



Town of Lake Park

SPECIAL MAGISTRATE HEARING AGENDA

JANUARY 4, 2018

10:00 A.M.

Town Hall Commission Chambers
535 Park Avenue
Lake Park, Florida 33403

PLEASE TAKE NOTICE AND BE ADVISED: If any interested person desires to appeal any decision of the Special Magistrate with respect to any matter considered at this Hearing, such interested person will need a record of the proceedings, and for such purpose, 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. *Persons with disabilities requiring accommodations in order to participate in the Hearing should contact the Town Clerk's Office by calling 561-881-3311 at least 48 hours in advance in order to request accommodations.*

REQUESTS FOR FINE REDUCTION

1) APPLICANT: BRUCE M. CIARLARIELLO

LOCATION: 627/629 SILVER BEACH ROAD
PCN: 36-43-42-20-01-056-0330
LEGAL: KELSEY CITY LTS 33, 34 & 35 BLK 56

CASE NO. 17010011

ORIGINAL S/M HEARING DATE:	10/05/17
CODE SECTION VIOLATED:	FBC 101.4.3
ORDERED COMPLIANCE DATE:	10/12/2017
ACTUAL COMPLIANCE DATE:	10/18/2017
\$25.00 PER DAY FINE X 6 DAYS	\$150.00
CODE SECTION VIOLATED:	16-10
ORDERED COMPLIANCE DATE:	10/12/2017
ACTUAL COMPLIANCE DATE:	12/06/2017
\$25.00 PER DAY FINE X 55 DAYS	\$1,375.00
CODE SECTION VIOLATED:	54-100
ORDERED COMPLIANCE DATE:	10/19/2017
ACTUAL COMPLIANCE DATE:	11/13/2017
\$75.00 PER DAY FINE X 25 DAYS	\$1,875.00

CODE SECTION VIOLATED: 54-125(b)
ORDERED COMPLIANCE DATE: 10/12/2017
ACTUAL COMPLIANCE DATE: 10/18/2017
\$50.00 PER DAY FINE X 6 DAYS \$300.00

CODE SECTION VIOLATED: 54-125(c)
ORDERED COMPLIANCE DATE: 10/12/2017
ACTUAL COMPLIANCE DATE: 10/18/2017
\$25.00 PER DAY FINE X 6 DAYS \$150.00

CODE SECTION VIOLATED: 54-125(g)
ORDERED COMPLIANCE DATE: 10/12/2017
ACTUAL COMPLIANCE DATE: 10/18/2017
\$25.00 PER DAY FINE X 6 DAYS \$150.00

CODE SECTION VIOLATED: 54-125(p)
ORDERED COMPLIANCE DATE: 10/12/2017
ACTUAL COMPLIANCE DATE: 10/18/2017
\$50.00 PER DAY FINE X 6 DAYS \$300.00

CODE SECTION VIOLATED: 54-74(1)(d)
ORDERED COMPLIANCE DATE: 10/12/2017
ACTUAL COMPLIANCE DATE: 10/18/2017
\$25.00 PER DAY FINE X 55 DAYS \$1,375.00

TOTAL FINES: \$5,675.00
INTEREST: 70.70
\$5,745.70

2) APPLICANT: RENE A. MAGRAS, JR.

LOCATION: 710 W. KALMIA DRIVE
PCN: 36-43-42-20-01-089-0050
LEGAL: KELSEY CITY LTS 5 TO 7 INC BLK 89

CASE NO. 06-00406

ORIGINAL S/M HEARING DATE: 04/06/2006
FINE REDUCTION HEARING DATE: 08/02/2007

CODE SECTIONS VIOLATED: 32-86; 30-3.1-7; 7-104 (d)
ORDERED COMPLIANCE DATE: 06/05/2006
ACTUAL COMPLIANCE DATE: 08/01/2007
\$250.00 PER DAY FINE X 422 DAYS \$105,500.00

TOTAL FINES: \$105,500.00
INTEREST: 30,164.65
\$135,664.65



**SPECIAL MAGISTRATE
HEARING AGENDA
January 4, 2018 10:00 AM**

PLEASE TAKE NOTE AND BE ADVISED that if any interested person desires to appeal any decision made by the Special Magistrate with respect to any matter considered at this Hearing, such interested person may need a verbatim record of the proceedings made, including the testimony and evidence presented at this Hearing.

CALL TO ORDER

SWEARING IN OF ALL WITNESSES

QUASI-JUDICIAL PROCEEDINGS

The Special Magistrate shall have the jurisdiction and authority to hear and decide alleged violations of the Codes and Ordinances enacted by the Town of Lake Park.

Category: NEW CASES

#	Case No.	Date Issue	Req'd Action
1	17100054	10/31/2017	

Owner	Address	Site Address
TRUST LAKE PARK LTD	101 ARCH ST BOSTON, MA 02110-1500	769 Veneto Dr, Lake Park, FL 33403 104

Description

C. NOTICE NO. 3334.
BEDROOM CEILING LEAKING WHEN IT RAINS. PLEASE CORRECT.

Violations

Ordinance/Regulation	Section	Description	Means Correction	Days Comply
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-125	General requirements for the exterior and interior of structures. (a) Foundation. The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon. (b) Ext		4

# Case No.	Date Issue	Req'd Action
2 17070023	7/19/2017	

Owner	Address	Site Address
POWLETTE KEITH I / HELP AGENCY OF FL.	332 PARK AVE LAKE PARK, FL 33403	332 Park Ave Lake Park, FL 33403

Description

DETERIORATED ASPHALT DRIVEWAY SURFACE: OBTAIN BUILDING PERMIT TO REPLACE/REPAIR. NO LAWN WITHIN THE FRONT AND SIDE YARDS. PRIOR TO LAYING SOD, CONTACT CODE OFFICER DURGIN 561.881.3321, REGARDING RE-GRADING SWALE AREA. REMOVE LITTER THROUGHOUT PROPERTY AN MOW/MAINTAIN OVERGROWN BACKYARD.

Violations

Ordinance/Regulation	Section	Description	Means Correction	Days Comply
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-71	Property maintenance standards. general. (a) Applicability. These regulations shall apply to all private property, including all buildings and structures within the town. (b) General regulations. (1) All buildings and structures, both		21
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-74	Additional Landscape and Property Standards. (1) Developed lots including those swale, swale areas, sidewalks, driveway aprons, and driveways which are adjacent to, or abut a developed lot: (a) Shall be kept free of debris, rubbish, trash or		21
Chapter 78 ZONING*	Sec. 78-253	Minimum landscape requirements. (a) Nonresidential districts. (1) In nonresidential districts, no more than 40 percent of the total landscape area shall be covered with sod (grass), except those projects proposing playgrounds, ballfields, gol		30

# Case No.	Date Issue	Req'd Action
3 17100051	10/30/2017	

Owner	Address	Site Address
CASA JUNO LLC	10160 ASPEN WAY PALM BEACH GARDENS, FL 33410-5126	815 14th St, Lake Park, FL 33403

Description

Pedestrian Sidewalk Tripping Hazard. Tree roots have caused sidewalk to lift. Please obtain a building permit at the Community Development Dept, 561.881.3318, and repair .

Violations

stored on such site. For purposes of this subsection, a boat/trailer or vehicle/trailer in combination shall be considered one type.

A TOTAL OF SEVEN (7) AQUATIC VESSELS WERE OBSERVED ON PROPERTY

b. A boat may not be stored outdoors, unless the boat is on a boat trailer.

ONE (1) BOAT WAS OBSERVED STORED WITHOUT A TRAILER

c. Such equipment shall be screened from adjacent properties on the side property line nearest the equipment by an obscuring fence or landscaping, which such screening shall be a minimum of six feet in height. On corner lots, when such equipment is stored between a building and an adjacent street, such equipment shall be screened on all sides visible from either adjacent street by an obscuring fence or landscaping, which such screening shall be six feet in height. Provided, however, no such equipment shall be stored within a required side yard setback between a building and an adjacent street.

TWO (2) BOATS WERE OBSERVED STORED ON SIDE OF PROPERTY BUILDING NOT SCREENED FROM VIEW

(7) Outdoor storage and the area of storage shall be maintained in a clean, neat and presentable manner.

& Sec. 54-74 - Additional Landscape and Property Standards

OUTDOOR STORAGE AREAS, SWALE, SIDE AND BACK YARD, WERE OBSERVED IN DEBILITATED AND UNSANITARY CONDITION

CORRECTIVE ACTION NEEDED:

- REMOVE ALL EXCESS BOATS, VESSELS AND/OR TRAILERS FROM PROPERTY
- PROVIDE A TRAILER FOR THE ONE ALLOWED REMAINING BOAT/VESSEL; ENSURE THAT THE TRAILER IS IN GOOD AND WORKING CONDITION
- REGISTER AND DISPLAY REGISTRATION TAGS FOR REMAINING ONE TRAILER AND BOAT/VESSEL
- REMOVE ALL IMPROPERLY STORED BOATS AND PROPERLY SCREEN FROM VIEW THE ONE REMAINING BOAT/VESSEL ALLOWED ON PROPERTY
- CLEAN ALL STORAGE AREAS AND INSTALL SOD IN ALL DAMAGED AREAS, INCLUDING BUT NOT LIMITED TO SWALE, SIDE YARD AND BACK YARD

LACK OF COMPLIANCE AND ANY OUTSTANDING VIOLATIONS PAST A RE-INSPECTION DATE OF 12/01/17 WILL RESULT IN CASE BEING BROUGHT TO A HEARING BEFORE SPECIAL MAGISTRATE AND MAY RESULT IN ABATEMENT, MONETARY FEES AND PENALTIES.

Violations

Ordinance/Regulation	Section	Description	Means Correction	Days Comply
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-74	Additional Landscape and Property Standards. (1) Developed lots including those swale, swale areas, sidewalks, driveway aprons, and driveways which are adjacent to, or abut a developed lot: (a) Shall be kept free of debris, rubbish, trash or		14
Chapter 68 OUTDOOR STORAGE*	Sec. 68-3	Prohibited outdoor storage in residential zoning districts. Outdoor storage on a site zoned for single-family or duplex residences is subject to the following conditions and restrictions:		14

# Case No.	Date Issue	Req'd Action
6 17110006	11/7/2017	

Owner	Address	Site Address
VILME DUCIS &	848 HAWTHORNE DR LAKE PARK, FL 33403-2430	848 Hawthorne Dr, Lake Park, FL 33403

Description

Sec. 11-5. - Minimum requirements for the possession and sheltering of certain animals.

(d) Outdoor standards. Minimum outdoor standards of shelter shall include:

(1) Shelter from sunlight. For all animals tied or confined unattended outdoors during months of April through November, sufficient shade by natural or artificial means shall be provided to protect animals from direct sunlight.

(2) Shelter from inclement weather.

a. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

b. Dogs. If a dog is tied or confined unattended outdoors or in an unheated enclosure, a shelter of suitable size to accommodate the dog shall be provided. The minimum specifications for such shelter shall be as follows:

1. The shelter must be a moisture-proof, weathertight doghouse maintained in good repair;
2. The shelter must be constructed and maintained so as to provide sufficient space to:
 - 1) allow the dog to turn around freely;
 - 2) allow the dog to easily sit, stand and lie in a normal position;
 - 3) keep the dog clean, dry and comfortable;
 - 4) maintain the dog's body heat;
3. The shelter must be made of durable materials including, but not limited to, wood or molded plastic;
4. The shelter must have an entrance covered by a self-closing swinging door or covering, or an "L" shaped entrance to prevent the wind and elements from blowing directly into the house;
5. The shelter must have clean bedding to provide insulation and protection against cold and dampness and promote the retention of body heat. Acceptable bedding shall include, but not be limited to, blankets, hay, straw, or cedar shavings; and
6. The shelter must have suitable drainage, which rapidly eliminates excess water.

OBSERVED WAS A MAKESHIFT DOG KENNEL/PEN WITH NOT MEETING THE MINIMUM REGULATORY STANDARDS FOR ANIMAL SHELTERS

PLEASE REMOVE THE DOG FROM THIS KENNEL/PEN AND PROVIDE PROPER SHELTER FOR ALL ANIMALS ON PROPERTY

Sec. 16-10 Maintenance of private property &
Sec. 54-74 Additional Landscape and Property Standards.

OBSERVED WAS DEBILITATED AND OVERGROWN LAWN IN FRONT YARD, BACK YARD AND SWALE AREA.

PLEASE MOW, TRIM AND MAINTAIN ALL LAWN AND SOD AREAS IN GOOD AND SANITARY CONDITION

Sec. 26-5 Maintenance standards for private swimming pools.

OBSERVED WAS NON-CIRCULATING POOL WITH DEBRIS AND ALGAE-CONTAMINATED WATER.
CLEAN AND MAINTAIN SWIMMING POOL; WATER MUST CIRCULATE DAILY.

Sec. 54-73. - Boarded up buildings, hurricane shutter removal required

OBSERVED WAS ONE AWNING/SHUTTER CLOSED OFF IN BACK OF PROPERTY
PLEASE PLACE ALL SHUTTERS/AWNINGS IN FULLY OPEN POSITION.

Sec. 68-3 Prohibited Outdoor Storage

(2)

OBSERVED WAS ONE TRAILER PARKED IN FRONT OF BUILDING

TRAILER SHALL BE STORED TO THE REAR OF THE FRONT BUILDING. PLEASE REMOVE FROM
OR MOVE TRAILER TO BACK OF PROPERTY.

(7) Outdoor storage and the area of storage shall be maintained in a clean, neat and presentable
manner.

OBSERVED WERE VARIOUS ITEMS, INCLUDING A MATTRESS, SCATTERED THROUGHOUT THE
BACK OF PROPERTY

PLEASE PROPERLY STORE OR REMOVE ALL SCATTERED ITEMS FROM BACK YARD. PLEASE
REMOVE MATTRESS FROM OUTDOOR AREA.

LACK OF COMPLIANCE AND ANY OUTSTANDING VIOLATIONS PAST A RE-INSPECTION DATE
WILL RESULT IN CASE BEING BROUGHT TO A HEARING BEFORE SPECIAL MAGISTRATE AND
MAY RESULT IN MONETARY FEES AND PENALTIES.

Violations

Ordinance/Regulation	Section	Description	Means Correction	Days Comply
Chapter 11 ANIMALS	Sec. 11-5	Minimum requirements for the possession and sheltering of certain animals. (a) Possession generally. No person shall keep, possess or maintain any live animal, including livestock or fowl, within the town, except as provided herein. Dogs, cats,		14
Chapter 16 OFFENSES*	Sec. 16-10	Property Maintenance. (a) It shall be unlawful for the owner, occupant, lessee, or person in control of any land including the swales, sidewalks, driveways, alleys, driveway aprons, or curbs, which abut, or are adjacent or contiguous to the proper		14
Chapter 26 SWIMMING POOLS*	Sec. 26-5	Maintenance standards for private swimming pools. All swimming pools located on private property within the town shall be maintained		14

		so as not to constitute a nuisance. For purposes of this section, a nuisance may include, but not be limited to, the	
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-73	Boarded up buildings, hurricane shutter removal required. The town recognizes that from time to time it may be necessary to secure real property because of abandonment, disrepair, public hazard or natural disaster. Unsecured property can lead to va	14
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-74	Additional Landscape and Property Standards. (1) Developed lots including those swale, swale areas, sidewalks, driveway aprons, and driveways which are adjacent to, or abut a developed lot: (a) Shall be kept free of debris, rubbish, trash or	14
Chapter 68 OUTDOOR STORAGE*	Sec. 68-3	Prohibited outdoor storage in residential zoning districts. Outdoor storage on a site zoned for single-family or duplex residences is subject to the following conditions and restrictions: (1) Automobiles, pickup trucks, light vans and/or motorcyc	14

# Case No.	Date Issue	Req'd Action
7 17110043	11/21/2017	

Owner	Address	Site Address
BRAKESMART INC	1045 SILVER BEACH RD LAKE PARK, FL 3403-3016	1045 Silver Beach Rd, Lake Park, FL 33403

Description

Sec. 24-71. - Base collection service.
Base collection service shall include collection and disposal of the volume of containerized garbage, commercial trash and recyclable materials expected to be generated by the property. Said volume may be determined by the town on the basis of the user classification schedule established for refuse disposal assessments by the Palm Beach County Solid Waste Authority or by other equitable basis as determined by the town.

FACILITY OPERATING WITHOUT VALID SANITATION SERVICE.

PLEASE PAY ALL PAST DUE FEES AND FINES TO REINSTATE THE SERVICE.

Violations

Ordinance/Regulation	Section	Description	Means Correction	Days Comply
Chapter 24 SOLID WASTE*	Sec. 24-71	Base collection service. Base collection service shall include collection and disposal of the volume of containerized garbage, commercial trash and recyclable materials expected to be generated by the property. Said volume may be determined by the t		14

# Case No.	Date Issue	Req'd Action
8 17110044	11/21/2017	

Owner	Address	Site Address
WOJO CORP	1440 10TH ST LAKE PARK, FL 3403-2037	1440 10th St, Lake Park, FL 33403

Description

Sec. 24-71. - Base collection service.

Base collection service shall include collection and disposal of the volume of containerized garbage, commercial trash and recyclable materials expected to be generated by the property. Said volume may be determined by the town on the basis of the user classification schedule established for refuse disposal assessments by the Palm Beach County Solid Waste Authority or by other equitable basis as determined by the town.

FACILITY OPERATING WITHOUT VALID SANITATION SERVICE.

PLEASE PAY ALL PAST DUE FEES AND FINES TO REINSTATE THE SERVICE.

Violations

Ordinance/Regulation	Section	Description	Means Correction	Days Comply
Chapter 24 SOLID WASTE*	Sec. 24-71	Base collection service. Base collection service shall include collection and disposal of the volume of containerized garbage, commercial trash and recyclable materials expected to be generated by the property. Said volume may be determined by the t		14

# Case No.	Date Issue	Req'd Action
9 17110036	11/21/2017	

Owner	Address	Site Address
BRANDON SUSICH & MELISSA CRONIN	729 GREENBRIAR DR LAKE PARK, FL 33403-2520	729 Greenbriar Dr, Lake Park, FL 33403

Description

Sec. 54-100 - Permits

UNPERMITTED STRUCTURE OBSERVED ON PROPERTY - SHED

PLEASE REMOVE THE UNPERMITTED STRUCTURE OR COMPLETE THE PERMITTING PROCESS INCLUDING BUT NOT LIMITED TO APPLICATION, FEES, INSPECTIONS, ETC.

Sec. 78-153 - Freestanding canopies

PROHIBITED CANOPY WAS OBSERVED ON PROPERTY PLACED OVER A BOAT

PLEASE IMMEDIATELY REMOVE AND REFRAIN FROM PUTTING BACK UP THE PROHIBITED CANOPY

Sec. 78-62 - R-1A residence districts

RESIDENT IS ENGAGING IN BOAT REPAIR BUSINESS, A PRACTICE PROHIBITED IN THE R-1A ZONE DISTRICT

IMMEDIATELY CEASE AND DESIST ALL PRACTICES PROHIBITED WITHIN THE RESIDENTIAL R-1A DISTRICT AND REMOVE ALL RELATED EQUIPMENT AND VEHICLES/VESSELS FROM PROPERTY SUCH AS BOATS, VESSELS, TRAILERS, ETC.

Sec. 68-3. - Prohibited outdoor storage in residential zoning districts.

(1) Automobiles, pickup trucks, light vans and/or motorcycles used for regular transportation shall be stored within an open carport, within an approved driveway and/or within a swale area adjacent to the site provided, however, the storage of any vehicles within the swale area shall be prohibited from dawn to dusk. All such vehicles, at all times, shall have affixed a valid license plate.

ONE PICK UP TRUCK WAS OBSERVED PARKED ON SIDE LAWN OF PROPERTY.

CEASE AND DESIST PROHIBITED PARKING PRACTICES IMMEDIATELY.

(2) A motor home or RV, travel or camping trailer, boat/trailer combination, open or enclosed cargo trailer with or without cargo, project/special-purpose vehicle shall be stored to the rear of the front building line closest to the street and, if possible, set back from the side property lines a distance at least equivalent to the required side yard setback for the principal building. Provided, however, no such equipment shall be stored between any building and an adjacent street, except as provided in subsection (2)c of this section. All such vehicles/trailers shall have affixed a current license plate and all boats shall have affixed a valid registration decal.

ONE EXTREMELY DEBILITATED BOAT AND ONE TRAILER WERE OBSERVED PARKED IN REAR OF PROPERTY. NEITHER HAD PROPER REGISTRATION DECALS POSTED. VESSEL TRAILER BARES EXPIRED GEORGIA TAG INDICATING THE VESSEL IS IN PROCESS OF BEING REPAIRED FOR A NON-RESIDENT. REMOVE ALL UNREGISTERED VESSELS AND TRAILERS FROM PROPERTY.

LACK OF COMPLIANCE AND ANY OUTSTANDING VIOLATIONS PAST A RE-INSPECTION DATE WILL RESULT IN CASE BEING BROUGHT TO A HEARING BEFORE SPECIAL MAGISTRATE AND MAY RESULT IN MONETARY FEES AND PENALTIES.

Violations

Ordinance/Regulation	Section	Description	Means Correction	Days Comply
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-100	Permits. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change a residential building or structure, or to cause such work to be done, shall first make application to the community deve		30
Chapter 68 OUTDOOR STORAGE*	Sec. 68-3	Prohibited outdoor storage in residential zoning districts. Outdoor storage on a site zoned for single-family or duplex residences is subject to the following conditions and restrictions: (1) Automobiles, pickup trucks, light vans and/or motorcyc		3
Chapter 78 ZONING*	Sec. 78-153	Freestanding canopies. Freestanding canopies, as defined herein, are prohibited within the town. (Ord. No. 30-2004, § 3(32-95), 2-2-2005) Cro		3
Chapter 78 ZONING*	Sec. 78-62	R-1A RESIDENCE DISTRICTS. Within R-1A residence districts, the		3

following regulations shall apply:

(1)
Uses permitted. Within any R-1A residence district, no building, structure or land shall be used and no building shall be erected, structurally

Total	NEW CASES	9
Total Hearing		9