

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. 23-01-01: 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 January 26, 2023, 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. Jared Thomas and Norman Thomas appeared on behalf 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 November 14, 2022, Code Compliance Officer Lynn Hamel observed that pavers that had been previously stored on the driveway were no longer there. On January 3, 2023, Building Official Buck Evans visited the Premises and observed that new pavers were installed on the west and south sides of the Premises. The Town's position is that a Town of Juno Beach Building Permit was required for the installation of the pavers.
2. When Mr. Evans visited the Premises on January 3, 2023, he also observed that interior renovations, particularly the addition of a kitchen, including a sink, cabinets and a dishwasher, were underway in the northwest portion of the house. He also observed an opening in the exterior north wall from which pvc piping was passing from the new kitchen sink, through the wall, and beneath the existing pavers. These renovations were not included in the building permit application submitted by the Owner on September 9, 2022 (Juno Beach Building Permit No. 22-10340), which is the subject of a different code enforcement matter. As a result of those observations, on January 5, 2023, the Town issued a "Stop Work" order at the Premises. The Town did not present any evidence as to when this work commenced.
3. On January 5, 2023, the Town issued a Notice of Repeat Violation, specifying a Compliance Date of January 5, 2023, 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, January 19, 2023. At the request of Owner, the hearing was

rescheduled for January 26, 2023.

4. On January 17, 2023, Gregory Arias, the general contractor working with the Owner, submitted an application to the Town to revise Juno Beach Building Permit No. 22-10340 to include the additional work. Based on preliminary review by the Town, there is a possibility that the improvements may not be permitted on the Premises by the Town of Juno Beach Zoning Code. 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.
5. 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.
6. With regard to the pavers, Jared Thomas and Norman Thomas testified that except for a small area, the pavers merely replaced pavers and a concrete slab that was there previously, and that the Town had issued a building permit for the pavers in 2014. With regard to the kitchen, Jared Thomas and Norman Thomas testified that the work was merely a replacement for the kitchen that had been there since they purchased the house and was nothing new, and therefore a building permit was not required. Mr. Evans testified that he had not seen the kitchen in previous inspections of the Premises, and that in addition the installation of a water line to the outside was work that required a permit.
7. 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.
8. The Town and the Owner agreed to work together to determine whether a building permit was necessary for the pavers, and to make sure that the installation of the pavers does not violate the Town's building or zoning codes.

CONCLUSIONS OF LAW

1. The interior renovation work that was done on the Premises, as observed by 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 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.

3. 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.
4. No conclusions of law are given with respect to the pavers.

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. No Order is entered with respect to the pavers.
4. A fine is imposed as follows:
 - (a) \$500.00 per day, from January 5, 2023 to January 17, 2023, representing the time from the date the Town issued the Notice of Violation until the date the Owner submitted a Town of Juno Beach building permit application 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 and Case No. 22-08-71.
 - (d) At the request of the Town, additional fines may be imposed (up to the maximum of \$500.00 per day for a repeat violation) if after working with the Owner the Town determines that the installation of the pavers either required a building permit or were not installed correctly.
 - (e) 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.

5. The Owner is ordered to reimburse the Town for the costs incurred by the Town in prosecuting the case. The Town has calculated the costs to be \$1,188.60* for the time of the Special Magistrate and Town Staff, as follows:

Code Compliance Officer	7.50 hrs. at \$41.95/hr.	\$314.63
Director of Planning and Zoning	1.50 hr. at \$71.46/hr.	107.19
Town Attorney	2.00 hrs. at 200.00/hr.	400.00
Special Magistrate	2.00 hrs. at \$175.00/hr.	350.00
Postage		16.78


* This does not include any building permit fees.

6. The Town requested certification of accrued fines and imposition of a lien against the Premises based on such certification. That request is denied at the present time. However, the Town may resubmit such request after 60 days.

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 26th day of January, 2023.



Morris G. (Skip) Miller, Special Magistrate

Town of Juno Beach – Special Magistrate Hearing
Code Enforcement Case No. 23-01-1
January 26, 2023

Staff Report

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

Case No. 23-01-1: 13757 Cocoanut Avenue – Juno Beach, FL (Property Owners – 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. *(Note: Section 6-23 of the Juno Beach Code of Ordinances adopts and incorporates by reference the Florida Building Code.)*

Code Section

Section 105.1 – Florida Building Code: Permits – Building Permits – 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.

Background

The subject property is a single-family residence located at 13757 Cocoanut Avenue in Juno Beach, FL. The residence is located in the New Palm Beach Heights Subdivision. The property owners are Jared C, Norman H and Susan Thomas.

At the February 24, 2022 Special Magistrate Hearing (Case No. 22-01-2), the Property Owners were found in violation of Section 105.1 of the Florida Building Code due to interior renovations being performed at the residence without a Juno Beach Building Permit. *(Special Magistrate Order – Case No. 22-01-2 – 2/24/2022: Pgs 1-3)*

At the August 18, 2022 Special Magistrate Hearing (Case No. 22-08-71), the Property Owners were, again, found in violation (Repeat Violation) of Section 105.1 of the Florida Building Code as it was determined that interior renovations were continuing at the residence without a Juno Beach Building Permit. (The Special Magistrate ordered additional daily fines until which time a valid Juno Beach Building Permit is issued, and all required building inspections are completed and the building permit closed. *(Special Magistrate Order – Case No. 22-08-71 – 8/18/2022: Pgs 4-6)* Julian Gutierrez, on behalf of the Property Owners, agreed, that no further unpermitted work would be performed at the residence until all required Juno Beach Building Permits were applied for and issued.

At the August 18th Hearing, Code Enforcement Officer Lynn Hamel informed Mr. Gutierrez that a Juno Beach Building Permit would also be required prior to the installation of the pavers that were, at that time, being stored in the front yard driveway. Mr. Gutierrez agreed that a building permit application would be submitted before installation of the pavers. *(Photos: Pgs 7-8)*

On September 9, 2022 and upon receipt of all documents required for the building permit application to be complete, Juno Beach Building Permit No. 22-10340 was issued for the renovations initially documented on January 3, 2022 and again observed on August 13, 2022. *(Juno Beach Building Permit No. 22-10340: Pg 9)*

On November 14, 2022, Ms. Hamel noted that the pavers previously-stored in the driveway were no longer there. She also noted what appeared to be construction debris on the north side of the driveway near the residence. Since no building permit for the installation of the pavers was applied for or issued, Ms. Hamel, at the time, thought that, perhaps, the Property Owners decided to omit the installation of the pavers for the project. Also, although she noted the presence of the construction debris, she attributed it to the renovations that were permitted under Juno Beach Building Permit No. 22-10340 which was issued on September 9, 2022. *(Photos: Pgs 10-13)*

On the morning of January 3, 2023, Ms. Hamel observed additional accumulated construction debris on the north side of the driveway. From the road, the debris appeared to include a toilet, drywall and additional discarded materials. *(Photos: Pgs 14-15)*

Later that day, on January 3, 2023, Ms. Hamel spoke with Buck Evans, Building Official, regarding her observations. Mr. Evans then informed Ms. Hamel that he had just spoken with Gregory Arias, First Option Realty, Engineering & Construction LLC (General Contractor working with Property Owners), regarding the work underway at 13757 Cocconut Avenue. During the conversation, it became evident that work outside the scope of previously-issued Juno Beach Building Permit No. 22-10340 was in progress. Thus, Mr. Evans visited the site to determine the extent of the additional work. During the inspection, Mr. Evans noted that interior renovations, particularly the addition of a kitchen, were underway in the northwest portion of the house. This location is different from the location of the earlier noted renovations (also begun without a building permit) and different from the location noted in the submitted and approved plans for Juno Beach Building Permit No. 22-10340. *Note: Mr. Evans also noted an opening in the exterior north wall from which pvc piping was passing from the new kitchen sink, through the wall, and beneath the existing exterior pavers. (Photos: Pgs 16-22)*

Additionally, Mr. Evans observed that the new pavers were installed on the west and south sides of the residence. *(Photos: Pg 23)*

On January 5, 2023 and as a result of the observations made on January 3, 2023, Mr. Evans, again, posted a Stop Work Order at the premises. *(Pg 24)*

On January 5, 2023, Ms. Hamel issued a Notice of Repeat Violation and a Notice of Hearing to the Property Owners regarding further work in progress for which no Juno Beach Building Permit (or revisions) had been applied for or issued. *(NORV & NOH: Pgs 25-26)*

On January 10, 2023, Norman Thomas emailed Ms. Hamel to request that the date of the Special Magistrate Hearing be changed. Thus, the date of this Hearing, originally scheduled for January 19, 2022, was changed to January 26, 2023. *(Email: Pg 27-28)*

Mr. Arias has since been working with Mr. Evans and the Building Department to submit a Juno Beach Building Permit Application and required documents for a revision to Permit No. 22-10340 to include the

new additional work. Some of the proposed and already installed work, however, is not permitted in the RS-5 Zoning District in which the residence is located.

On January 17, 2023, Mr. Arias, on behalf of the Property Owners, submitted a building permit application for revisions to the existing building permit. *(Permit Application for Revision: Pg 29)*

On January 20, 2023, Frank Davila, Director of Planning & Zoning denied the permit as additional information must be submitted for the building permit application to be complete. *(Zoning Review Comments: Pg 30)*

Statement of Current Conditions

The required information / documents needed to complete the Juno Beach Building Permit Application for the revision to Permit No. 22-10340 have not yet been submitted for the interior renovations inside the northwest area of the residence at 13757 Cocconut Avenue. Nor has a Juno Beach Building Permit Application been submitted for the installation of the pavers in the rear and side yards (west and south) of the residence.

Staff Recommendation

Staff recommends that Jared C, Norman H and Susan Thomas be found in violation of Section 105.1 of the Florida Building Code as adopted into the Juno Beach Code of Ordinances.

Recommended Fine

The Property Owners violated Section 105.1 of the Florida Building Code in 2013/2014 (Case Nos. 12-13-1983/10-14-2058) and again in 2017 (Case No. 5-17-2245).

More recently, the Property Owners were found by the Special Magistrate to be in violation of Section 105.1 of the Florida Building Code in February, 2022 and again in August, 2022. Even with the previously ordered fines accruing, the Property Owners have continued, once again, to violate this noted section of the Florida Building Code by performing unpermitted work.

Based on this pattern of conduct, Staff recommends the Special Magistrate order the maximum fine of \$500.00 per day, beginning November 14, 2022 when it was first observed that the pavers were no longer in the front yard driveway and, as it was found out later, they were not removed from the premises, but were, in fact, installed in the rear and side yards of the residence. Also on November 14, 2022, Staff observed the construction debris in the yard area adjacent to the area of this recent unpermitted renovation work. This was made even more evident on November 28, 2022 with the presence of additional construction debris.

Staff recommends that the fine(s) continue to accrue until all required building inspections are complete and all building permits relative to the renovations at the premises are closed.

The fines associated with this case (Case No. 23-01-1) will be in addition to those currently accruing under Case Nos. 22-01-2 and 22-8-71.

Staff recommends the Special Magistrate order a \$500.00 / day fine, retroactive to November 14, 2022 and continuing until all required building inspections are passed and all permits are closed.

Staff requests that the Special Magistrate Order authorize certification of the accrued fines beginning November 14, 2022 through January 26, 2023 in the amount of \$37,000.00 which is \$500.00 / day, and the imposition of a lien against the property based on such certification.

(\$500.00 / day X 74 days = \$37,000.00)



Town of Juno Beach Code Enforcement

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

Case Number: CE-23-01-1
Issue Date: 01/05/2023
Compliance Date: 01/05/2023

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

Location Address: 13757 Cocoanut Avenue • Juno Beach, FL

Zip Code

33408

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

Stop work until a Juno Beach Building Permit is applied for and issued for all unauthorized / unpermitted work at the premises.

Officer Comments

REPEAT VIOLATION: WORK / RENOVATION WITHOUT JUNO BEACH BUILDING PERMIT(S):

- **INSTALLATION OF PAVERS IN REAR YARD FOR WHICH NO JUNO BEACH BUILDING PERMIT WAS APPLIED FOR OR ISSUED.** At the Special Magistrate Hearing held on August 18, 2022, it was discussed that a Juno Beach Building Permit must be applied for and issued for the pavers being stored (at that time) in the front yard driveway prior to their installation. Julian Gutierrez testified on behalf of the property owners that a Juno Beach Building Permit would be applied for and issued prior to installation of the pavers.
- **INTERIOR WORK / RENOVATION IN PROGRESS FOR WHICH NO JUNO BEACH BUILDING PERMIT WAS APPLIED FOR OR ISSUED.** On January 4, 2023, Buck Evans, Building Official, observed interior renovation work outside of the scope of previously-issued Juno Beach Building Permit No. 22-10340, including but not limited to the installation of an efficiency / kitchen.

The Town of Juno Beach is notifying you of a repeat code violation as stated above. Due to the existence of a repeat violation, the matter will be scheduled for hearing before the Town's Special Magistrate even if the violation is corrected prior to the hearing. In the event the Town demonstrates a code violation, you will be responsible for all costs associated with the hearing. You will also be responsible for any fines issued by the Special Magistrate.

Lynn Hamel

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-23-01-1
HEARING NOTICE
Date: 1/5/2023 Compliance Date: 1/5/2023

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, January 19, 2023 @ 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 January 05, 2023. (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