Hearing, the Board found the Defendant in non compliance and ordered that the Defendant meet with Tim Frank prior to today's Code Enforcement Board Hearing for approval of a new hedge. At this time, it is difficult to obtain large plants so a small hedge was planted. Mr. Frank advised them that the small hedge would be acceptable providing a temporary green construction screen be installed behind the hedge until the hedge grew to a height of four feet. This screen has now been installed and the conditions of the Board have been met. Chief Walton recommended dismissal for compliance.

MOTION BY MR. HOFFMAN TO DISMISS CASE #06-1976 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION CARRIED UNANIMOUSLY.

- E Case #06-1977, 240 Sanford Ave., Frances B. Cornell
 Violation of Chapter 18, Section 18-242, Subsection 1 104.1.1 of the Town of Palm Beach Code of Ordinances: building permits are required to construct, install, repair or alter any building or building system. These permits must be obtained prior to commencing work.
- Chief Walton reported that this case was postponed from February 2006. It had been brought to the attention of the Code Enforcement Department that a new structure was built on the property without a permit. The owner provided the Town with a copy of the survey indicating that this building existed on the property when it was purchased. Mrs. Cornell could not be here today. However, her attorney was here to address the Board.
- Attorney Manley P. Caldwell, representing the property owner, advised the Board that this structure was in existence when the property was purchased and seems that it was there for five years prior to her purchase. At Mr. Walton's suggestion, Mrs. Cornell will apply for a variance to permit the continued existence of the structure at this location within the next ten days. Mr. Caldwell requested that the case be postponed and reset at the Code Enforcement Department's request or if the Variance is denied.
- Chief Walton requested that if the Board postpones this case, conditions be imposed providing that a monthly update be provided to the Code Enforcement Board and access to the property be granted to inspectors to ensure the safety of the structure. Attorney Caldwell agreed to the conditions.
- MOTION BY MR. HOFFMAN TO FIND THE DEFENDANT IN NON COMPLIANCE AND POSTPONE CASE #06-1977 FOR TWO MONTHS TO ALLOW THE DEFENDANT TO OBTAIN A VARIANCE.**
- Attorney Caldwell requested a postponement without a finding of non compliance and advised the Board that he may have an estoppel issue.
- Veronica Close, Director of Planning, Zoning and Building Department was sworn in and stated that there is no requirement that the case be appealed, but that an appeal would be filed with the Circuit Court. Attorney Caldwell preferred a motion without a finding of non compliance.
- Mr. Hoffman withdrew the motion and Mr. Walton suggested a thirty-day postponement.
- MOTION BY MR. KOEPEL TO POSTPONE CASE #06-1977 UNTIL THE MAY 18, 2006 CODE ENFORCEMENT BOARD HEARING AND REQUIRE ACCESS TO THE PROPERTY BE GRANTED FOR INSPECTION OF THE STRUCTURE.**
- MOTION SECONDED BY MR. HOFFMAN.**
- MOTION CARRIED UNANIMOUSLY.**
- F Case #06-1979, 3030 So. Ocean Blvd., #439, Roger & Karen Flanagan
 Violation of Chapter 42, Section 46-74 of the Town of Palm Beach Code of Ordinances: All devices designed for outdoor use shall not be operated on any balcony.
- Chief Code Compliance Officer Walton reported that this violation has been corrected and requested this case be dismissed for compliance.
- MOTION BY MR. KOEPEL TO DISMISS CASE #06-1979.**
- MOTION SECONDED BY MS. REDER.**
- MOTION CARRIED UNANIMOUSLY.**
- G Case #06-1983, 253 Oleander Avenue, Sharon P. Talbot
 Violation of Chapter 18, Section 18-242, (104.1.11) of the Town of Palm Beach Code of Ordinances: building permits are required to construct, install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

Chief Code Compliance Officer Walton advised the Board that the required permits were obtained. However, not within the time allowed. The Town would ask for a finding of non compliance and a dismissal.

Ms. Talbot explained to the Board the scope of the work being done. One unit had been used for storage for two years and had not been used as an apartment. The floor had to be opened due to a sewer pipe leak and was not closed up after the repair. In order to obtain the necessary permits, her occupational license had to be updated since she moved her office.

Harry Ackerman, Acting Building Official noted the date stamp on the copy of her plans and permits.

**MOTION BY MR. OCHSTEIN TO FIND THE DEFENDANT IN NON COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

H Case #06-1984, 1200 So. Ocean Blvd, First Allied Corp., The Land Fall Group
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.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: all exterior walls, roofs, doors and windows shall be reasonably free of cracks, painted and shall be kept in a sound condition and good repair.

Chief Code Compliance Officer Walton advised the Board that the repairs necessary to bring the property into compliance were made, but not within the allowed thirty (30) day time frame.

Veronica Close, Director of Planning, Zoning & Building Department gave a history of the property and a report to the Board of the actions taken to date. This property has been vacant for a number of years and suffered considerable damage during the hurricanes and storms. The respondents' held meetings with staff on a regular basis to determine what corrective action the Town was requiring. Updates were submitted on a regular basis. The original estimated date for completion was March 31 and they were able to complete the work by March 14. A schedule of the future plans for this property was submitted. An application to the Landmarks Preservation Commission will be heard in May 2006 and they will then be before Town Council in June. Pictures of a wall between the Bath & Tennis Club and the property shows damage. If ownership is unclear, both abutting properties would be cited. The structure is being air conditioned to preserve the property. Permission has been granted to the Town to inspect the site on a regular basis to ensure no further deterioration to the landmark. The Town is bringing this case to the Code Enforcement and asking for a finding of non compliance and dismissal. By recommending dismissal for compliance the Town recognizes the owners' efforts to protect the property and commits to continuing to work with the owners and their representatives. By finding non compliance, the Town will be in a position to take the necessary steps to ensure the property is protected expeditiously.

Laszlo Wagner, project manager representing the Landfall Group spoke to the Board. He inspected the property with Robert Walton and Harry Ackerman. Some issues were noted and were addressed within days. His client is determined and committed to the preservation and restoration of this project. Mr. Wagner requested that this case be dismissed for compliance.

Reginald Stambaugh of the Preservation Foundation presented photographs to the Board demonstrating the extent of the neglect of the property. He testified that this house was purchased in 2000 and the property owners went to the Landmarks Preservation Commission for approval of a renovation then did nothing with the project. This landmarked, Ballinger Award winning Mizner house is being totally neglected. Mr. Stambaugh does commend the work that has been done in the past two months. Painting has been done, and holes in the stucco have been patched. This house should not be allowed to be demolished by neglect. The Town should impose fines and do the work

to get a new roof on the property. Both the Bath & Tennis Club and the Preservation Foundation went through the same hurricanes and have made all repairs.

Laszlo Wagner, of the Landfall Group addressed some of the points made by Mr. Stambaugh. The property was purchased in 2001. The Landfall Group has been onboard since 2001. The majority of the damage to the property was caused by Hurricane Wilma. Sixty-two percent of the wall belongs to the Bath & Tennis Club. No one has been cited for the privacy wall. In approximately two months a scheme will be presented to the Landmarks Preservation Commission to include some reconstruction of the existing roof. To do anything beyond making sure the underlying structure is preserved and protected would be a waste of money. There was a presentation to the Landmarks Preservation Commission on a concept but no approval was granted. The client has retained Rafael Portuondo and Jose Perotti as the Architects.

After further discussion, the following motion was made:

MOTION BY MR. KOEPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND DISMISS CASE #06-1984.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

VI New Business:

None.

VII Old Business:

- A Case #04-1792, 1191 North Ocean Way, Mockingbird Trust
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 painted and in good repair and debris shall not be allowed to accumulate.

Chief Code Compliance Officer Walton reported to the Board the status of this case. The repairs were not made and the fine was not paid as ordered by the Board. The repairs have since been completed. However, at this time, the Town would recommend the Board forward this case to Town Council for foreclosure action.

MOTION BY MR. KOEPEL TO RECOMMEND THE TOWN COUNCIL PROCEED WITH FORECLOSURE.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

- B Case #05-1933, 208 Mockingbird Tr., Carol Casey, Carol Casey TR, John Casey, John Casey TR
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 126 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to permit any collection of standing water in which mosquitoes are likely to breed.

Violation of Chapter 42, Section 42-87 states 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.

Chief Code Compliance Officer Walton advised the Board that the house was torn down and the lot was seeded. The total fine due is \$22,000.00.

Joe Torrey of Echelon Construction addressed the Board on the owner's behalf to request a reduction in the fine. Echelon Construction was contacted by the Casey's to demolish the house. They were lead to believe that there was ARCOM approval for the demolition. The application process for a demolition permit was started on December 28, 2005 and a permit for demolition was issued on February 22, 2006. It was determined by Mr. Ackerman and Mr. Walton that ARCOM approval was not necessary for the demolition of the property since it could be condemned.

After further discussion, the following motion was made:

MOTION BY MR. RAFFO THAT THE FINE NOT BE LOWERED AND THE FULL AMOUNT OF \$22,000.00 IS DUE.

MOTION SECONDED BY MS. REDER.

MOTION CARRIED UNANIMOUSLY.

C Case #05-1941, 308 Cocoanut Row, Anitra Thorhaug

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.

Chief Walton advised the Board that at a previous meeting, this defendant was found in non compliance and ordered to complete the project within 90 days. The permit has not been obtained. The permit application was returned to the contractor for corrections and has not been resubmitted. The Town recommends a fine of \$100.00 per day starting today and continuing until a permit is obtained and all required inspections are completed.

After further discussion, the following motion was made:

MOTION BY MR. KOEPEL TO IMPOSE A FINE IN THE AMOUNT OF \$100.00 PER DAY COMMENCING TODAY AND CONTINUING UNTIL A PERMIT IS ISSUED AND ALL INSPECTIONS ARE COMPLETED.

MOTION AMENDED BY MR. KOEPEL TO INCLUDE A CONDITION THAT IF COMPLIANCE IS NOT MET WITHIN THE NEXT NINETY (90) DAYS THE AMOUNT OF THE FINE MAY BE RECONSIDERED.

Further discussion by the Board took place.

MOTION SECONDED BY MS. REDER.

MOTION CARRIED 4 TO 2 AFTER A ROLL CALL VOTE.

D Case #06-1956, 201 El Vedado (fka 680 So. County Rd.), Daniels Brothers, Inc./True 680

Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Large Projects, all new or remodel construction projects of 9,000 sq. ft. or more under roof be allowed 27 months.

Chief Code Compliance Officer Walton testified that a time line was previously approved by the Board and that a report will be given by Ron Daniels.

Ron Daniels, of Daniels Brothers Inc., was sworn in and reported to the Board the status of the project. The trees came in and were rejected because they were too small. Grass will be installed in the next few days. The remainder of the project is progressing according to schedule. The last large trees are scheduled to arrive within one week and within the next month and a half, the outside will look complete.

E Case #06-1974, 300 Indian Road, David Jenkins

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

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.

Chief Code Compliance Officer Walton reminded the Board that at the February 19, 2006 hearing, the Board found the defendant in non compliance since the lot had not been seeded or sodded and irrigated after the house was demolished and there was debris still present. They have sodded and irrigated the lot, but there is still a tree fallen over and some debris. As they were previously found in non compliance, Mr. Walton requested that the Board order a fine in the amount of \$50.00 per day, starting today, with a caveat that Mr. Jenkins notify the Code Enforcement Office and call for an inspection when he has done the work.

After further discussion, the following motion was made:

MOTION BY MR. KOEPPPEL TO IMPOSE A FINE IN THE AMOUNT OF \$50.00 PER DAY STARTING THIS DATE AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED AND AN INSPECTION IS MADE.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

VIII Adjournment:

Veronica Close reported to the Board that at the Town Council meeting of March 14, 2006, the Civic Association presented a report on four of the Town's commissions and boards; the Architectural Commission, the Code Enforcement Board, the Landmarks Preservation Commission and the Planning and Zoning Board. The Council has decided to hold a joint meeting in May and will invite these four boards to meet and discuss a number of issues. There will be a meeting scheduled to discuss this report and staff will be sending out a copy of the report for discussion in April.

Chief Rob Walton thanked Chairman Lawrence and Hugh Davis for their years of service to the Code Enforcement Board and to the Town as their terms have expired.

The meeting was adjourned without benefit of a motion.

Respectfully submitted,

Deborah A. Morakis
Secretary for the Code Enforcement Board