

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. 22-01-2:** 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.

The undersigned Special Magistrate heard testimony at a hearing held February 24, 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 notified by U.S. Certified Mail. Jared Thomas 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 various occasions beginning on January 3, 2022, Code Compliance Officer Lynn Hamel observed work being performed within the Premises for which a Juno Beach Building was required, but the Owner had not applied for or received such a permit. There was correspondence between the Owner and the Town, but no Juno Beach Building Permit was applied for.
2. On January 6, 2022, the Town issued a Notice of Repeat Violation, specifying a Compliance Date of January 31, 2022, for the Owner's undertaking interior renovations without a valid Juno Beach Building Permit. NOTE: It was subsequently determined by the Town that due to the amount of time that had passed between this violation and the prior violation, this violation could not be treated as a "repeat violation."
3. The Owner did not apply for a Juno Beach Building Permit by the Compliance Date, so a Notice of Hearing was scheduled for Thursday, February 24, 2022.
4. At the Hearing, Jared Thomas stipulated that work had been done on the Premises without a valid Juno Beach Building Permit for which such permit was required. Mr. Thomas also agreed to schedule a time for Town staff to inspect the Premises to determine what work required a valid Juno Beach Building Permit.
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. As stipulated by Jared Thomas, the interior renovation work that was done on the Premises, as observed by Ms. Hamel, 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, was undertaken without a building permit first being applied for, paid for and obtained, and without being inspected for compliance with Town Codes.

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. A fine is imposed as follows:

(a) \$250.00 per day, beginning February 24, 2022, until a properly completed Town of Juno Beach Building Permit, is submitted to the Town for the interior renovation work determined by the Town to require such 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.

3. 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 \$1,246.36* for the time of the Special Magistrate and Town Staff, as follows.


Code Compliance Officer	23.50 hrs. at \$33.38/hr.	\$784.43
Director of Planning and Zoning	0.75 hr. at \$44.63/hr.	33.47
Town Attorney	0.75 hrs. at 200.00/hr.	150.00
Special Magistrate	1.5 hrs. at \$175.00/hr.	262.50

* This does not include any building permit fees.

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 violator to notify the Town Code Compliance Officer when compliance with this Order is achieved. After compliance you have 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. You also have 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 24th day of February, 2022.



Morris G. (Skip) Miller, Special Magistrate

Special Magistrate Hearing
Code Enforcement Case No. 22-01-2
February 24, 2022

Staff Report

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

Case No. 22-01-2: 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. (Pgs 1-2)

On January 3, 2022, Code Compliance Officer Lynn Hamel observed demolished building materials piled inside the garage of 13757 Cocoanut Avenue. Ms. Hamel also observed a white pick-up truck in the driveway with what looked like new building materials in the bed of the truck. Upon her return to the office, it was determined that there was no Juno Beach Building Permit for any demolition or renovation at the residence; therefore, Ms. Hamel contacted Derek Wiechmann, Building Official, and requested that he go by the residence to determine if a building permit may be required for work at the premises. Mr. Wiechmann stopped by the residence at a later time; however, no one was at the premises.

On January 5, 2022, Ms. Hamel rode by the residence and saw a D & T Brothers Home Improvements work van in the driveway. Ms. Hamel stopped to determine if work requiring a permit may be underway. Upon reaching the front door of the residence (which was wide open at the time), it appeared that someone was working / painting in the east bedroom of the residence. This bedroom opened into the living area of the residence. Because an air compressor was in use, it was very loud and there was no response when Ms. Hamel called out. However, a few moments later, the gentleman came out of the bedroom and into the open living area. Ms. Hamel motioned for him to come outside. (Pg 3)

While outside and based on Ms. Hamel's observations of the work in progress in the interior of the house, Ms. Hamel informed the gentleman that she would be posting a Stop Work Order. He explained that he was only painting and was almost done with his work and so it was agreed he would be able to

complete the painting as requested. Ms. Hamel left a business card with the gentleman and asked that he notify Jared Thomas of the Stop Work Order and ask him to contact Ms. Hamel. *(Note: Ms. Hamel's observations were made and pictures were taken from the open front door of the residence. (Pgs 4-15)*

Later that day, Mr. Jared Thomas contacted Ms. Hamel and reported that he was only doing cosmetic work such as changing out a couple of high hats, a couple of toilets as well as cabinets and that no building permits were required for that type of work. He indicated to Ms. Hamel that he was no longer living at the residence as he was getting ready to sell or rent the house on Cocconut Avenue since he recently purchased another house in North Palm Beach. Ms. Hamel then informed Mr. Jared Thomas that she personally observed demolished drywall and insulation piled up in the garage on Monday (which was contrary to his description of only high hats and toilets being changed out) to which he responded that there was mold in some areas of the house and that he did not need a permit for removing moldy materials. During the conversation, Ms. Hamel asked Mr. Jared Thomas if he would be available to meet Mr. Wiechmann and her at the property the following day so a determination could be made as to exactly what permits may be required. Mr. Jared Thomas informed Ms. Hamel that neither she nor Mr. Wiedhmann would be given access to his property.

Further on January 5, 2022, Ms. Hamel notified Mr. Wiechmann via a memo of her conversation with Mr. Jared Thomas and her observations made and also provided him pictures for his review. Mr. Wiechmann responded with an email detailing the required permits. *(Pgs 16-18)*

On January 6, 2022 and following further research into earlier building permits / plans regarding the residence at 13757 Cocconut Avenue, it was determined that when comparing the current window / slider layout shown in the pictures taken on January 5th to the 2013 plans showing the window/slider layout submitted by Mr. Jared Thomas as part of Juno Beach Building Permit No. 13-3537, there are at least 2 discrepancies: 1) The sliding glass door that was originally located on the south wall of the residence was now being changed to a window; and 2) Windows that were originally located on the west wall of the residence towards the south side was now being changed to a slider. *(Pgs 19-20)* Additionally, the original plans for the construction of the house show a wall separating the kitchen from the living room as well as a wall separating the family room from a bedroom. These walls have been removed, with the kitchen wall replaced with a knee wall. *(Pgs 21-23)* It is possible that other changes have been made or are in progress within the residence, but this could not be determined as access to inspect the premises was previously denied by Mr. Jared Thomas.

Later on January 6, 2022, Ms. Hamel issued a Notice of Repeat Violation (NORV) and a Notice of Hearing (NOH) to the property owners regarding interior renovations within the residence without Juno Beach Building Permit(s). Included with the NORV was a copy of Mr. Wiechmann's email detailing the building permits that would be required for the observed work. The Compliance Date included on the NORV was January 31, 2022. Stated in the Officer Comments was that if the required building permits were obtained by that date, January 31st, the Special Magistrate Hearing scheduled for February 17, 2022 would be postponed / cancelled. *(Pgs 24-27)*

On the same day, Ms. Hamel then emailed Mr. Norman Thomas to notify him of the Stop Work Order and to provide him a copy of the NORV and NOH. She also asked that he forward Mr. Jared Thomas the email which included the NORV and NOH. Mr. Norman Thomas responded to Ms. Hamel's earlier email and reported he was unaware of any work at the residence as he had not been invited into the residence and asked how she was able to be invited into the residence. He also requested copies of the pictures taken on January 5th. *(Pgs 28-29)*

On January 7, 2022 and in response, Ms. Hamel emailed Mr. Norman Thomas copies of the pictures as requested and also informed him that she was not invited nor did she enter into the residence. All of the pictures were taken at the threshold of the front entrance into the house and that the front door was wide open. She also informed him that the original Stop Work Order had been removed from the front door and that she posted a 2nd Stop Work Order. (Pgs 30-31)

Later on January 7th, Mr. Jared Thomas responded via email that he would “get the correct permits and take the necessary steps” for the renovation. He also indicated that he did not want Ms. Hamel on his property and he expressed concerns that, among other things, she was not wearing a mask. He also asked that Ms. Hamel no longer ride by his residence. *Note: It is true that Ms. Hamel was not wearing a mask on January 5th; however, she only spoke with the painter outside of the house, was socially distanced and, also noteworthy, is that the painter was completely covered wearing a Tyvek suit, hood / head covering, respirator and gloves.* (Pgs 32-33)

On January 13, 2022, Nancy Harvey, Juno Beach Permit Coordinator, notified Ms. Hamel that Mr. Jared Thomas’ contractor stopped in and reported he was just doing some floors, windows and the kitchen. He asked if the hood (kitchen) needed a mechanical contractor to which she responded yes. She then gave the contractor Mr. Wichmann’s business card in case he had further questions. I forwarded this information to Mr. Weichmann and to Buck Evans, Building Official. (Pgs 34-35)

On January 14, 2022, Ms. Hamel emailed Mr. Jared Thomas to thank him for having his contractor come in to begin preparation for the required permits. In the email, she also addressed his concerns regarding access onto his property, her failure to wear a mask as well as her or other persons riding by his residence. Mr. Jared Thomas then responded to her email. (Pgs 36-37)

On February 1, 2022 and because of scheduling conflicts, Ms. Hamel issued a 2nd Notice of Hearing (NOH) to the property owners. The new date for the Special Magistrate Hearing was February 24, 2022. In addition to this NOH being mailed regular US Postage as well as Certified Mail – Return Receipt, Ms. Hamel also emailed a copy of the NOH for which Mr. Jared Thomas and Mr. Norman Thomas acknowledged. (Pgs 38-42)

Statement of Current Conditions

No Juno Beach Building Permit Application has been submitted for the interior demolition / renovation of the residence at 13757 Coconut Avenue.

Staff Recommendation

Staff recommends that Jared C, Norman H and Susan Thomas be found, once again, 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). Because the first case is more than five years old and the second case did not proceed to hearing, the current violation cannot technically be considered a repeat violation based on the statutory definition. However, based on this past pattern of conduct, Staff recommends the maximum fine of \$250.00 per day, beginning February 24, 2022 and

continuing until required building, electrical and plumbing permits are obtained and all required building, electrical and plumbing inspections are completed as required.



Town of Juno Beach Code Enforcement

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

Case Number: CE-22-01-2
Issue Date: 01/06/2022
Compliance Date: 01/31/2022

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
Location Address: 13757 Cocoanut Avenue • Juno Beach, FL	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

Apply for and obtain Juno Beach Building Permit as required / authorized by the above-noted compliance date. All required building inspections must be completed within 60 days of permit issuance.

Officer Comments

Interior renovations were observed on January 5, 2022 for which no Juno Beach Building Permit was applied for or issued. A Stop Work Order was posted on the premises.

Please refer to attached comments provided by Derek Wiechmann (Building Official) regarding required corrective actions as relating to the application for and issuance of required building permits.

PLEASE NOTE THAT THIS IS A REPEAT VIOLATION WHICH PERMITS THE TOWN TO IMMEDIATELY SCHEDULE THE PROPERTY OWNER(S) FOR APPEARANCE AT A SPECIAL MAGISTRATE HEARING. If the Corrective Actions (obtain required building permits) are completed by the January 31, 2022 as included in the Notice of Violation, the Special Magistrate Hearing scheduled for February 17, 2022 will be postponed / cancelled.

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 Monday, January 31, 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-22-01-2

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Date: 1/6/2022
Compliance Date: 1/31/2022

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 Coconut 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)

You are hereby formally notified that on **Thursday, February 17, 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 January 06, 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