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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, JANUARY 15, 2004
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

I Call to Order: Chairman Eugene 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
Richard A. Raffo, Member
Hugh C. Davis, III, Member
George Klein, Alternate Member
Robert S. Walton, Code Compliance Officer
John C. Randolph, Town Attorney

Absent: Joel P. Koeppel, Member (unexcused)
Thomas M. Youchak, Member (unexcused)
Larry Ochstein, Alternate Member (excused)

Recording Secretary: Gretchen Dayton

Let the record show that Alternate Member George Klein was a voting member throughout the meeting.

III Approval of the Minutes of December 18, 2003:
MOTION BY MR. HOFFMAN FOR APPROVAL OF THE MINUTES.

**MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

Let the record show that persons testifying were sworn in at this time.

IV Public Hearings:

- A Case #03-1593, First Union National Bank of Florida, 255/257 South County Road
Violation of Chapter 134, Section 134-2179, required or supplemental off-street parking shall be effectively screened with hedges or walls placed between the off-street parking and any street.

**MOTION BY MS. HOFFPAUER TO FIND THE DEFENDANT IN CASE #03-1593 NOT IN COMPLIANCE AND TO ISSUE AN ORDER TO BRING THE PROPERTY INTO COMPLIANCE WITHIN FIFTEEN (15) DAYS.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

- B Case #03-1602, Mark & Deborah Remson, 2270 Ibis Isle Road
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.

**MOTION BY MS. HOFFPAUER TO POSTPONE CASE #03-1602 UNTIL THE FEBRUARY 19, 2004 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.**

- C Case #03-1608, Timothy Dale, 5 South Lake Trail
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, of the Town of Palm Beach Code of Ordinances, Large Projects, all new or remodel construction projects of 9,000 sq. ft. or more shall be allowed 27 months.

MOTION BY MR. HOFFMAN TO FIND THE DEFENDANT IN CASE #03-1608 NOT IN COMPLIANCE, ALLOWING THE DEFENDANT UNTIL MARCH 31,

**2004 TO BRING INTO COMPLIANCE AND HAVE A STAFF REPORT OF THE STATUS OF THE PROJECT AT THE FEBRUARY 19, 2004 MEETING.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.**

- D Case #03-1609, Charles T. Roddy, 432 Brazilian Avenue
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it shall be unlawful and constitute a nuisance for any owner of land within the Town to allow building materials, non-operative boats, or other such items to accumulate.

**MOTION BY MS. HOFFPAUER TO FIND THE DEFENDANT IN CASE #03-1609 NOT IN COMPLIANCE, AND ALLOWING THE DEFENDANT SEVEN (7) DAYS TO BRING THE PROPERTY INTO COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

- E Case #03-1610, 332 South County Road, LLC, 332 South County Road
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach, it shall constitute a nuisance for any owner to permit on their property sand or soil to be stock piled resulting from any construction project.

**MOTION BY MS. HOFFPAUER TO POSTPONE CASE #03-1610 FOR NO SERVICE UNTIL THE FEBRUARY 19, 2004 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

- F Case #03-1611, William Condren, 240 Banyan 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 MR. HOFFMAN TO POSTPONE CASE #03-161 UNTIL THE FEBRUARY 19, 2004 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- G Case #03-1612, Deborah Mullin, 2505 So. Ocean Blvd., #203

Violation of Chapter 18, Section 18-242, Subsection 1 104.1.1 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, permits for plumbing and electric are also required by Chapter 18, Section 18-242. These permits are required to be obtained prior to commencing work.

MOTION BY MR. DAVIS TO FIND THE DEFENDANT IN CASE #03-1612 NOT IN COMPLIANCE AND HAVING FOUR AND ONE-HALF (4 ½) MONTHS TO BRING INTO COMPLIANCE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

- H Case #03-1613, Dunville's L'Antiquaire, LTD, 329 Worth Avenue
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 shall be referred to the Town's Code Enforcement Board.

MOTION BY MR. RAFFO TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

V Presentation of New Cases to Set for Hearing:

- A Case #04-1614, Leonard Sessa, 1 Via Sunny
Violation of Chapter 126, Section 126-58 of the Town of Palm Beach Code of Ordinances: it is unlawful for any person to trim (*or materially alter the character of a tree by trimming*) any historic or specimen tree without written permission from the Town Manager.
- B Case #04-1615, Roger Hertog, 10 Blossom Way
Violation of Chapter 126, Section 126-58 of the Town of Palm Beach Code of Ordinances: it is unlawful for any person to cut down, remove or move, or effectively destroy through damage any historic or specimen tree without written permission and a hearing before the Town Council.
- C Case #04-1616, SLM Palm Beach Associates, LLC, 2305 South Ocean Blvd.
Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code

of Ordinances: a clearance of eighteen (18) feet must be maintained above all roadways.

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.

- D Case #04-1617, Sebastian Licata, 3475 So. Ocean Blvd., #310
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. Plumbing and electrical permits are also required. These permits must be obtained prior to commencing work.
- E Case #04-1618, Breakers Properties, Cocoanut Row
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.
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: it shall constitute a nuisance for any owner to permit on their property sand or soil to be stockpiled and land that has been cleared must be replanted or sodded.

MOTION BY MR. HOFFMAN TO SET CASE #'S 04-1614, 04-1615, 04-1616, 04-1617, AND 04-1618 FOR HEARING AT THE FEBRUARY 19, 2004 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.

VI New Business:

NONE

VII Consideration of Foreclosure:

NONE

VIII Old Business:

- A Case #01-1384, 332 South County Road, LLC, 332 South County Road
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 MR. HOFFMAN TO POSTPONE CASE #01-1384 UNTIL THE FEBRUARY 19, 2004 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

- B Case #03-1592, Kevin M. McGovern, 224 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 and painted, interior walls and ceilings shall be structurally sound, roofs must be maintained so as not to leak and all doors and windows and stairs shall be in a maintained condition.

MOTION BY MR. DAVIS TO DISMISS CASE #03-1592 FOR COMPLIANCE.

MOTION SECONDED BY MR. HOFFMAN.

MR. KLEIN OPPOSED.

MOTION CARRIED 5-1.

- C Case #03-1534, Brighton Pavillion, 336 Worth Avenue
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.

Note: One motion was made regarding Case #03-1543 and Case #03- 1537.

- D Case #03-1537, Devonshire, 340 Worth Avenue
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, balance due of \$34.70 and must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.

MOTION BY MR. HOFFMAN TO DISMISS CASE #03-1534 AND CASE #03-1537 FOR COMPLIANCE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

- E Case #02-1482, Washington Mutual Bank, FA, 159 Sunset Avenue
Violation of Section 42-87 of the Town of Palm Beach Code of Ordinances: Brush, weeds or grass may not be allowed to grow to a height greater than eight

(8) inches; and decayed or decaying buildings or structures, ruins of any kind or buildings, docks, walls or other structures in a falling or dangerous condition are unlawful; and Section 42-87 requires exterior walls to be reasonably free of cracks or holes through which weather elements can enter the building or structures, and all exterior surfacing material shall be kept painted and in good repair.

Mr. Walton reported that the defendant began demolition of the house on January 12, 2004.

IX Adjournment:

The meeting was adjourned by Chairman Lawrence at 3:13 p.m.