

ORDER

**CODE ENFORCEMENT SPECIAL MAGISTRATE
TOWN OF JUNO BEACH, FLORIDA**

TO: Jared C., Norman H. and Susan Thomas
13757 Cocoanut Avenue
Juno Beach, FL 33408

RE: **Case No. 22-08-71:** Failure to obtain Juno Beach Building Permit(s) for interior demolition and/or renovation of the residence at 13757 Cocoanut Avenue in Juno Beach, Florida as required by Section 105.1 of the Florida Building Code – **REPEAT VIOLATION.**

The undersigned Special Magistrate heard testimony at a hearing held August 18, 2022, of which Jared C Thomas., Norman H. Thomas and Susan Thomas, the owners (the "Owner") of the premises located at 13757 Cocoanut Avenue, Juno Beach, Florida 33408 (the "Premises") were properly notified. Julian Guterrez appeared as the representative of the Owner. Based on the evidence presented, the following Findings of Fact, Conclusions of Law and Order are entered:

FINDINGS OF FACT

1. The Premises is a single-family residential property located at 13757 Cocoanut Avenue, in the New Palm Beach Heights subdivision. On August 12, 2022, Code Compliance Officer Lynn Hamel and Building Official Buck Evans visited the Premises. They observed that, based on pictures of the interior of the Premises taken in an earlier case (Case No. 22-01-2), construction/renovation work continued to be performed at the Premises despite the fact that the Town had issued a "Stop Work" order, and that work was being performed within the Premises for which a Juno Beach Building was required, but the Owner had not submitted a properly completed building permit or received such a permit. The Town was unable to determine when this work commenced.
2. The work that that was observed by Ms. Hamel and Mr. Evans was part of the same work that Owner undertook without a permit and was previously found to be in violation of Section 105.1 of the Florida Building Code in Case No. 22-01-2.
3. On August 13, 2022, the Town issued a Notice of Repeat Violation, specifying a Compliance Date of August 13, 2022, for the Owner's undertaking interior renovations without a valid Juno Beach Building Permit. On the same date, the Town also issued a Notice of Hearing scheduled for Thursday, August 18, 2022.
4. At the hearing, Mr. Guterrez offered no explanation or defense as to whether construction/renovation work was continuing to be performed on the Premises and /or why. Mr. Evans pointed out that there was a good chance that work performed without a permit would have to be ripped out as part of the Town's inspection process.

5. Section 105.1 of the Florida Building Code, as incorporated by reference in Section 6-23 of the Town of Juno Beach Code of Ordinances, requires "any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system" to first apply for and obtain a Town of Juno Beach Building Permit.

CONCLUSIONS OF LAW

1. The interior renovation work that was done on the Premises, as observed by Ms. Hamel and Mr. Evans, was work for which a Town of Juno Beach Building Permit is required by Section 105.1 of the Florida Building Code, as incorporated by reference in Section 6-23 of the Town of Juno Beach Code of Ordinances.
2. Such interior renovation work that was done on the Premises, as observed by Ms. Hamel and Mr. Evans, was undertaken without a building permit first being applied for, paid for and obtained, and without being inspected for compliance with Town Codes.
2. The violation was a "repeat violation" within the meaning of Section 2-212 of the Town of Juno Beach Code of Ordinances. Therefore, the Town Code Compliance Officer is required to notify the Owner of the violation but is not required to give the Owner reasonable time to correct the violation.

ORDER

Pursuant to the authority granted by Chapter 2, Article VI, Code Enforcement, of the Code of Ordinances of the Town of Juno Beach, Florida, it is hereby Ordered and Adjudged as follows:

1. Owner has committed a violation of Section 105.1 of the Florida Building Code adopted by the Town of Juno Beach by undertaking interior renovation work without first applying for, paying for and receiving a Town of Juno Beach Building Permit.
2. The violation was a "repeat violation" within the meaning of Section 2-212 of the Town of Juno Beach Code of Ordinances and Section 162.04(5), Florida Statutes.
3. A fine is imposed as follows:
 - (a) \$500.00 per day, beginning retroactive to August 12, 2022, until a properly completed Town of Juno Beach Building Permit, is submitted to the Town for the interior renovation work undertaken by the Owner without a permit; and
 - (b) \$250.00 per day, beginning on the date the Town issues the Owner a building permit for such work, and continuing from such date until the date all inspections are passed and all permits

are closed.

(c) The above fines are in addition to any fines imposed by the Town in Case No. 22-01-2.

(d) A future violation of Section 105.1 of the Florida Building Code adopted by the Town of Juno Beach Section 34-1088(c) (1) of the Town of Juno Beach Code of Ordinances will be considered a "repeat violation" within the meaning of Section 2-212 of the Town of Juno Beach Code of Ordinances, and may result in fines of up to \$500.00 per day for each day the repeat violation continues from the date the violation is found to have occurred. If a repeat violation is found, the Town Code Compliance Officer shall notify the Owner of the violation but is not required to give the Owner a reasonable time to correct the violation.

4. The Owner is further ordered to reimburse the Town \$262.50 for the time of the Special Magistrate, as follows.

Special Magistrate	1.5 hrs. at \$175.00/hr.	262.50
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If a fine is confirmed pursuant to subsequent proceedings of the Town in this matter, the Town will be authorized to proceed to take such measures as it deems appropriate to collect said fine, including but not limited to recording a certified copy of an order imposing the fine in the public records, which thereafter shall constitute a lien upon the premises and upon any other real or personal property owned by the violator, filing a petition for enforcement in the Circuit Court or, three (3) months from the filing of any lien which remains unpaid, foreclosing on the lien.

NOTE: It is the responsibility of the Owner to notify the Town Code Compliance Officer when compliance with this Order is achieved. After compliance the Owner has the right to request an appearance before the Special Magistrate to waive or modify any fines which may have accumulated. Such requests shall be made in writing to the Town Code Compliance Officer. The Owner also has the right to appeal the final order entered by the Special Magistrate pursuant to Section 2-220, Town of Juno Beach Code of Ordinances.

DONE and ORDERED this 18th day of August, 2022.



Morris G. (Skip) Miller, Special Magistrate



Special Magistrate Hearing
Code Enforcement Case No. 22-08-71
August 18, 2022

Staff Report

Re: Jared C, Norman H and Susan Thomas
13757 Cocoanut Avenue
Juno Beach, FL 33408

Case No. 22-08-71: 13757 Cocoanut Avenue – Juno Beach, FL (Property Owner – Jared C, Norman H and Susan Thomas). **REPEAT VIOLATION:** Failure to obtain Juno Beach Building Permit(s) for interior demolition and / or renovation of the residence at 13757 Cocoanut Avenue in Juno Beach, FL as required by Section 105.1 of the Florida Building Code.

Case No. 22-01-2 was brought before the Special Magistrate on February 24, 2022 as the Property Owner failed to obtain Juno Beach Building Permit(s) for interior demolition and / or renovation of the residence at 13757 Cocoanut Avenue in Juno Beach, FL as required by Section 105.1 of the Florida Building Code. Although no Juno Beach Building Permit has yet been issued following the Property Owner being found in violation of the above-noted code section, it is apparent, based on Town Staff's recent observations, that the Property Owner continued construction / renovation work at the premises.

Note: This is the 4th code enforcement case for this Property Owner regarding work / renovations performed at the premises without the required Juno Beach Building Permits.

Background

The subject property is a single-family residence located at 13757 Cocoanut Avenue in Juno Beach, FL. Because this is a **Repeat Violation**, please refer to the Special Magistrate Order and Staff Report dated February 24, 2022 for details of Case No. 22-01-2. *(Pages 1-8)*

Noteworthy is that the Special Magistrate Order dated February 24, 2022 found the Property Owners in violation of Section 105.1 of the Florida Building Code. The Special Magistrate imposed a fine that would accrue as specified in the Order and would continue until the date all required inspections are passed and all permits are closed. *(Page 2 – Highlighted Section)*

Although Esteban Campos – E & E Remodeling Inc (General Contractor) submitted a Juno Beach Building Permit Application for “interior alterations” at 13757 Cocoanut Avenue on July 12, 2022, no building permit has been issued as the application remains incomplete. *(Pages 9)*

To date, no Juno Beach Building Permit Application has been issued for the demolition / renovation work at the premises nor have any inspections been requested or passed.

On August 12, 2022, Code Enforcement Officer Lynn Hamel and Building Official Buck Evans observed two (2) work vehicles in the driveway of 13757 Cocoanut Avenue. One gentleman was working in the driveway and it was determined later a second gentleman was inside the residence. Upon speaking with the on-site workers and based on the earlier pictures taken regarding Case No. 22-01-2 as compared to Mr. Evans' current observations, it was evident that construction / renovation work had continued at the premises despite the previously-posted Stop Work Order remaining on the front door and despite the fact that no Juno Beach Building Permit had been issued for the work as required in the above-mentioned Special Magistrate Order. Thus, Mr. Evans informed the workers

that because there was no valid Juno Beach Building Permit for work at 13757 Cocoanut Avenue, they would have to stop work and leave the premises. Both workers agreed to leave. *(Previously Taken Photos: Pages 10-13)*
(Photos Taken on August 12, 2022: Pages 14)

Approximately one (1) hour later, Ms. Hamel returned to the property to ensure no one was working and to post a 2nd Stop Work Order. Both workers were still there and it appeared that one was continuing to work on cabinet installation inside the residence. Ms. Hamel informed them that they needed to stop work and leave the premises as there was no building permit for the ongoing work. One of the workers informed Ms. Hamel that the Property Owner instructed them to work and indicated he was unaware that there was no building permit. Ms. Hamel waited until both workers left in their respective vehicles. Ms. Hamel posted the 2nd Stop Work Order on the front door of the residence. *(Pages 15)*

Later that same day, Mr. Evans contacted Mr. Campos to discuss the day's occurrences. Mr. Campos stated he was unaware of any current work at 13757 Cocoanut Avenue and reported that any workers on the premises were not his employees. He reported he would telephone Mr. Thomas to see what was going on and would inform him no work should be in progress without a building permit. Mr. Evans also informed Mr. Campos that no sub-contractor building permit applications had yet been submitted and were required prior to the building permit(s) being issued. Mr. Campos called Mr. Evans back that afternoon to confirm it was the owner's workers and informed the Owner to stop any work going forward. He stated he would have his sub-contractors pull permits this week and present a Notice of Commencement to receive the permit.

On August 13, 2022, Ms. Hamel issued a Notice of Repeat Violation and a Notice of Hearing to the Property Owners for construction / renovation work continuing without a valid Juno Beach Building Permit. These Notices were mailed, emailed and were also posted at the premises. *(Pages 16-18)* It was noted on August 13th when posting the Notices that the Stop Work Order (Repeat) posted on the previous day, August 12th, had been removed. *(Pages 19-20)*

Statement of Current Conditions

With the Property Owner's knowledge, significant improvements / renovations at 13757 Cocoanut Avenue continued at the premises despite the Stop Work Order posted on the front door and despite the fact that no Juno Beach Building Permit has been issued.

Staff Recommendation

Staff requests that the Special Magistrate order additional fines of \$500.00 per day to begin on August 12, 2022 (the date that Town Staff observed improvements / renovations continuing at the Property) and that all fines continue concurrently until all of the required inspections are passed and all permits are closed.



Town of Juno Beach Code Enforcement

340 Ocean Drive
Juno Beach, Florida 33408
Telephone: (561) 626-1122
Fax: (561) 775-0812

Case Number: **CE-22-08-71**
Issue Date: 08/13/2022
Compliance Date: 08/13/2022

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NOTICE OF REPEAT VIOLATION

Jared C, Norman H and Susan Thomas • 724 Sandpiper Way • North Palm Beach, FL 33408

Dear Property Owner or Responsible Party,

You are hereby notified that an inspection of the following property:

Parcel Number: 28-43-41-28-10-015-0081	Zip Code 33408
Location Address: 13757 Cocoanut Avenue • Juno Beach, FL	

disclosed that you are in violation of the following Town Ordinance(s) of Juno Beach, Florida:

OFFICIAL ORDINANCES CITED AND CORRECTIVE ACTION REQUIRED:

Ordinance Description

Violation 1: 105.1 - Florida Building Code - Permits - Building Permits (Obtain Required Permit) - Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Corrective Action

Apply for and obtain Juno Beach Building Permit as required / authorized.

Officer Comments

REPEAT VIOLATION: INTERIOR RENOVATIONS CONTINUE WHILE STOP WORK ORDER REMAINS POSTED AS NO JUNO BEACH BUILDING PERMIT YET ISSUED FOR WORK PREVIOUSLY BEGUN WITHOUT A BUILDING PERMIT.

PER THE SPECIAL MAGISTRATE ORDER DATED FEBRUARY 24, 2022, FINES CONTINUE TO ACCRUE REGARDING CODE ENFORCEMENT CASE NO. 2201-2 AS THE JUNO BEACH BUILDING PERMIT APPLICATION SUBMITTED ON JULY 12, 2022 REMAINS INCOMPLETE.

The Town of Juno Beach is notifying you of a code violation as stated above. Please notify the Town of Juno Beach Code Enforcement office at (561) 626-1122 on or before Saturday, August 13, 2022 that the violation has been corrected and that you are now in compliance. If you fail to notify the code compliance official, it will be presumed that the violation continues to exist and a Special Magistrate Hearing will be scheduled. You will be responsible for all costs associated with the hearing and may be issued fines by the Special Magistrate.

Lynn Hamel
Code Compliance Officer
Town of Juno Beach
lhamel@juno-beach.fl.us
(561) 627-0818



NOTICE OF HEARING

Town of Juno Beach Code Enforcement
340 Ocean Drive
Juno Beach, Florida 33408
Telephone: (561) 626-1122
Fax: (261) 775-0812

Case Number: CE-22-08-71

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Date: 8/13/2022
Compliance Date: 8/13/2022

Jared C, Norman H and Susan Thomas
724 Sandpiper Way
North Palm Beach, FL 33408

Dear Property Owner or Responsible Party:

You are hereby notified that an inspection of the following property:

Location Address:	Parcel No.
13757 Cocoanut Avenue Juno Beach, FL33408	28-43-41-28-10-015-0081

disclosed that you are in violation of the following Town Ordinance(s) of Juno Beach, Florida:

Code Violations:

105.1 - Florida Building Code - Permits - Building Permits (Obtain Required Permit)

NOTE: THIS IS A REPEAT VIOLATION.

You are hereby formally notified that on **Thursday, August 18, 2022 @ 9:00 AM** there will be a hearing conducted by the Town of Juno Beach Special Magistrate in the Council Chambers of the Town of Juno Beach, Town Center, 340 Ocean Drive, concerning the violations as listed above. The violation(s) specific to this case is included in the Notice of Violation dated August 13, 2022. (A copy of this Notice of violation is enclosed for your reference.)

Failure to appear may result in the Special Magistrate proceeding in your absence. IF the violation is corrected prior to the hearing date, the case still may be presented to the Special Magistrate.

Should you be found in violation, the Special Magistrate may enter an order against you and may levy a fine of up to \$250.00 a day, per violation, for every day that the violation continues beyond the date set in its order for compliance. If the Town of Juno Beach prevails in demonstrating a violation, the order entered by the Special Magistrate shall require you to pay all costs incurred by the town of Juno Beach in prosecuting the case.

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 the witnesses against you, prior to the Special Magistrate making a determination.

Should any interested party seek to appeal any decision made by the Special Magistrate with respect to any matter considered at such hearing, they will need a record of the proceedings and for such purpose they 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.

Sincerely,

Lynn Hamel
Code Compliance Officer
Town of Juno Beach
lhamel@juno-beach.fl.us
(561) 627-0818

On behalf of:
Morris (Skip) G. Miller
Special Magistrate