

**TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING
AGENDA**



**April 2, 2024 at 10:00 AM
Town Hall Commission Chambers**

APPROVAL OF MINUTES

1. ADOPTION OF THE MARCH 5, 2024, MINUTES

CASES TO BE HEARD

2. **CASE NO. 2024-004**

CASE NO. 2024-004

113 ISLAND DR. LLC

2831 W. CYPRESS CREED RD, STE 500, FT.
LAUDERDALE, FL 33309

**RE: 113 ISLAND DR. S, OCEAN RIDGE, FL
33435**

MC CORMICK MILE ADD 1 LT 113

NATURE OF VIOLATION

67-12 CONSTRUCTION ABANDONMENT

ADJOURNMENT

Please be advised that if a person decides to appeal any decision with respect to any matter considered at this meeting, such person will need a record of the proceedings, and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The town neither provides nor prepared such record.

Persons who need an accomodation in order to attend or participate in this meeting should contact the Town Clerk at 561-732-2635 at least 5 days prior to the meeting in order to request such assistance. Please take notice that one or more Town Commissioners may be present at any board or commission meeting of the Town of Ocean Ridge.

The Town of Ocean Ridge is holding all meetings in-person, with an additional option of listening to the audio live. Any person wishing to listen to the audio live can access the feed on the date and time of the meeting by dialing +1 (571) 317-3122 and using 910-698-933 as the access code. Persons who are unable to attend the meeting in person may submit public comments to be read into the record by emailing the Town Clerk a minimum of one business day prior to the meeting at kavery@oceanridgeflorida.com or by calling Town Hall during business hours before the meeting date and time and providing your comment to the Town Clerk.

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/COMMUNITY STANDARDS HEARING
MARCH 5, 2024

Present: Special Magistrate Amity Barnard, Town Attorney Christy Goddeau, and Town Clerk Kelly Avery.

The meeting was called to order at 10:05 A.M. by Special Magistrate Barnard.

Special Magistrate Barnard explained the hearing process, noting that the Town will call cases as they appear on the agenda. All those persons planning to provide testimony were sworn in by Special Magistrate Barnard.

A. ADOPTION OF JANUARY 9, 2024 MINUTES

The Community Standards Hearing Minutes of January 9, 2024, were adopted as submitted by Special Magistrate Barnard.

B. CASE NO. 2024-001

JAMES COOKSEY
23 COCONUT LANE, OCEAN RIDGE, FL 33435
RE: BOYNTON BEACH PARK LT 9 BLK 1 & 22-
45-43, S 25 FT OF W 101 FT OF E 490.47 FT OF SW 1/4
NATURE OF VIOLATION
SEC 67-31 Adoption of FBC
FBC Section 4502.17.1 Barrier Required for Outdoor Pools

Town Attorney Goddeau summarized the case for the Special Magistrate. She stated the Affidavit and Notice of Violation were served by certified mail and photos taken showing no barrier around the pool.

Town Clerk Avery mentioned that there are no building permits for a pool barrier.

Town Attorney Goddeau mentioned that the Towns Administrative costs are included in the exhibit. She also requested that the Respondent comply within fifteen (15) days or be fined Two Hundred Fifty Dollars (\$250.00) per day for every day thereafter that the violation(s) continues to exist at the property.

The Respondent was not present at the hearing.

Special Magistrate entered the Town exhibit one (1) case file into the record without objection. She stated that the Respondent violates Section 67-31 and FBC 4502.17.1 and shall comply with fifteen (15) days (on or before March 20, 2024) or be fined Two Hundred Fifty Dollars (\$250.00) per day for every day thereafter that the violation(s) continue to exist at the property. She also assessed administrative costs in the amount of One Hundred Seventy-Two Dollars and Seventy-Three Cents (\$172.73) for the Town's administrative costs in prosecuting the March 5, 2024, hearing, payable within thirty (30) days.

C. ADJOURNMENT

The hearing was adjourned at 10:11 A.M.

Minutes prepared by Deputy Town Clerk Pinder and adopted by Special Magistrate Barnard on April 2, 2024.

ATTEST:

Kelly Avery, Town Clerk

**COMMUNITY STANDARDS SPECIAL MAGISTRATE
TOWN OF OCEAN RIDGE**

PAGE 1 OF 2

CE CASE NO.: 2024-004

AFFIDAVIT AND NOTICE OF VIOLATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE UNDERSIGNED CERTIFIES AND SWEARS that he/she) has just and reasonable grounds to believe and does believe that on 2/26/24, at _____ hours, the Respondent(s), 113 ISLAND DR LLC owner(s) of the property located at 113 ISLAND DR. S, MC CORMICK MILE ADD 1 LT 113, Ocean Ridge, FL 33435, did violate Section(s) 67-12 CONSTRUCTION ABANDONMENT of the Town's Code of Ordinances by:

FAILURE TO COMPLETE CONSTRUCTION - CAN BE IN COMPLIANCE BY OBTAINING ZONING APPROVAL AND A BUILDING PERMIT WITHIN 30 DAYS FROM THE POSTING OF THIS NOTICE OR RESTORE THE SITE TO ITS PRE-CONSTRUCTION CONDITION (DETAILS OF CONDITION CAN BE FOUND IN SECTION 67-12).

This violation notice is base upon: personal observation/investigation, or upon a witness Affidavit (check one or both); Witness Affidavit, if any, must be attached hereto. The legal description of the property where the violation occurred is 113 ISLAND DR. S, MC CORMICK MILE ADD 1 LT 113
Pursuant to Town Code Section(s) 67-12 CONSTRUCTION ABANDONMENT, and Chapter 162, Florida Statutes, the violation(s) must be corrected within 30 calendar days from the receipt of this notice, failing which this matter shall be heard by a Community Standards Special Magistrate at Town Hall, 6450 N Ocean Blvd., Ocean Ridge, FL 33435, Telephone 561-732-2635, at 10:00 A.M. on APRIL 2, 2024.

If unsure as to how to correct the violation, contact the undersigned Code Enforcement Officer Immediately.

YOU ARE HEREBY ORDERED to appear and answer the above charges. Your failure to appear may result in the Special Magistrate proceeding in your absence.

AFFIDAVIT AND NOTICE OF VIOLATION

PAGE 2 OF 2

CE CASE NO.: 2024-004

To avoid a hearing in this case, it is your obligation to notify the undersigned Community Standards Officer of compliance on or before MARCH 30, 2024 at the Town of Ocean Ridge 561-732-2635.

If you are found in violation of the Town Code, the Special Magistrate has the legal authority to levy fines of up to \$250.00 a day against you and your property for every day that any violation continues beyond the date set in an order of the Special Magistrate for compliance, or, in the case of a repeat violation, a fine of up to \$500.00 a day upon a finding that repeat violation has been committed. If a violation is found to be irreparable or irreversible in nature, a fine of up to \$5,000 may be imposed by the Special Magistrate as per F.S.162.09 (2)(a).

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You will have the opportunity to present witnesses as well as question witnesses against you prior to the Special Magistrate making a determination. You should be prepared, at the hearing, to present evidence concerning the amount of time you will need to correct the alleged violation should you be found in violation of the Town Code. If you wish to have witnesses subpoenaed or if you have other questions, you may contact the Town Clerk's Office at 561-732-2635.

Any interested party seeking to appeal any decision of the Special Magistrate with respect to any matter considered at the hearing will need a record of the proceedings, and will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence presented.

If you need a special accommodation in order to attend the hearing, you must advise the Town Clerk's Office at 561-732-2635 at least thirty-six (36) hours prior to the hearing.

Printed: MANUEL PALACIOS

Signed: Manuel Palacios
Community Standards Officer

The foregoing Affidavit and Notice of Violation was sworn to (or affirmed) and subscribed before me by means of physical presence this 1st day of March 2024 by Manuel Palacios, who is personally known to me to be a Community Standards Officer of the Town of Ocean Ridge, Florida, and who did take an oath.

Witness my hand and seal the day and year first written above.



Kelly J. Iavery
NOTARY PUBLIC, State of Florida
My Commission Expires: 12/7/27



TOWN OF OCEAN RIDGE

6450 North Ocean Boulevard, Ocean Ridge, Florida 33435
(561) 732-2635 Main ♦ (561) 737-8359 Fax

AFFIDAVIT OF SERVICE

TOWN OF OCEAN RIDGE

Petitioner

COMMUNITY STANDARDS

CE CASE NO.: 2024-004

vs.

Code Section(s):

67-12 CONSTRUCTION ABANDONMENT

of the Town's Code of Ordinances

Respondent

VIOLATION ADDRESS: 113 ISLAND DR. S, MC CORMICK MILE ADD 1 LT 113, Ocean Ridge, FL 33435

I, MANUOL PALACIOS, Community Standards Officer, hereby certify and return that I have served a Community Standards Special Magistrate Affidavit and Notice of Violation for APRIL 2, 2024 at 10:00 A.M. on the above named respondent on

3/1/24 at 3:00 AM (PM)

SERVICE OBTAINED BY POSTED: By posting a Community Standards Special Magistrate Affidavit and Notice of Violation at the violation address and in the lobby of Town Hall, and by mailing a Community Standards Special Magistrate Affidavit and Notice of Violation by first class mail to the above named respondent.

3/1/24
Date

Manuol Palacios
Community Standards Officer

Sworn to and Subscribed

Before me by means of physical presence, this 1st day of March, 2024

(SEAL)



Kelly Iavery
NOTARY PUBLIC, State of Florida
My Commission Expires: 12/7/27

Sec. 67-12. - Construction abandonment.

All authorized construction shall be completed prior to the expiration of the building permit. The expiration of a building permit shall be prima facie evidence that the building project has not commenced or has been abandoned.

Failure of the permit holder or the property owner to complete construction once it has been initiated within the timeframe of the building permit is a violation that will be referred to the special magistrate pursuant to chapter 16, article I, of this Code. Failure to restore the site to its preconstruction conditions, including removal of all structural improvements and placement of sod on all disrupted portions of the site, may result in a fine not to exceed \$250.00 per day after the permit expires.

(Ord. No. 621, § 3, 5-1-2017)

Property Detail

Location Address : 113 ISLAND DR S
Municipality : OCEAN RIDGE
Parcel Control Number : 46-43-45-22-10-000-1130
Subdivision : MC CORMICK MILE ADD 1 IN
Official Records Book/Page : 31183 / 226
Sale Date : JAN-2020
Legal Description : MC CORMICK MILE ADD 1 LT 113

Owner Information

Owner(s)	Mailing Address
113 ISLAND DR LLC	2831 W CYPRESS CREEK RD STE 500 FORT LAUDERDALE FL 33309 1716

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
JAN-2020	\$825,000	31183 / 00226	DEED OF TRUST	113 ISLAND DR LLC
JUL-2015	\$10	27769 / 01011	WARRANTY DEED	ZUBAK JON

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 0
***Total Square Feet :** 0
Acres : 0.3078
Property Use Code : 0000—VACANT
Zoning : RSF—SINGLE FAMILY RESIDENTIAL (46-OCEAN RIDGE)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	\$0	\$34,748	\$150,776	\$166,582	\$169,285
Land Value	\$1,293,200	\$963,600	\$600,000	\$510,000	\$498,000
Total Market Value	\$1,293,200	\$998,348	\$750,776	\$676,582	\$667,285

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	\$876,821	\$825,854	\$750,776	\$676,582	\$667,285
Exemption Amount	\$0	\$0	\$0	\$50,000	\$50,000
Taxable Value	\$876,821	\$825,854	\$750,776	\$626,582	\$617,285

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	\$18,788	\$16,717	\$14,573	\$12,350	\$12,306
NON AD VALOREM	\$188	\$184	\$178	\$173	\$175
TOTAL TAX	\$18,976	\$16,901	\$14,751	\$12,523	\$12,481

Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcpa.gov

COMMUNITY STANDARDS SPECIAL MAGISTRATE
TOWN OF OCEAN RIDGE

PAGE 1 OF 2
CE CASE NO. 2014-004

AFFIDAVIT AND NOTICE OF VIOLATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE UNDERSIGNED CERTIFIES AND SWears that he/she has just and reasonable grounds to believe and does believe that on 2/28/14
1212640200 LLC
located at 121 BLAND BLVD. BE CONSTRUCTION MANAGEMENT
Section(s) 22-12 CONSTRUCTION ABANDONMENT
at _____ Ocean Ridge, FL 33435, (6) violate
hours, the Respondent(s), _____ of the Town's
ownership) at the property
Ocean Ridge, FL 33435, (6) violate

STATE OF FLORIDA
COUNTY OF PALM BEACH

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FAILURE TO COMPLETE CONSTRUCTION - CAN BE IN COMPLIANCE BY OBTAINING ZONING APPROVAL AND A BUILDING PERMIT WITHIN 30 DAYS FROM THE POSTING OF THIS NOTICE OR RESTORE THE SITE TO ITS PRE-CONSTRUCTION CONDITION. DETAILS OF CONDITION CAN BE FOUND IN SECTION 22-12.

personal observation/investigation. or upon a witness
Pursuant to Town Code Section(s) 22-12 CONSTRUCTION ABANDONMENT. The legal description of the
and Chapter 162, Florida Statutes, the violation(s) must be corrected within 30 calendar days from the
receipt of this notice, failing which this matter shall be heard by a Community Standards Special Magistrate
at Town Hall, 8450 N. Ocean Blvd., Ocean Ridge, FL 33435. Telephone 561-732-2635, at 10:00 A.M. on
APRIL 2, 2014.

This violation notice is base upon:
Affidavit (check one or both): Witness Affidavit, if any, must be attached hereto.

YOU ARE HEREBY ORDERED to appear and answer the above charges. Your failure to appear may result in the Special Magistrate proceeding in your absence.







U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
 Return Receipt (electronic) \$ _____
 Certified Mail Restricted Delivery \$ _____
 Adult Signature Required \$ _____
 Adult Signature Restricted Delivery \$ _____

Postmark
Here

2024-004

Postage

\$

8.73

Total Postage and Fees

\$

Sent To

113 Island Dr. L.I.C.
Street and Apt. No., or PO Box No.
2031 W. Cypress Creek Rd.
City, State, ZIP+4®
St Landersdale, FL 33320

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7022 3330 0001 1264 9319

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

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**CODE ENFORCEMENT HEARING
COST RECOVERY CALCULATION WORKSHEET
TOWN OF OCEAN RIDGE**

CASE NUMBER: 2024-004
 HEARING DATE: April 2, 2024
 ADDRESS: 113 Island Dr
 DATE PAID:
 METHOD OF PAYMENT:

ITEM	UNIT AMOUNT	# OF UNITS	TOTAL
CODE ENF. HEARING FEE	\$ 100.00	1	\$ 100.00
CODE ENFORCEMENT CLERK	\$ 34.00	1	\$ 34.00
CODE ENFORCEMENT OFFICER	\$ 30.00	1	\$ 30.00
BUILDING OFFICIAL	\$ 36.00	0	\$ -
ZONING OFFICIAL	\$ 45.00	0	\$ -
CERTIFIED MAILING	\$ 8.73	1	\$ 8.73
PHOTOGRAPHS	\$ -	0	\$ -
TOTAL AMOUNT DUE			\$ 172.73