

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/COMMUNITY STANDARDS HEARING
FEBRUARY 1, 2022

Present: Special Magistrate Amity Barnard, Town Attorney Christy Goddeau, Town Manager Tracey Stevens, Town Clerk Karla Armstrong Building Official Durrani Guy, Community Standards Officer Robert McAllister, and Community Standards Officer Frederick Stang.

The meeting was called to order at 10:01 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. Once the case is called, the Town will present evidence first, then the Respondent will have the opportunity to see the evidence, ask any questions, and then the Respondent will provide testimony and evidence. Once all of the evidence and testimony has been concluded, the Special Magistrate will make a ruling, and the Town and Respondent will receive the written order in the mail within the next few days. This is not meant to be a formal courtroom and formal rules of evidence do not apply.

All those persons planning to provide testimony were sworn in by Special Magistrate Barnard.

A. ADOPTION OF JANUARY 4, 2022 MINUTES

The Code Enforcement Hearing Minutes of January 4, 2022 were adopted as submitted by Special Magistrate Barnard.

**B. VIOLATION HEARING
CASE NO. 2021-013**

**ROBERT & CYNTHIA KEHRIG
90 ISLAND DRIVE S, OCEAN RIDGE, FL 33435
RE: MC CORMICK MILE ADD 1 LT 90 (LESS
TRGLR PAR K/A WLY 15 FT)**

NATURE OF VIOLATION

Violate Section(s) 67-51 by Performing Work Without an Approved Building Permit.

Special Magistrate Barnard provided time for the Respondents to review the Exhibits on record as submitted by the Town.

Town Attorney Goddeau summarized the case for Special Magistrate Barnard. She asked Building Official Guy to provide the history of the property, to which the Building Official Guy provided. Building Official Guy also noted that violations to the substantial improvement guidelines would put the Town in jeopardy of losing its class rating in the National Flood Insurance Program. He testified that the violation still exists since the new door is still there, and that the violation was observed by Community Standards Officer Frederick Stang. Community Standards Officer Frederick Stang confirmed that he viewed the violation.

The Respondent's Representative, Angela Kehrig, daughter of the owners, had no objection to the exhibits provided by the Town.

Special Magistrate Barnard stated that there was sufficient notice, and asked the respondent's representative, Angela Kehrig, to testify regarding the case. Ms. Kehrig confirmed that the door was installed without a permit; however, that there is an exception to the substantial improvement clause for improvements done as a result of a life safety concern. She gave a history of the property and noted that the door falls under the exception clause. She argued that the change in door falls under the life safety exception due to the door's age, the fact that the old door wouldn't lock, and did not meet today's hurricane standards. She entered into record a letter from an engineer that states the door is a safety code violation.

Special Magistrate Barnard asked for the Town's request to remedy the violation. Town Attorney Goddeau stated that the Town is recommending 60 days for an approved permit that would be inclusive of the respondent going before Development Plan Review for substantial improvement. She asked Building Official Guy if the door would qualify for the exception. Building Official Guy testified that the new door is still in place and that it has been disguised to look like the old door. He further testified that the door does qualify as a life safety, but could have been achieved with a standard door and not the door installed. He noted that the door could have been a part of their previous permits and that the Respondents have been doing their improvements in pieces. He added that the Respondents only notified him of the life safety concern after the work had been performed and the Respondents received notice of violation. Town Attorney Goddeau re-iterated the Town's request to remedy the violation.

Ms. Kehrig stated that the current door is needed for hurricane safety and that substantial improvement guideline do not take into account natural wear and tear for the current conditions of living close to salt water. She provided the information for the old door.

Building Official Guy stated that there is a video from the Police Officer's body worn camera from the day of the violation that also shows that there has been significant work done inside the home with no permits. Town Attorney Goddeau stated that the respondent will also be in violation for the interior work done without permits as shown in the pictures and videos from the Community Standards Officer's camera. Special Magistrate Barnard asked Building Official Guy if the door meets the exception under substantial improvement, to which Building Official Guy noted that the standards could have been met with a less expensive door. Town Attorney Goddeau also asked Building Official Guy if he would've considered the door a life safety issue if properly notified, to which he responded that he would have considered the door a life safety issue, but an acceptable door would not have been the door installed. Town Attorney Goddeau stated that the intention of the clause is for the person to do the minimum to not have the life safety violation.

Angela Kehrig clarified that the door is obscure from the outside because the Respondents do not feel respected in their space from their neighbor, and it is not meant to hide from the Town. She added that the door is not being disguised from the Town.

Special Magistrate Barnard entered the engineer letter regarding the door from the respondent as exhibit #12 and the Town's pictures of the interior of the property as exhibit #13.

Town Attorney Goddeau asked for the compliance date to be April 5, and if the applicant shows good faith in coming into compliance, then the Town will put the respondent on the agenda to ask the Special Magistrate for additional time for the applicant to comply.

Special Magistrate Barnard advised that she would make the following findings of fact and conclusions: the Respondents are the owners of the above-described property, notice is proper and sufficient, the Respondents were represented at the hearing by Angela Kehrig, daughter of Respondents, based upon the evidence and testimony presented the property is not in compliance with Section 67-51 of the Code of Ordinances of the Town of Ocean Ridge.

Special Magistrate Barnard ordered the Respondents to comply with Section 67-51 of the Code of Ordinances of the Town of Ocean Ridge by obtaining an issued permit for the front door on or before April 5, 2022 or be fined One Hundred dollars (\$100.00) per day for every day thereafter that the violation(s) continues on the property.

Special Magistrate Barnard further ordered the Respondents to pay the administrative costs in the amount of One Hundred Eighty-Eight dollars (\$188.00) for the Town's Administrative costs in prosecuting the February 1, 2022 hearing, payable within thirty (30) days of the date of this order.

C. STATUS/FINE ASSESSMENT HEARING

CASE NO. 2021-008

**ALBERT & PATRICIA THROWER, ALBERT &
PATRICIA THROWER TR TITL HLDRS
8 INLET CAY DRIVE, OCEAN RIDGE, FL 33435
RE: INLET CAY, LT 8**

NATURE OF VIOLATION

Violate Section(s) 64-77 by Failure to Obtain Permit for
Installation of Floating Dock.

Town Attorney Goddeau summarized the case for Special Magistrate Barnard. She asked Building Official Guy to provide the history of the property, to which the Building Official provided. Building Official Guy testified that the floating dock is still there and it is mechanically attached, which needs a permit. He further testified that there is an application for a permit, but that the application has not been approved yet.

Special Magistrate asked when the permit was submitted, and asked about information regarding the permit, to which Town Attorney Goddeau provided. She further asked about if there was proper notice, to which the respondent and Town Attorney Goddeau agreed there was.

Respondent, Albert Thrower, 8 Inlet Cay Drive, stated that the permit was applied for quickly after the Board of Adjustment's ruling, and that the permit process is more extensive than he imagined. He noted that he is struggling to get approvals from Department of Environmental Protection and Army Corps of Engineers. He discussed the tasks that he has done to obtain the permit, and stated that he hired an engineer to help him obtain the State's approvals. He further added that he contacted the installer to obtain architectural drawings.

Building Official Guy stated that the violation has existed for almost a year. He further stated that the violation could be remedied by removing the floating dock and re-installing it after the permit has been approved. Town Attorney Goddeau stated that she would like to move forward and assess the fine to the property that has been accruing since December 3, 2021 per the previous order. Mr. Thrower discussed the different ways of what he could do to reach compliance and asked not to be fined. Special Magistrate Barnard asked respondent how long he estimates that it would take to reach compliance, and Mr. Thrower stated that it could take 60 days or less. Mr. Thrower reiterated ways that he could reach compliance, to which Special Magistrate Barnard stated that he would have to work with the Building Official to see which way compliance can be reached. Town Attorney Goddeau stated that the Respondent is able to ask for reduction of fines once they have achieved compliance. Mr. Thrower stated that they are showing good faith efforts to obtain the permit.

Town Attorney Goddeau asked Special Magistrate to open it up for others present to testify, to which Special Magistrate Barnard did, with no objection from the Respondent.

Alexandra Eichner, Representative of the Fornatora's at 7 Inlet Cay Drive, called attention to the code violations at 8 Inlet Cay Drive. She asked Special Magistrate Barnard to rule 8 Inlet Cay Drive in violation and fine them. She added that the owner does not adhere to Town Code, and gave some history regarding the subject property. She further asked for the magistrate to order for the dock to be removed. Mr. Thrower dissented that there were any additional violations on the property besides the floating dock. He added that his regular dock is in compliance as they obtained a permit and the permit has been deemed closed.

Special Magistrate Barnard entered into evidence a document from the Respondent dated January 29, 2022 as Exhibit #4.

Special Magistrate Barnard advised that she would make the following findings of fact and conclusions: the Respondents are the owners of the above-described property, notice is proper and sufficient, the Respondents were represented at the hearing by Albert Thrower, respondent, based upon the evidence and testimony presented the property is still not in compliance with Section 64-77 of the Code of Ordinances of the Town of Ocean Ridge.

Special Magistrate Barnard ordered that a fine of Five Thousand Seven Hundred dollars (\$5,700) is hereby assessed, at One Hundred Dollars (\$100.00) per day, for the violations which existed on the property beginning from December 7, 2021 through February 1, 2022, a period of one fifty seven (57) day; and the fine amount shall continue to accrue at one hundred dollars (\$100.00) per day until compliance is achieved.

Special Magistrate Barnard further ordered the Respondents to pay the administrative cost in the amount of One Hundred Twenty Four dollars (\$124.00) for the Town's Administrative costs in prosecuting the February 1, 2022 hearing, payable within thirty (30) days of the date of this order.

Items D, E, and F were deferred to a later date that would be scheduled by the Town Clerk based on availability of staff, and adequate notice provided for all Respondents and the public.

**D. VIOLATION HEARING
CASE NO. 2022-005**

**RONALD KERRIGAN
RE: KERRIGAN SUBDIVISION
NATURE OF VIOLATION**

Violate Section(s) 64-112 and 64-115 by Failing to Complete Improvements for Subdivision within the Timeframe in Town Code & Town Commission Granted Extension.

**E. VIOLATION HEARING
CASE NO. 2022-003**

**SUMMIT OCEAN RIDGE LLC
6600 N OCEAN BLVD 1, OCEAN RIDGE, FL 33435
RE: MC CORMICK MILE LT 71 & S 40 FT OF LT 72
NATURE OF VIOLATION**

Violate Section(s) 67-51 and 115.3 under Sec. 67-60 by Performing Interior Demolitions and a Re-roof Without Approved and Issued Building Permits and Continuing the Work after a Stop Work Order Posted.

**F. VIOLATION HEARING
CASE NO. 2022-004**


**LAVA ENTERPRISE LLC
51 SPANISH RIVER DR, OCEAN RIDGE, FL 33435
RE: INLET CAY LT 51
NATURE OF VIOLATION**

Violate Section(s) 64-81, 67-74 and 67-174 by Failure to Maintain Seawall and Adhering to the Maintenance and Appearance Standards.

G. ADJOURNMENT

The hearing was adjourned at 11:29 A.M.

Minutes prepared by Town Clerk Armstrong and adopted by Special Magistrate Barnard on February 15, 2022.

ATTEST:

Karla Armstrong, Town Clerk
TOWN OF OCEAN RIDGE
FLORIDA