

MINUTES
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
June 12, 2014

1. CALL TO ORDER/CONVENE AS CBAA

The Chairman, Marc Weiner, called the meeting to order at 2:00 pm in the Vista Center 1st Floor Hearing Room 1E-47, Palm Beach County Planning, Zoning & Building Department, 2300 North Jog Road, West Palm Beach, Florida.

1.A. ROLL CALL

MEMBERS PRESENT

Marc Weiner, Chair
Ron Dixon, Vice Chair
Bart Rasper
Margie Walden
Tom Donegan

MEMBERS ABSENT

Peter Dzenutis
Michael Walker
Duane Drawdy

OTHERS PRESENT

Richard Gathright, Deputy Building Official
Anne Helfant, Asst. County Attorney
Shannon Fox, Asst. County Attorney
John Blake, Construction Services Coordinator

Vickie Day, Recording Secretary & Notary
Mary Willis, Property Owner
Amanda Myer, Administrative Assistant

1.B. Approval of Minutes - NONE

2. ADDITIONS & DELETIONS – NONE

3. NEW BUSINESS – NONE

4. OLD BUSINESS – Vickie Day swore in all those giving testimony.

4.A. Case #14-01 – 4830 Badger Avenue, West Palm Beach Florida 33470; PBC Amendments Section 116

Mr. Gathright -The Building Division started the process of condemnation of the unsafe structure on this property. Ms. Willis appealed that action and came before the Board on March 13, 2014 meeting and the Board Order was given; whereby Ms. Willis was given until June 12th, today, to come up with a plan on how she is going to correct the unsafe condition at the building. And if she does not come up with a plan, the Building Division's intent to move forward on the condemnation of the structure. As of today, the Building Division has not received such information from Ms. Willis. Also in your packet, is a letter of May 1, 2014 from the contractor stating he is no longer working for her.

Mr. Weiner – reiterated what Mr. Gathright stated; you were given until today to come up with a plan to correct the Code deficiencies in the house. We have not yet received any plans, now is the time to produce any documentation you may have to the Board.

Ms. Willis – between the lawyers and this other stuff, I am broke and the thing is I do not want to tear those walls out, because if you do you are taking the large nails out and you cannot put another wall there. The house is built like an "H" and there were only two rooms in each "H" except the back because the kitchen was a very large kitchen. This was built 34 years ago and we went through a special exception and we discovered the neighbors were all pretty much against it. The problem was we were already doing it in our house for a considerable amount of time and the thing was, we were doing unreal things there with the situation. People were getting better again, they were getting out of wheelchairs and walking again and all these other things. WE wanted to do this, this is when my husband was alive. We proceeded to make a five bedroom house exactly seven feet from my house. When I got the house all paid for, I put the two houses together. My house is 59 years old, we were very much grandfathered in. We had to build a five bedroom because we were going to put 20 people, four people in each room and thing was they were extra large rooms, not big enough for an apartment. I found some men that really needed rooms very badly, that is what I proceeded to do. We started this project a long time ago. We got a very bad person in there, I got reports on him from the tenants that he

was the one that reported us. The problem is I wanted to put a fire extinguisher in there, the four rooms in the middle would have a door, they are far better than other places. I put a refrigerator and a small sink in each room so they wouldn't fight like I read in the newspaper. People got killed because they stole someone's bacon.

Ms. Fox – I want to ensure you understand that we are here today because we previously had a hearing in March where the Building Official of Palm Beach County made the determination that this structure in question was unsafe and unfit for human occupancy. There was a hearing where the County presented evidence that the building was unsafe; at that time the Board gave you and your agents extra time to work with the County to get the structure into compliance. We are here today on a status update for you to tell us what has happened between the last hearing and today to bring the structure into compliance. So it would be helpful if your testimony would be towards this issue.

Ms. Willis – I am talking this way because I do not believe the structure is improper; it has steel all around the whole building, it has things in the ceiling, it has high ceilings, the doors go right outside, not up the steps. You have a 4 story building all plywood, it doesn't matter if there are sprinklers.

Ms. Fox – If you want to make a complaint about another facility, you can and it will be followed up on by the County. What we'd like to know is if you can give us an update on any corrections that were made.

Ms. Willis – You have put a hardship on me and I am in bondage right now. I am a disabled widow and I do not have the money to do whatever I want to do.

Ms. Fox – Does the Board have any questions?

Ms. Weiner – we understand your situation and we agree you are trying to do the right thing. But some of the work that was done in the structure just does not meet code standards and it is our responsibility to ensure that standards are met. Have you tried to appeal to friends, neighbors or the church for financial help to rectify the situations we brought up?

Ms. Willis – It is an H house and all we did was divide a small room in half and the living room in fours.

Mr. Rasper - You took a five bedroom house and you made twenty separate rooms for people to stay in with sinks, plumbing. You did nothing to improve the septic tank system. That is the issue here; you do not want to take down the walls because they have nails in the ceiling. That is why we are here, not because of your hardship, but what you have done to the interior of this house and that is does not meet the building codes. We want to make sure you understand why you are here.

Ms. Willis – I did not know I had to get permits.

Mr. Gathright – It is a 1980 permit, with a note on the plans “use other than single-family dwelling requires prior building and zoning approval”. So she understood there was some controversy about the house at the time. Actually, the site plan that was submitted at the time showed this new proposed residence was 15 feet from the property line, being surveys what they are at the time-do not show the existing home. If she says they are only 7 feet apart then the existing home must have been closer that originally stated; as they are now connected by an enclosed walkway.

Mr. Dixon – to confirm it is a single-family home next door to another single-family which you occupy. I'd like to ask the attorney, what sort of motion is applicable to this type of case?

Ms. Fox – It would be appropriate to uphold the Building Official's decision and to provide a brief amount of time for Ms. Willis to either come into compliance and make the repairs required or for the Building Official to go ahead and demolish the building with the previous determination of the Board.

Mr. Wiener – this is for a second structure on the property, not the residence of Mrs. Willis

Mr. Gathright – from what I have seen and the field reports, the connection between the two structures is not very substantial. We can remove the walkway also and return to her own structure.

Mr. Dixon - I make a motion that the Board upholds the decision of the Building Division to demolish the building which was added without permits. Discussion ensues.

Mr. Wiener – before we take a vote, do we want to add a grace period for her to come into compliance? Discussion ensued, members agreed there has been plenty of time already and there seems to be no intention of compliance.

Mr. Wiener – you understand Mrs. Willis that if this motion is approved and the County demolishes the building you will have to pay for that. You will spend money either way – for repairs or to tear it down.

Ms. Walden – the walls you put up in between the rooms, they are not according to code. These walls can no longer be there. If you cannot take those walls out, the house will be slated for demolish. This is what we are voting on now. Please listen very carefully, we are trying to help you the best we can. We have given you every consideration to make the corrections. We see you are elderly, we understand this is not easy. It is not easy for us either. So we need to hear from you that this will be corrected quickly and if it cannot be, we will have to take action.

Mrs. Willis- can you prove that the house is not up to code?

Ms. Helfant – it was proven at the last hearing with your Representatives.

Mr. Gathright – please clarify the motion, due to the verbiage Mr. Dixon used - Please clarify if it is the demolition of the entire building or just the interior that was done without permits.

Mr. Weiner – Is it possible to do just re-constructing the interior? Bring the building to original structure.

Mr. Gathright – normally when the Building Division slates a building that is unsafe, we outline what the items are and if they don't correct it we take the building down. And in the process, we go through the lien process and attach a judgment to the property to get our money back. To answer your question – the County would have to get into the construction administrator role, doing selective demolishing. And that is not the Building Division's place. If she came in today with plans and hired someone, we would support that motion. But clearly she has not done that.

Mr. Dixon- what she was having there was an adult congregate living facility, is it zoned for this purpose?

Mr. Gathright- no sir, that is why the note was on the plans from 1981.

Mr. Dixon – what is accomplished by rehabbing the building?

Mr. Gathright – it would put it back to the original 5-bedroom house. Discussion ensues.

Mr. Dixon - *The motion is to uphold the decision of the Building Official determination that the structure is unsafe and to continue with the demolition process in accordance with the Code. All members in favor. None opposed. Motion passed.*

5. **BOARD MEMBER COMMENTS – NONE**

6. **STAFF MEMBER COMMENTS – NONE**

7. **ADJOURNMENT**

At 2:35pm, the Chair adjourned the meeting.



Marc Weiner, Chair

Respectfully submitted,

Vickie Day

Recording Secretary