

MINUTES
PALM BEACH COUNTY
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS (CBAA)
February 9, 2017

1. CALL TO ORDER / CONVENE AS CBAA

Chairman Marc Wiener called the meeting to order at 1:57 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, Architect, Chair	Ron Dixon, Engineer, Vice Chair
Margie Walden, Public At-Large	Rex Kirby, Division I Contractor
Justin McIntosh, Alternate Public At-Large	

MEMBERS ABSENT:

Bart Rasper, Plumbing Contractor	Gary Sullivan, Electrical Contractor
Duane Drawdy, Division I Contractor	

OTHERS PRESENT:

Doug Wise, Building Official of Palm Beach County
Dean Wells, Construction Services Coordinator
Shannon Fox, Assistant County Attorney
Anne Helfant, Assistant County Attorney
Rachel Fahey, Assistant County Attorney
Nola Brown, Paralegal
Jacquelyn Anderson, Senior Secretary
Shimon Mazar, Vesta Properties & Investments
Betzy Falgas, Robertson Anschutz & Schneid, PL
Richard Link, Aspen Homes
Justin Kennelly, Aspen Homes
John S. Kennelly, Aspen Homes

B. APPROVAL OF MINUTES

Ms. Walden made a motion to approve the minutes of January 12, 2017. Mr. Dixon seconded the motion. The motion passed unanimously.

2. ADDITIONS & DELETIONS - NONE

3. OLD BUSINESS

Board Secretary Jacquelyn Anderson administered an oath to all witnesses who planned to testify.

A. 15-04 – 17744 Fieldbrook Cir W – Vesta Properties & Inv LLC

Mr. Wells stated the history of the case is the CBAA ordered under item number 7 that by no later the August 21, 2015, the Appellant was to complete the demolition of the structure and shoring to ensure stability of the remaining walls, and the work must be reviewed by a professional engineer and installed as soon as the demolition was completed. Mr. Wells stated the demolition permit was obtained. The roof system, the entire second floor, and the interior were demolished under permit B-2015-15394.

Mr. Wells stated the CBAA also ordered under item number 8 that the Appellant must obtain the required building permits to rehabilitate the structure and begin construction by December 21, 2015, and the construction must be completed by August 21, 2016. Mr. Wells stated a renovation permit was obtained, B-2015-22232. The permit included renovations of the fire-damaged area and the addition of the new construction square footage. Mr. Wells stated the structure is not complete at the present time. The structure is at the beam and column stage.

Mr. Wells stated that CBAA also ordered under item 10 that if the Appellant fails to comply with the Order, the Appellant must appear back in front of the CBAA to ask for additional time, or the initial determination of the Building Official to abate the unsafe structure shall be upheld.

Mr. Wells stated he inspected the property on February 2, 2017, and found the roof system, second floor and interior were demolished. The structure was not complete, and the workers were in the process of forming columns and beams for pouring. He stated Staff's recommendation is the Appellant be given additional time to complete the structure because they are working to complete it.

Mr. Wise requested the PBC Staff Report be admitted into evidence.

Mr. Mazar stated there had been some setbacks at the beginning, but the issues have all been resolved. He stated the property is no longer unsafe. He stated the pour for the tie beams has been completed, and they are moving as fast as they can to finish the project.

Board members questioned the Appellant and Staff and discussion ensued.

Mr. Dixon made a motion to give the Appellant additional time until December 2017 to complete the project with a status update before the Board in six months. Ms. Walden seconded the motion. The motion carried unanimously.

B. 16-03 – Multiple Properties – Estates of Boynton Waters

Mr. Kennelly presented a two-page status sheet relevant to the homes that were the subject of the matter before the Board. Mr. Kennelly requested the status sheet be admitted into evidence.

Mr. Kennelly stated there are 11 homes subject to the Board's order. He stated a number of the have been renewed and issued. He stated lots 108, 112, and 136 have had multiple inspections. He stated there are four home for which plans have been provided to the County, and the permits have been renewed. He stated the permits renewed are 85, 95, 123, and 125.

Mr. Kennelly stated the homes with multiple inspections have new roof trusses installed. He stated the home that was awaiting bracing at the last meeting in November, now has bracing that was installed shortly after the meeting. He stated all the homes have been secured, and fences and signs have been installed pursuant to a permit issued by the County, and the County has inspected them. He stated

progress has continued on a number of the homes including order and installation of windows and doors.

Mr. Kennelly described the progress of each property by lot:

- Lot 85 is in a renewed status. The plans were revised by the architect and submitted to the County.
- Lot 95 plans were completed by the architect, and there is a renewal request in process.
- Lot 108 has active construction on-going. The shell update was completed, and the inspection passed. The construction included poured cells, increased steel and poured columns. The roof has been framed and has passed inspection. The roof has been dried in, the flashing installed, and it passed metal inspection. The roof tile has been ordered. The window order has arrived and installation is expected to begin next week.
- Lot 112, the shell update was completed, and the inspection was passed. The roof was framed and passed inspection. The roof tile was installed and passed inspection. The windows and entry doors have been installed.
- Three homes are waiting on the architect. Lots 115 and 139 architect is Architectural Studio. Lot 138 architect is Design Odyssey. The architects are working on the updates. The requests are in for new plans. Lot 139 is expected to take a little longer because the architect is still working on Lot 115. Once 115 is completed, then he will move on to 139.
- Lot 123 is in process with Palm Beach County. The renewal is requested, and the permit is going through the renewal process.
- Lot 125, the permit has been renewed.
- Lot 131, the electrical and plumbing updates have been started, and the roof is expected to start on February 20th.

Ms. Walden asked if Lot 131 permit filed for renewal or still with the architect.

Mr. Kennelly stated the permit is active, and the plans are with the County. There are no inspections on it yet.

Mr. Kennelly stated for Lot 136, the permit is active. The plans are at the County. The shell update was completed and passed inspection. The concrete was poured. The truss package was delivered. The structural framing is in progress.

Board members questioned the Appellant and Staff and discussion ensued.

Mr. Wise requested the updated Staff Report as amended be admitted into evidence. He also stated Staff will concur the fences were put up by the deadline given by the Board.

Additional discussion ensued.

Ms. Walden made a motion to receive the status update on May 10, 2017 as originally requested. Mr. McIntosh seconded the motion. The motion carried unanimously.

4. NEW BUSINESS

A. 17-01 – 10236 Harbourtown Court – Deutsche Bank

Ms. Falgas stated she represented the lender that has a mortgage on the subject property.

Mr. Wise stated the case came before the Board in July of 2016 when Shamrock Investments requested stay of the demolition order by the Building Official. At that time, the Board denied the applicant's request. Subsequent to that, Staff was contacted through the County Attorney's office by Deutsche Bank through their attorneys to stop the demolition and present their evidence before the Board.

Mr. Wise stated the building is an unsafe building. Staff believes it should be demolished. The Staff Report is in the file. He stated if they can present evidence and show that they are able to repair it, Staff will be happy to entertain that and move forward. Staff's recommendation is to allow them time to study the issue and try to come back with a plan of improvement.

Ms. Falgas stated their client is still not in possession of the title, and foreclosure has not been completed. She stated the Homeowner's Association foreclosed on the property, and the title went to a third party. Their office is in contact with the third party and their counsel to obtain title of the property. They are settling the case with the third party, and they are attempting to do a quit claim deed to pass the property to their client in order to complete the repairs that need to be done.

Ms. Falgas stated their client had received rehab bids on the property. Their client has made a list of the repairs needed to the property. The bid amount is almost 50 percent of the value of the property, and their client is still interested in completing the rehab of the property.

Ms. Falgas requested the document be admitted into evidence.

Ms. Falgas stated the rehab has not begun because their client does not have title to the property. Their client is anxious to do the rehab. Once the title issue has been resolved, their client estimates the scope of work of the rehab will require two months to complete.

Board members questioned the Appellant and Staff and discussion ensued.

Staff indicated the back pool area was unsecure.

Additional discussion ensued.

Ms. Walden made a motion to secure the open pool area within 30 days, and after the pool is secured, the Board will entertain a request for an extension.

Discussion ensued.

Ms. Walden amended the motion to secure the open pool area within one week, and then the Board will entertain the one month.

Discussion ensued.

Mr. Kirby seconded the motion. The motion passed unanimously.

5. BOARD MEMBER COMMENTS

None.

6. STAFF COMMENTS

7. ADJOURNMENT

Chairman Marc Wiener adjourned the meeting at approximately 2:35 p.m.

Signed for the Board by,



Marc Wiener
Chairman

Respectfully submitted,
Jacquelyn Anderson
Recording Secretary