

**MINUTES
TOWN OF JUNO BEACH, FLORIDA
SPECIAL MAGISTRATE HEARING**

July 1, 2021 9:00 AM
Council Chambers
340 Ocean Drive

PRESENT: Morris (Skip) Miller, Special Magistrate
Leonard Rubin, Town Attorney
Frank Davila, Planning and Zoning Director
Lynn Hamel, Code Compliance Officer
Karen Leahey, Administrative Secretary

ALSO PRESENT: Joseph Lo Bello, Town Manager

Special Magistrate Miller called the Special Magistrate Hearing to order at 9:00 a.m.

~Audience – 12

I. **PUBLIC COMMENTS**

Public Comments Opened at 9:00 a.m.

Public Comments Closed at 9:00 a.m.

II. **MINUTES**

Special Magistrate Miller approved the October 15, 2020 Special Magistrate minutes.

Special Magistrate Miller swore in all parties wishing to give testimony.

III. **CASE ENFORCEMENT CASE NO 21-05-47:**

CODE ENFORCEMENT CASE NO. 21-05-47: 350 Celestial Way – Juno Beach, FL (Property Owner(s): Gregory L Denes, PA – Mercury Beach LLC. Business Owner(s): Jay & Beth Robb – Jay Robb Enterprises Inc / The Hippie Hut.): Violations are as follows:

(1) Failure to modify business activities conducted on the premises so that the activities align with the applied for and issued Juno Beach Business Tax Receipt License and / or failure to cease current business activities conducted on the premises for which no Business Tax Receipt was applied for and issued as required by Section 28-19 of the Juno Beach Code of Ordinances.

(2) Operation of a new business, activity or use at the premises that is prohibited, or incompatible to, and inconsistent with the zoning district which is prohibited by Section 34-1355 of the Juno Beach Code of Ordinances.

(3) Operation of a new business, activity or use at the premises that results in an increase of density or intensity of the previously authorized use of the premises which is prohibited by Section 34-1355(2) of the Juno Beach Code of Ordinances.

(4) Operation of a new service or activity at the premises which is prohibited by Section 34-1355(10) of the Juno Beach Code of Ordinances.

Code Compliance Officer Hamel read the staff report (*see attached*).

Town Attorney Rubin presented the Town's legal argument regarding both the BTR and the non-conforming use issue and introduced exhibits in support of the Town's position.

Attorney Seth Behn of Lewis Longman and Walker, presented legal argument on behalf of Jay and Beth Robb, owners of Jay Robb Enterprises and introduced exhibits in support of his client's position.

Attorney/Property Owner (350 Celestial Way Juno Beach, FL 33408), Gregory Denes, made his presentation at 1:09:28 in the recording.

Special Magistrate Miller requested a five-minute break at 1:35:48 in the recording.

Special Magistrate Miller stated the Town may make a rebuttal and the attorneys may ask questions of the Town and vice versa.

Attorney Rubin's rebuttal is at 1:43:56 in the recording.

Gregory Denes gave his rebuttal argument at 1:53:55 in the recording.

Attorney Behn gave his rebuttal argument at 1:55:09 in the recording.

Special Magistrate Miller asked each attorney to do research to see if there is any case law on "use" and "change of use" and submit the findings to his office by July 14, 2021. He further explained that there will not be a monetary penalty to the Respondents for the period of time between the hearing the submission of legal briefs.

IV. **ADJOURNMENT**

Special Magistrate Miller adjourned the hearing at 11:15a.m.

Morris G. (Skip) Miller,
Special Magistrate

Minutes approved July 15, 2021

Karen Leahey,
Administrative Secretary