

TOWN OF HIGHLAND BEACH, FLORIDA  
CODE ENFORCEMENT BOARD

TOWN OF HIGHLAND BEACH, FLORIDA,

Petitioner,

v.

STEPHEN & MARLA GARCHIK  
2474 S. Ocean Boulevard  
Highland Beach, FL 33487

Case No: 2023-12-017

PCN: 24-43-46-28-09-000-0131

Respondents.

LEGAL: BYRD BEACH LT 13A (LESS N 10  
FT) AND LT 14A

**ORDER FINDING VIOLATION**

THIS MATTER having come before the Code Enforcement Board on March 12, 2024, and having heard the testimony of the parties, and having considered the evidence presented by the parties, and having been fully appraised of the circumstances, the Board does find as follows:

**FINDINGS OF FACT**

1. Respondents are the owners of the property located at 2474 South Ocean Boulevard, Highland Beach, Florida, as described above.
2. By Notice of Violation, the Town advised Respondents that they were in violation of Section 30-122(A) of the Town Code of Ordinances for the installation of a pergola without a building permit.
3. Respondents' attorney and property manager were in attendance.
4. All required notices were served in compliance with Section 162.12, Florida Statutes, and Section 2-106 of the Town Code of Ordinances.
5. The testimony and evidence presented at the hearing demonstrated that the violation remained on the Property as of the date of the hearing.

**CONCLUSIONS OF LAW**

1. By reason of the foregoing, Respondents are in violation of Section 30-122(A) of the Town Code of Ordinances and are therefore subject to the provisions of Article V, Chapter 2, of the Code of Ordinances of the Town of Highland Beach, under the authority of Chapter 162 of the Florida Statutes, as both may be amended from time to time.
2. Respondents remain in violation of the Code sections cited above.

## COMPLIANCE

1. IT IS HEREBY ORDERED that Respondents shall comply with the above section of the Town of Highland Beach's Code of Ordinances as follows:

a. Respondents shall comply with the Town Code within sixty (60) days of the date of the hearing **or by May 11, 2024.**

b. Should Respondents fail to bring the Property into compliance by the date specified above, **a fine in the amount of \$250.00** shall be assessed against Respondents for each day the Property remains in violation past the date set for compliance.

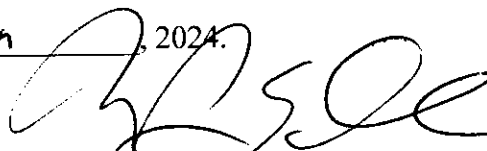
c. No further action shall be required for the entry of such fine.

2. Respondents are further ordered to reimburse the Town in the amount of \$250.00 for administrative costs incurred in prosecuting the case before the Board, which shall be included in the Lien amount. Said costs shall be paid by the date set for compliance.

3. Should Respondents violate the same code section cited herein, such reoccurrence may subject the Respondents to a repeat violator fine of up to \$500.00 per day for every day of the violation, plus administrative costs in enforcing the action, pursuant to Chapter 162, Florida Statutes.

4. Respondents may submit a written request for a hearing to challenge this Order prior to its recordation as a Lien provided Respondents do so within sixty (60) days from the date this Order was executed. If Respondents fail to comply with the Town Code within the specified deadline and timely request such a hearing in writing to the Town, the Town may record a certified copy of this Order in the Public Records of Palm Beach County, Florida, and thereafter the Order shall constitute an Order Imposing Lien against the real and/or personal property owned by Respondents. If such a hearing is requested, the Town shall notify Respondents of the hearing date by regular and certified mail. Respondents are not entitled to a rehearing of the case, and there shall be no presentation of evidence as to the existence or non-existence of the violation. Instead, Respondents shall Show Cause why this Order should not be recorded as a Lien in the Public Records of Palm Beach County, Florida.

DONE AND ORDERED this 12 day of March, 2024.

  
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Myles Schlam, Chair  
Code Enforcement Board

Copies Furnished to:

**Respondents**