

MINUTES
PALM BEACH COUNTY
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
JULY 14, 2016

1. CALL TO ORDER / CONVENE AS CBAA.

Chairman Wiener called the meeting to order at 2:00 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, Chairman	Ron Dixon, Vice Chairman
Bart Rasper	Gary Sullivan
Duane Drawdy	Rex Kirby
Justin McIntosh	

MEMBERS ABSENT:

Michael Walker	Peter Dzenutis
Margie Walden	

OTHERS PRESENT:

Doug Wise, Building Official
Brad Brown, Deputy Building Official
Robert Nicholls, Construction Services Coordinator
Shannon Fox, Assistant County Attorney
Anne Helfant, Assistant County Attorney
Jacquelyn Anderson, Senior Secretary
Erik Stark, Property Management, Shamrock Acquisitions

B. APPROVAL OF MINUTES.

A motion was made and seconded to approve the minutes of May 12, 2016. The motion passed.

2. ADDITIONS & DELETIONS. None.

3. OLD BUSINESS. None.

4. NEW BUSINESS.

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

A. Case # 16-05 – 10236 Harbourtown Court – Shamrock FL HOA LLC

Construction Services Coordinator Robert Nicholls presented the staff report on behalf of the County. On March 14, 2016, Mr. Nicholls received a complaint from Mr. Schiappa, a neighbor in the community and member of the HOA, about a derelict home in the neighborhood. Mr. Nicholls inspected the structure on March 16, 2016, and found the roof was no longer functioning. There is a large amount of water intrusion which caused deterioration of wood trusses and roof tile breaking loose. He also found a multi-member girder that is breaking away due to termite infestation, and the bearing point is rotting away, is in failure, and at some point will collapse.

CSC Nicholls stated the home was built in 1983 prior to the building code addressing load paths and the proper attachments, so there are a number of unknown elements regarding the types of straps

used. The structure is severely compromised, and in hurricane season a severe wind event could easily cause total failure of the roof and potential missile impact hazard. Mr. Nicholls stated the County's recommendation is to demolish the structure.

Assistant County Attorney Anne Helfant introduced the County's staff report as evidence into the record.

Erik Stark spoke on behalf of Shamrock Acquisitions. He stated Shamrock Acquisitions was hired by the HOA to bring the structure back to livable standards. Although the property is in bad condition, Mr. Stark believes the property can be repaired. There is an outstanding mortgage against the property and it is under bank control. Shamrock is currently trying to make contact with the bank to do a quiet title action lawsuit. Mr. Stark requested a 180-day extension to make contact with the bank and negotiate an agreement to do repairs and bring the property into compliance.

The Board asked questions of staff and appellant. Discussion ensued.

The property is owned and under control of the bank. The bank was noticed, but there was no representative from the bank present. Shamrock Acquisitions has been unsuccessful in making contact with the bank. The County's notifications were signed for by the bank; however, no one from the bank has contacted the County.

A motion was made to deny the appeal and uphold the decision of the Building Official to demolish the structure. The motion was seconded and passed unanimously.

5. **BOARD MEMBER COMMENTS.** None.

6. **STAFF MEMBER COMMENTS.**

Mr. Wise welcomed new Board member Justin McIntosh.

Mr. McIntosh stated he represents the International Brotherhood of Electrical Workers Local Union 728.

(Board Secretary's Addendum: Mr. McIntosh was BCC nominated and appointed as an Alternate Citizen-at-Large and represents the residents of Palm Beach County.)

7. **ADJOURNMENT.**

Chairman Wiener adjourned the meeting at approximately 2:20 p.m.

Signed for the Board by,



Marc Wiener
Chairman

Respectfully submitted,
Jacquelyn Anderson
Recording Secretary