



**Special Magistrate Hearing
Code Enforcement Case No. 25-04-37
May 15, 2025**

Staff Report

**Re: 400 Seaside Lane
Juno Beach, FL 33408**

Case No. 25-04-37: Failure to apply for and obtain a Juno Beach Building Permit of installation of a new retaining wall along the west side of the property at the rear of the premises and failure to provide / maintain a pool barrier around the rear yard pool area as required.

Code Sections

- **Florida Building Code – Section 105.1 – 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.
- **International Property Maintenance Code – Section 303.2 – Swimming Pools, Spas and Hot Tubs: Enclosures:** Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Background

The subject property is a single-family home in Seaside of Juno Beach and is located at 400 Seaside Lane in Juno Beach, FL. The owners of the property are Alexander and Bianca Cooke. (Pg 1)

On January 29, 2025, Ms. Cooke submitted an Owner Builder Affidavit for work described as “retaining wall repair and new fence along the back yard.” Janice Daley, Permit Coordinator, informed Ms. Giancoli / Cooke at that time that a building permit will probably be required; however, she should verify with Buck Evans, Building Official, for a determination. (Pg 2)

Also on January 29, 2025, there was correspondence via text between Ms. Cooke and Mr. Evans regarding her obtaining an Owner Builder Affidavit for repair / replacement of a rear yard fence. Mr.



Evans informed Ms. Cooke that repair of a wall or fence did not require a building permit; however, replacement of a wall or fence did require a building permit.

On April 1, 2025, and while driving on Old Towne Lane which is immediately south of 400 Seaside Lane, Lynn Hamel, Code Compliance Officer, observed that the entire length of the rear yard fence at the premises had been removed. This fence served as the required barrier for the rear yard pool area. Ms. Hamel also observed what appeared to be piles of fresh dirt in the rear yard of 400 Seaside Lane that was not previously observed. Ms. Hamel noted that it appeared that work, possibly requiring a building permit, was in progress on the premises. (Pgs 3-4) Thus, Ms. Hamel asked Buck Evans, Building Official, if he or another building inspector would go by to confirm whether or not a building permit was required for the work possibly underway. Don Raudenbush, Building Inspector, went by the residence and found that a new retaining wall was being installed without a building permit (Pg 5) and, therefore, posted a Stop Work Order. (Pg 6) Mr. Raudenbush explained to the two persons working at the site that all work must stop until a Juno Beach Building Permit is applied for and issued.

Following posting of the Stop Work Order, Joe Manno (561/507-8346) who had been one of the individuals working at the site, and his co-worker stopped by Town Center to determine what they needed to do to obtain the required permit. Ms. Hamel and Ms. Daley informed Mr. Manno that a completed Juno Beach Building Permit Application with all required documents (at minimum, engineering plans for the wall and a survey showing the location of the wall) must be submitted to the Town. It was also suggested to Mr. Manno that he contact Mr. Evans for the specific information / documents needed. Mr. Manno indicated that getting the engineering plans would not be a problem.

On April 8, 2025, Ms. Hamel issued a Warning Letter to Alexander & Bianca Cooke, Property Owners, regarding installation of a retaining wall without a Juno Beach Building Permit and failure to provide a safety barrier around the rear yard pool area. The Compliance Date noted on the Warning Letter was April 25, 2025. (Pgs 7-8)

On April 18, 2025, there was further correspondence via text between Ms. Cooke and Mr. Evans during which Mr. Evans informed Ms. Cooke that a complete permit application with plans, engineering and a survey showing the proposed location for the wall would be required for the retaining wall and a permit application with a survey showing the location of the fence would also be required for the fence replacement.

On April 25, 2025, since no Juno Beach Building Permit Application was yet submitted for the retaining wall or for the pool barrier, Ms. Hamel issued / mailed a Notice of Violation and a Notice of Hearing to Mr. & Ms. Cooke. Additionally, Ms. Hamel posted a 2nd Stop Work Order at the premises as the original Stop Work Order had been removed. She also posted the NOV and NOH on the front door of the residence. When reposting the Stop Work Order on the side gate of the residence, Ms. Hamel observed that installation of the new retaining wall along the west side of the property was continuing and that the wall was now nearly complete. Mr. Manno approached the gate and angrily told Ms. Hamel to get off the property. Ms. Hamel informed him that she was reposting the Stop Work Order and that he was not permitted to continue work. Ms. Hamel took a picture of the newly posted 2nd Stop Work Order to document the reposting. (Pgs 9-14) Ms. Hamel then took a picture of the nearly completed retaining wall from the easement south of 400 Seaside Lane. (Pg 15)



Later on April 25, 2025, Ms. Cooke left a voicemail for Ms. Hamel indicating that those working on the sight were redoing the turf / grass in the rear yard. She also noted that she realized the compliance date was that day (4/25), but that she had just contracted with Budget Fence and that she would be signing the required paperwork on Monday (4/28).

On April 28, 2025, Ms. Hamel returned Ms. Cooke's call and left a voicemail for her.

On April 29, 2025, Ms. Hamel noted that the dirt from the rear yard of 400 Seaside Lane had been removed (was no longer visible) from the job site and appeared to have been relocated on the Old Town Lane easement area beneath the development's north perimeter hedge. Thus, it appeared that even further work had been completed in the rear yard. (Pg 16)

On May 8, 2025, Ms. Hamel reposted the NOV and NOH on the front door of the residence. Later that day, Ms. Cooke called to ask Ms. Hamel if she had stopped by her home that day. Ms. Hamel informed Ms. Cooke that she was at the residence to repost the NOV and NOH. (Pg 17)

Statement of Current Conditions

On May 8, 2025, Budget Fence contacted Ms. Daley regarding their applying for a building permit for a fence at 400 Seaside Lane.

On May 9, 2025 (Friday), Budget Fence submitted a Juno Beach Building Permit Application for the proposed fence at 400 Seaside Lane.

On May 13, 2025 and upon receipt of payment of the permit fee, the building permit application was submitted to Zoning Department for initial review. The permit application is currently under review.

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To date, no Juno Beach Building Permit Application has yet been submitted for the new retaining wall located along the west / rear side of the premises.

Staff Recommendation

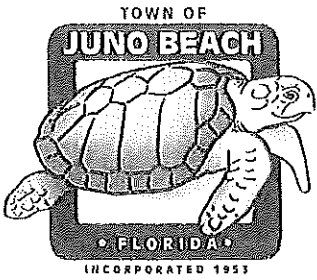
Staff recommends that Alexander & Bianca Cooke, Property Owners, be found in violation of Section 105.1 of the Florida Building Code and Section 303.2 of the International Property Maintenance Code.

Recommended Fine

Staff recommends a fine of \$150.00 per day, beginning May 22, 2025 and continuing until **complete** Juno Beach Building Permit Applications, with all required plans, documents, etc., for the rear yard fence and the rear yard (west side) retaining wall are submitted to the Town.

Staff recommends the fine be increased to \$250.00 per day beginning 60 days after issuance of the building permits for the fence and the retaining wall if all inspections are not completed and the permits are not satisfactorily closed.





Town of Juno Beach

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

OWNER BUILDER AFFIDAVIT

BEFORE ME, the undersigned authority, this day personally appeared Bianca Giancoli
(Owner's Name)

Who, being by me first duly sworn, deposes and says that he is qualified to do, and he will do the

Retaining wall repair and new fence along the backyard
(Description of Work)

Himself, or with the assistance of a qualified person or persons, on the building or premises located at:

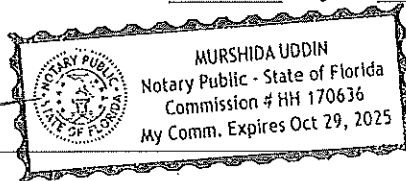
400 Seaside lane Juno Beach FL 33408
(Address)

The undersigned also affirms that he is the owner of the property at the above address, and that the work done is for his own use and occupancy only, and not intended for resale, and that this work will conform to the requirements of the Florida Building Code and the Ordinances of the Town of Juno Beach. The responsibilities normally assumed by the licensed Contractor are hereby assumed by the undersigned. (Proper insurance must be maintained for workmen's compensation.)

[Signature]
(Owner's Signature)

Sworn to and subscribed before me this 29 day of January, 2025

[Signature]
(Notary)



Personally Known _____

Produced I.D. FL DL

DISCLOSURE STATEMENT

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license. You must provide direct, onsite supervision of the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building, provided your costs do not exceed \$75,000. The building or residence must be for your own use or occupancy. It may not be built or substantially improved for sale or lease. If you sell or lease a building you have built or substantially improved yourself within 1 year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.









Town of Juno Beach Code Enforcement

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

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Case Number: CE-25-04-37
Issue Date: 04/08/2025
Compliance Date: 04/25/2025

WARNING LETTER

Alexander & Bianca Cooke • 400 Seaside Lane • Juno Beach, FL 33408

Alexander & Bianca Cooke • 216 Barbados Drive • Jupiter, FL 33458

Dear Property Owner or Responsible Party,

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

Parcel Number: 28*43-41-28-48-000-0170
Location Address: 400 Seaside Lane • 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

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

Ordinance Description

Violation 2: 303.2 - International Property Maintenance Code - Swimming Pools, Spas and Hot Tubs: Enclosures -

Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. *Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.*

Corrective Action

Ensure compliance with all pool enclosure / barrier requirements.

Officer Comments

Construction of a retaining wall was observed to be in progress on April 1, 2025 for which no Juno Beach Building Permit was applied for or issued.

There was no pool barrier along the south boundary which is adjacent to the property's rear yard pool area.

Please submit a Juno Beach Building Permit Application, including all required documents, plans, etc. for all work in progress (retaining wall) and planned (pool barrier / fence) by the above-noted Compliance Date.

All required building and zoning inspections must be completed within 90 days of permit issuance.

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 Friday, April 25, 2025 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. 8

Lynn Hamel

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





Town of Juno Beach Code Enforcement

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

Case Number: CE-25-04-37
Issue Date: 04/25/2025
Compliance Date: 05/02/2025

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NOTICE OF VIOLATION

Alexander & Bianca Cooke • 400 Seaside Lane • Juno Beach, FL 33408

Alexander & Bianca Cooke • 216 Barbados Drive • Jupiter, FL 33458

Dear Property Owner or Responsible Party,

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

Parcel Number: 28*43-41-28-48-000-0170
Location Address: 400 Seaside Lane • 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

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

Ordinance Description

Violation 2: 303.2 - International Property Maintenance Code - Swimming Pools, Spas and Hot Tubs: Enclosures -

Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. *Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.*

Corrective Action

Ensure compliance with all pool enclosure / barrier requirements.

Officer Comments

CURRENT COMMENTS:

The Stop Work Order posted on the property was removed.

Since posting of the Stop Work Order and issuance of a Warning Letter, additional work has been performed at the property.

PREVIOUS COMMENTS:

Construction of a retaining wall was observed to be in progress on April 1, 2025 for which no Juno Beach Building Permit was applied for or issued.

There was no pool barrier along the south boundary which is adjacent to the property's rear yard pool area.

Please submit a Juno Beach Building Permit Application, including all required documents, plans, etc. for all work in progress (retaining wall) and planned (pool barrier / fence) by the above-noted Compliance Date.

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All required building and zoning inspections must be completed within 60 days of permit issuance.

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 Friday, May 2, 2025 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-25-04-37**

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Date: 4/25/2025
Compliance Date: 5/2/2025

Alexander & Bianca Cooke
400 Seaside Lane
Juno Beach, FL 33408

Alexander & Bianca Cooke
216 Barbados Drive
Jupiter, FL 33458

Dear Property Owner or Responsible Party:

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

Location Address:

Parcel No.

400 Seaside Lane
Juno Beach, FL 33408

28-43-41-28-48-000-0170

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)

303.2 - International Property Maintenance Code - Swimming Pools, Spas and Hot Tubs: Enclosures

You are hereby formally notified that on **Thursday, May 15, 2025 @ 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 April 25, 2025. (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

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

7022 3330 0001 1055 0228

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



400 Seaside STOP WORK 3rd 5:00 P.m.

TOWN OF JUNO BEACH
Department of Planning and Zoning and the Office of Building Official
340 Ocean Drive, Juno Beach, FL 33408-5544 (407) 534-1112

NOTICE

This building has been inspected and

1. Zoning
2. Setbacks
3. General Construction
4. Foundation
5. Plumbing
6. Electrical
7. Mechanical Work
8. Electrical Wiring
9. Gas Piping
10. Roof
11. Other

IS NOT ACCEPTED

NOTE

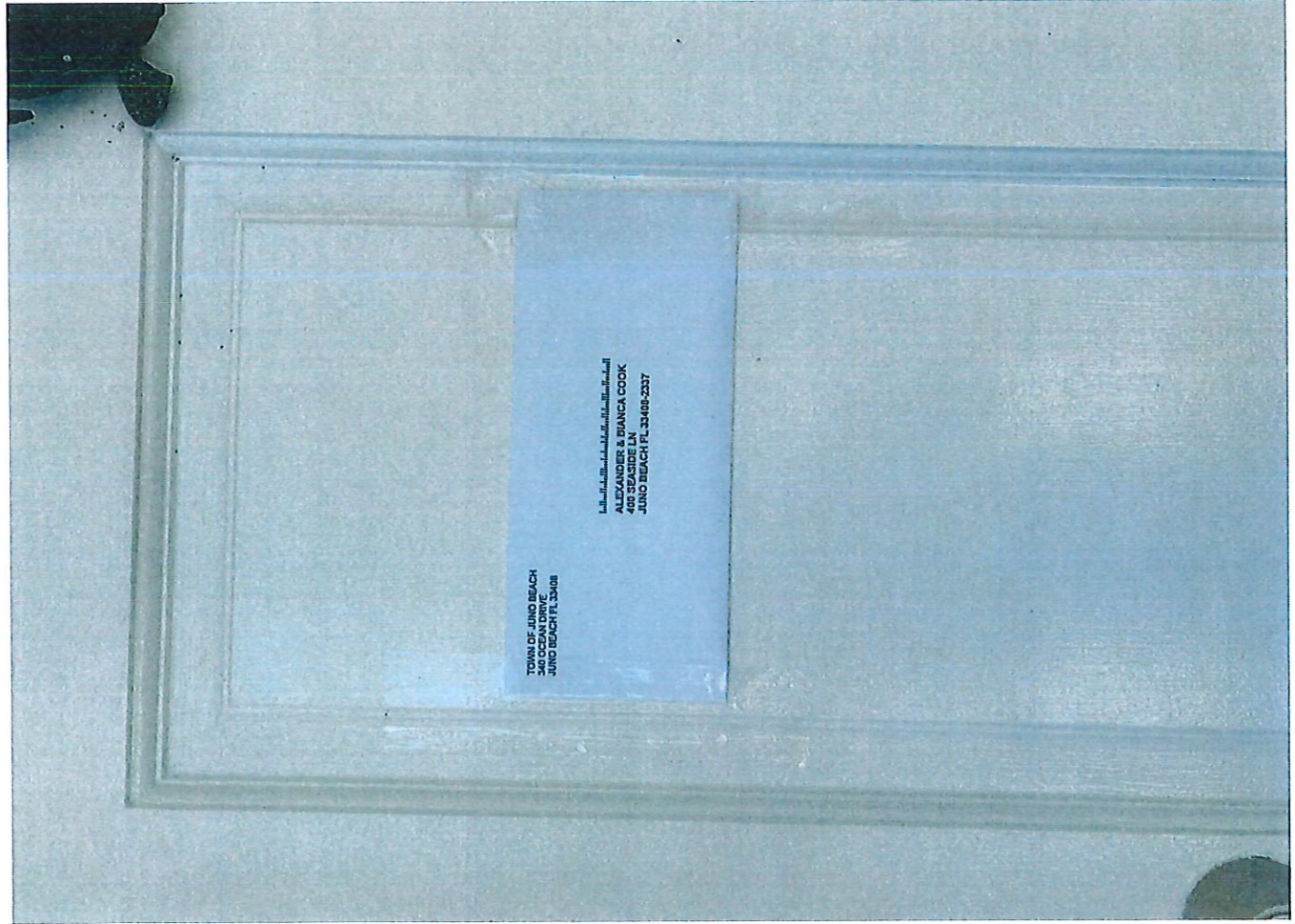
PLEASE CORRECT AS NOTED. ANY FURTHER WORK IS DONE

~~NO WORK UNTIL VALID BUILDING~~

DO NOT REMOVE THIS NOTICE UNDER PENALTY OF LAW

Date: 4-25-22 Time: Inspector: J. Hunsel

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TOWN OF JUNO BEACH
JUNO BEACH FL 33408

ALEXANDER & BLANCA COOK
400 SEASIDE LN
JUNO BEACH FL 33408-2337





