



TOWN OF PALM BEACH POLICE DEPARTMENT



DEDICATED TO EXCELLENCE

May 18, 2023

BEFORE THE CODE ENFORCEMENT BOARD OF THE TOWN OF PALM BEACH

ORDER FINDING VIOLATION

CERTIFIED MAIL: 9314 8699 0430 0107 9386 13

BrickTops Restaurant
375 S. County Road
Palm Beach, FL 33480

Re: Case # CE 23-276, 375 S. County Road, BrickTops Restaurant:

Violation of Chapter 134, Section 134-226 of the Town of Palm Beach Code of Ordinances States (a)The town council shall hear and decide special exceptions, decide such questions as are involved in determining if and when special exceptions should be granted, and grant special exceptions with appropriate conditions and safeguards or deny special exceptions when not in harmony with the purpose and intent of this chapter.(b)In granting any special exceptions, the town council shall find that such grant will not adversely affect the public interest. In granting any special exception, the town council, in addition to the standards enumerated in this subdivision, may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a special exception the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter. The town council may prescribe a reasonable time limit within which the action for which the special exception is required shall begin or be completed or both.

The Code Enforcement Board heard testimony at the Code Enforcement Board Hearing held the 18th day of May 2023, and based on the evidence, the Code Enforcement Board enters the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER.

FINDINGS OF FACT

1. The Town of Palm Beach Code Enforcement Officer Moriarty presented the facts of the case and entered evidence into the record.
2. Mark Peak was present on behalf of BrickTops and gave testimony in the case.
3. Mr. & Mrs. Masters gave testimony in this case.

CONCLUSIONS OF LAW

Violation of Chapter 134, Section 134-226 of the Town of Palm Beach Code of Ordinances States (a)The town council shall hear and decide special exceptions, decide such questions as are involved in determining if and when special exceptions should be granted, and grant special exceptions with appropriate conditions and safeguards or deny special exceptions when not in harmony with the purpose and intent of this chapter.(b)In granting any special exceptions, the town council shall find that such grant will not adversely affect the public interest. In granting any special exception, the town council, in addition to the standards enumerated in this subdivision, may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a special exception the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter. The town council may prescribe a reasonable time limit within which the action for which the special exception is required shall begin or be completed or both.

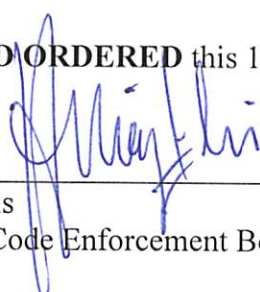
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ORDER

It is the order of this Board regarding Case # **CE 23-276** to find the violator in non-compliance, assess administrative costs in the amount of **\$150.00**, to pay **\$250.00** for the first citation and **\$500.00** for the second citation and refer this matter to the Town Council for review of the **Special Exception Agreement**.

Upon complying, it is the responsibility of the violator to notify the Town of Palm Beach Code Enforcement Office at (561) 227-7080.

DONE AND ORDERED this 18th day of May 2023.



Bram Majtlis
Chairman, Code Enforcement Board

cc: Case File/Property File