



AGENDA

**CITY OF RIVIERA BEACH
CODE COMPLIANCE DIVISION
SPECIAL MAGISTRATE HEARING**

**AUGUST 20, 2020
AT 2:00PM
VIA COMMUNICATION MEDIA TECHNOLOGY
CITY OF RIVIERA BEACH**

**COREY M. SMITH
SPECIAL MAGISTRATE**

SPECIAL MAGISTRATE

MONTHLY MEETING AT 2:00P.M.

DATE: THURSDAY, AUGUST 20, 2020

**ROLL CALL: COREY M. SMITH, ESQ
SPECIAL MAGISTRATE**

SPECIAL MAGISTRATE'S STATEMENT

Good Afternoon:

Today is August 20, 2020. This code compliance hearing has been specially set and is called pursuant to Chapter 162, Part 1, Florida Statutes. My Name is **Corey M. Smith** and I am the special magistrate appointed by the City of Riviera Beach to act as impartial hearing officer for the City's code compliance cases.

Today's hearing will be conducted pursuant to the procedure set forth in Chapter 162, Florida Statutes, and the order specially setting the hearing. Strict rules of evidence do not apply; however, fundamental due process will be observed at all times. I will allow each party to make a brief opening statement. The City will present its case first and the Respondent will be given the chance to cross-examine any City witnesses. Once the City has presented its case, then, it will be the Respondent's opportunity to present any testimony and evidence the Respondent may have regarding the cited violations. The City will be allowed to cross-examine any of the Respondent's witnesses. If the City received any public

comment, I will have the public comment read after each party completes its case. I will then allow each party to make a brief closing argument. All testimony is required to be under oath and each witness will be sworn in prior to testifying. The City has the burden of proving its case in this matter by a preponderance of the evidence. Once all evidence and testimony has been presented, I will make an oral ruling or reserve ruling if necessary. If I make an oral ruling, my ruling will be documented in a written order which the Respondent will receive by mail.

If I find the Respondent in violation of the City's code and the Respondent fails to correct the violation(s) in the timeframe I provide, the Respondent may be fined up to \$250 per day per violation.

If either party disagrees with my ruling, each party has the right to appeal my ruling to the Circuit Court within 30 days.

Please be advised that all testimony provided today is being recorded as required by Chapter 162, Florida Statutes.

If you have a cell phone, please turn off your cell phone or place it on vibrate. Please remain on "mute" if you are not speaking to limit disturbances as the hearing is being conducted virtually.

Before we call the first case, let us stand for the pledge of allegiance.

SPECIAL MAGISTRATE HEARING

Thursday, August 20, 2020 at 2:00 p.m.

CALL TO ORDER:

CONSIDERATION OF RESCHEDULED CASES:

HEARING OF CASES BEFORE THE SPECIAL MAGISTRATE:

CON'T FROM JUNE 18, 2020

-----JOHN JOHNSON-----

1. **CASE #CC- 20-0038**
5101 N. OCEAN DRIVE
RIVIERA BEACH, FL 33430

FANE LOZMAN
2913 AVENUE F
RIVIERA BEACH, FL 33404
OFFICER: JOHN JOHNSON

CODE SECTION: 22-34 (A) & (B)

WORK WITHOUT PERMIT

CODE SECTION: 23-84

WETLANDS PRESERVATION

2. **CASE #CC- 20-0051**
5281 N. OCEAN DRIVE
RIVIERA BEACH, FL 33430

JOAN B TAYLOR TRUST
DANIEL E. TAYLOR TR
8771 SE BRIDGE ROAD
HOBE SOUND, FL 33455
OFFICER: JOHN JOHNSON

1. UNPERMITTED RESIDENTIAL DOCK:

CODE SECTION: 23-83 (C)	WETLANDS PRESERVATION AREA TO BE ESTABLISHED BY APPLICANT
CODE SECTION: 23-84	PROHIBITED ACTIVITIES WITHIN WETLANDS PRESERVATION AREA
CODE SECTION: 23-87	PERMIT PROCEDURES
CODE SECTION: 22-34	CONSTRUCTION NOT IN COMPLIANCE WITH CODES PROHIBITED
CODE SECTION: 27-106 (B)	CONSISTENCY WITH COMPREHENSIVE PLAN REQUIRED (CONSERVATION ELEMENT, OBJECTIVE 3.2 AND POLICIES 3.2.1-3.2.4)
CODE SECTION: 31-557 (F)(2)(C)	RESIDENTIAL DOCK – WRITTEN AUTHORIZATION FROM OTHER AGENCIES

2. UNPERMITTED TEMPORARY ELECTRIC POLE:

CODE SECTION: 22-34	CONSTRUCTION NOT IN COMPLIANCE WITH CODES PROHIBITED
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**3. UNPERMITTED CMU WALL, FILL, DRIVEWAY APRONS AND PARKING
PAVERS:**

CODE SECTION: 22-34

CONSTRUCTION NOT IN
COMPLIANCE WITH CODES
PROHIBITED

ADJOURNMENT:

PURSUANT TO THE AMERICAN WITH DISABILITIES ACT, PERSONS IN NEED OF SPECIAL ACCOMODATIONS TO ATTEND THIS HEARING, PLEASE CONTACT THE OFFICE OF THE LEGISLATIVE AID OF THE CITY OF RIVIERA BEACH AT 600 WEST BLUE HERON BLVD., RIVIERA BEACH, FL 33404, (561) 845-4095 OR (561) 840-3350.