



Town of Loxahatchee Groves
Special Magistrate Hearing
Wednesday, February 15, 2012 at 10:00 a.m.
 Town Hall Conference Room, 14579 Southern Blvd., Suite 2

MINUTES

1. Call to Order

Special Magistrate William P. Doney called the meeting to order at 10:01 a.m. Present were Town Manager Mark Kutney, Town Clerk Janice M. Moore, Beverly Tew, President of Tew & Taylor, Inc., and Code Enforcement Officer Russell Elgin.

2. Swearing In of All Witnesses – Special Magistrate Doney

3. Fine/Lien Certification

a. Case 2010-155 Town of Loxahatchee Groves Florida (Petitioner) vs. 1930 D Road, LLC (Continuance)

PCN: 41-40-43-13-00-000-5020

Location: 3130 162nd Drive N.

Violation: Unified Land Development Code Article 20: Residential Zoning Districts; Section 20-015; Article 80: Conditional Uses Section 80-55

Commercial Chipping & Mulching Including Sifting and Screening on Property Less Than 10 Acres

Violation: Unified Land Development Code Article 45: Property Maintenance; Section 45-010 (B)

Storage in Excess of three (3) Inoperable and Unregistered Vehicle and Other Junk Items

Violation: Unified Land Development Code Article 45: Property Maintenance; Section 45-010 (A)

Property Has Uncontained Litter, Garbage, Non-Vegetative Debris and Trash

Violation: Unified Land Development Code Article 20: Residential Zoning Districts; Section 20-020

Landscape Maintenance Operations Located on Property

Ms. Tew reported that the owner had met compliance and that the administrative costs were tentatively \$1,000.00. Discussion took place regarding the recuperation of administrative expenses. Special Magistrate Doney suggested that in order to assess costs, the specific expenses needed to be determined.

Mrs. Pat Hastings provided an overview of the process of cleaning up the property and the monetary hardship.

Special Magistrate Doney's Findings: enter an agreed order **assessing costs** in the amount of \$900.00 with three (3) payments of \$300 due April 1, 2012, June 1, 2012 and August 1, 2012. In the event payment is not made as agreed, a lien shall be filed in the amount of the unpaid balance.

b. Case 2010-181 Town of Loxahatchee Groves Florida (Petitioner) vs. Denise Beuthien

PCN: 41-41-43-17-01-249-0160

Location: 15032 Williams Drive

Violation: Unified Land Development Code Article 50: Public Nuisances; Section 50-015 (A), (1)

Accumulation of Junk Items, Debris, Garbage, Trash and Litter

Ms. Tew noted that the property was not currently in compliance and provided an overview of what had been completed and what was outstanding. She presented Exhibit 4, eight (8) photographs, which were accepted and entered into the record by Special Magistrate Doney. Code Enforcement Officer Elgin provided an explanation. He added that there was good effort made to clean-up the property; however, there's more that needs to be done. Denise Beuthien requested an extension of compliance for 90 days. Ms. Tew noted that she would agree to 45 days and recommended \$250.00 per day if the owner did not come into compliance.

Special Magistrate Doney's Findings: enter an order of extension for compliance of 45 days from today with the fine reverting back to the January 15, 2012 if the property owner does not come into compliance. Hearing date scheduled for April 18, 2012 with reserving the right to consider costs the Town may have whether there was compliance or not.

c. Case 2011-254 Town of Loxahatchee Groves Florida (Petitioner) vs. Wells Fargo Bank NA

PCN: 41-41-43-17-01-124-0030

Location: 3684 A Road

Violation: Unified Land Development Code Article 45: Property Maintenance; Section 45-010; and Article 50: Public Nuisances Section 50-015

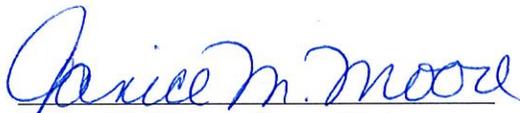
Building Being Maintained in a State of Obvious Poor Repair. Additionally, Residence Unsecured and Poses Safety Hazard

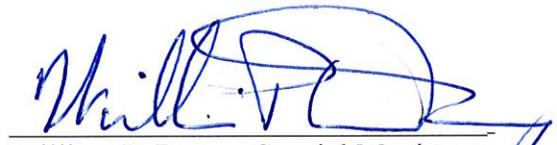
Ms. Tew reported no activity or contact. She presented Exhibit 4, four (4) photographs, which were accepted and entered into the record by Special Magistrate Doney. Ms. Tew recommended a fine of \$250.00 per day with administrative costs to be recuperated. Special Magistrate Doney noted that a separate order would be entered at the next hearing and spoke about the fine being too stringent. Ms Tew explained her efforts to make contact and had received no response.

Special Magistrate Doney's Findings: Owner had failed to comply with order findings violation, and there had been no efforts for compliance or communication. Enter an order of a \$250.00 fine per day commencing January 27, 2012. Reserving the right to consider costs the Town may have whether there was compliance or not to be considered at a future special magistrate meeting.

- 4. **Orders of Violation - None**
- 5. **Fine Reduction Hearings - None**
- 6. **Status Update - None**
- 7. **Adjournment**

The meeting was adjourned at 10:42 a.m.


Janice M. Moore, Town Clerk


William P. Doney, Special Magistrate

SEAL

2-29-12
Date Signed