

MINUTES
PALM BEACH COUNTY
CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS
March 10, 2016

1. CALL TO ORDER / CONVENE AS CBAA.

Chairman Marc Wiener called the meeting to order at 2:31 p.m. The meeting was conducted in Room 1W-47, Palm Beach County Planning, Zoning and Building Department, 2300 North Jog Road, West Palm Beach, Florida.

A. ROLL CALL

MEMBERS PRESENT:

Marc Wiener, Chair	Duane Drawdy
Peter Dzenutis	Bart Rasper
Gary Sullivan	Rex Kirby

MEMBERS ABSENT:

Ron Dixon, Vice Chair	Michael Walker
Margie Walden	

OTHERS PRESENT:

Doug Wise, Building Official
Bob Nicholls, Construction Services Coordinator
Shannon Fox, Assistant County Attorney
Robert P. Banks, Chief Land Use County Attorney
Jacquelyn Anderson, Recording Secretary

APPROVAL OF MINUTES - NONE

2. ADDITIONS & DELETIONS - NONE

Duane Drawdy commented for the record that some Board members are missing more meetings than attending. He requested Staff identify members who have missed the most meetings and ask them if they intend to remain on the Board or to resign.

Attorney Bob Banks stated the rules of the Board indicate automatic removal after three consecutive absences.

Doug Wise stated Staff would research the attendance records and report its findings to the Board.

3. NEW BUSINESS

Board Secretary Jacquelyn Anderson swore in all witnesses who planned to testify.

A. Case #16-01 – 22911 Dolphin Road – Richard D. Hess, owner

Mr. Wise stated the case involved a mobile home in severe disrepair with vegetation growing on the roof and walls and ceilings collapsing. He asserted the structure from the County's perspective is beyond repair. He stated the property was inspected and placarded, title search was conducted, and notices were posted and recorded. Mr. Wise indicated the photos being

presented were taken by Construction Services Coordinator Bob Nicholls the morning of the hearing date. He stated that County staff does not believe the structure can be salvaged and is requesting demolition, and Mr. Hess filed an appeal to ask for 60 days.

Attorney Shannon Fox asked Mr. Wise if the staff report and photos were being entered into evidence.

Mr. Wise responded yes.

Richard Hess, property owner, stated he had also taken photos the morning of the hearing. He stated he had spoken to Dean Wells who asserted vegetation was growing from the roof. Mr. Hess contended that the vegetation was not growing from the roof, but was from a branch that was attached to a tree next to his home.

Attorney Fox asked if Mr. Hess wanted to enter the photos into evidence.

Mr. Hess responded yes.

The photos were presented to the Board for review.

Chairman Marc Wiener asked if Mr. Hess had any additional comments.

Mr. Hess stated Staff's finding of living vegetation growing into the structure is not true. He indicated that there are two broken windows and that there are no walls collapsing. He contended that the statements about 50% of the roof covering and 80% of the exterior walls are in disrepair are untrue statements. He stated that there is overgrown vegetation in abundance. He stated that he does not see how the overgrown vegetation affects the structural integrity of his home.

Mr. Hess affirmed he still resides in the mobile home, and there is electricity in the home.

Mr. Hess stated he received an offer for his home, and he would like additional time to get his material belongings from the home to pursue sale of the home.

Board Members questioned Staff and Appellant and discussion ensued. Mr. Hess indicated he could remove the vegetation right away if needed. Staff mentioned that there was a Code Enforcement case with fines and liens accruing on the property since 2010 for the overgrown vegetation on the site.

A motion was made to give Mr. Hess, property owner, 30 days to clear the vegetation away from the structure so that it could be properly inspected. At the end of 30 days, if it is not cleared to allow inspection, the structure will be demolished. If Mr. Hess does clear the vegetation, then he is directed to get an engineer and work with County staff to develop a plan to repair the structure within 30 days. Mr. Hess was given a total of 60 days to make significant progress on the structure or the demolition order would be reinstated.

The motion was seconded and passed unanimously.

4. BOARD MEMBER COMMENTS.

There were no Board Member comments.

5. STAFF MEMBER COMMENTS.

Doug Wise stated that the County received its tri-annual Building Code Effectiveness Grading Schedule report for Palm Beach County. He stated the ISO grades the Building Division every three years to determine the underwriting rates for buildings for Palm Beach County. Part of the survey is to report the credentials of Board Members and how much training the County has provided to the Board Members on building code.

Mr. Wise stated that part of the budget for training is for Board Members to go to continuing education courses in their areas of expertise. He asked Board Members to send local training opportunities they identify to Jacquie Anderson to be approved for payment by the County. Mr. Wise also stated there is an internal Building Code training coming up at the end of March 29 through April 1, 2016.

Jacquie will email additional information about the upcoming training as well as the BCEGS survey to the Board Members.

6. ADJOURNMENT.

Chairman Marc Wiener adjourned the meeting at approximately 3:00 p.m.

Signed for the Board by,

A handwritten signature in black ink, appearing to be 'Marc Wiener', written over a horizontal line.

Marc Wiener, Chairman

Respectfully submitted,
Jacquelyn Anderson, Recording Secretary