

MINUTES
PALM BEACH COUNTY
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS (CBAA)
April 12, 2018

1. CALL TO ORDER

Chair Marc 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, Architect, Chair
Bart Rasper, Plumbing Contractor
Manny Oyola, Roofing Contractor
Margie Walden, Public At-Large

Ron Dixon, Engineer, Vice Chair
Steven Markel, HVAC Contractor
Rex Kirby, Division I Contractor

MEMBERS ABSENT:

Gary Sullivan, Electrical Contractor
Justin McIntosh, Alt - Public At-Large

OTHERS PRESENT:

Doug Wise, Building Official, Palm Beach County
Dean Wells, Construction Services Coordinator
Jamie Illicete, Investigator
Shannon Fox, Assistant County Attorney
Anne Helfant, Assistant County Attorney
Jacquelyn Anderson, Recording secretary
John Cramer, Contractor
Herb Stein, Property Owner
Emerson Ramirez, Property Owner
John Kennelly, Aspen Homes
Serge Tews, Property Owner

B. APPROVAL OF MINUTES

Ms. Walden made a motion to approve the minutes of March 8, 2018. Mr. Dixon seconded the motion. The motion carried unanimously.

2. ADDITIONS & DELETIONS

None.

3. OLD BUSINESS

Ms. Anderson administered an oath to all witnesses who planned to testify.

A. 16-03 – MULTIPLE PROPERTIES – ESTATES OF BOYNTON WATERS

Mr. Wise stated at the February hearing the Appellant was ordered to submit engineering paperwork on the condition of the structures to withstand hurricane force winds. Engineer's letters were received more than 30 days late. Mr. Wise stated Staff is still evaluating the reports, but on initial review, Staff does not believe the letters are sufficient because a significant number of the letters state the structures are not able to withstand hurricane force winds as they are currently configured, and the structures should be completed as soon as possible.

Mr. Wells presented photographs of the structures at status inspection on 4/4.

Mr. Wise requested the County Staff Report be entered into evidence.

Board members questioned Staff and discussion ensued.

Mr. Wise stated any structure that has been deemed unsuitable to withstand hurricane force winds would be a candidate for demolition.

Discussion ensued.

Mr. Wiener directed Staff proceed with asbestos testing, paperwork and anything else required so that no more time is wasted.

Discussion ensued.

Mr. Kennelly arrived at approximately 2:10 PM. Ms. Anderson administered an oath.

Mr. Wiener summarized what transpired prior to Mr. Kennelly's arrival. The Board directed Staff get a head start on the demolition process.

Mr. Kennelly requested to submit proof the buildings are shored properly and are able to withstand hurricane force winds into evidence.

Discussion ensued.

Mr. Wise stated the County never received a copy of the schematic design that Mr. Kennelly presented to the Board. He requested Mr. Kennelly provide Staff with a signed and sealed copy of that, site-specific for each building in the project so Staff can validate it.

Mr. Kennelly agreed to do provide the documents.

Discussion ensued.

Ms. Fox stated if the intent is that the matter does not have to come before the Board if the deadline of the completion schedule is not met and that Staff can automatically demolish the buildings that they wish to, for clarity of the record, for the Board to enter an order today that if the deadline is not met as previously stated in the prior orders, then the Building Official is authorized to demolish any structures on the premises that do not meet the safety requirements of the Amendments to the Building Code Section 116.

Ms. Walden made a motion per the recommendation of Ms. Fox. Mr. Rasper seconded the motion. The

motion passed unanimously.

Mr. Wiener stated the Appellant does not have to come back.

Ms. Fox clarified if the Appellant does not meet the schedule the matter does not have to come back in May or June. The Board has authorized the Building Official to demolish any structure that he deems unsafe after the compliance date.

B. 17-11 – 9803 S MILITARY TRAIL – KIR BOYNTON

Mr. Wise stated the case was heard previously. The Appellant owned a convenience store with a mansard that is collapsing. A demolition permit application has been submitted. The Appellant submitted a letter for a little more time to complete the demolition. Mr. Wise stated he does not object to the extension of 90 days. Mr. Wise stated even if the extension was not granted, it would probably take the County at least 90 days before it would be able to demolish the building.

Mr. Oyola made a motion to grand the 90-day extension. Ms. Walden seconded the motion.

Under discussion, Mr. Wise requested the County Staff Report be entered into evidence.

The motion passed unanimously.

C. 17-13 – 2942 GENOA PL – 19483 NW 87TH CT INVESTMENT LLC

Mr. Wise stated the case was heard previously. The case involves one unit in a four-unit building. The Appellant came in and requested additional time. He requested the County Staff Report be entered into evidence.

Mr. Serge Tews stated he obtained an engineer report.

Ms. Fox asked Mr. Wise if he would like to table the report until Staff had a chance to review the report.

Mr. Wise stated the Appellant could speak while he quickly reviewed the engineer report.

Mr. Tews stated the engineer discovered the roof and the southeast wall of the second floor should be replaced which adds to the expense. Mr. Tews stated they are looking for a contractor and financing. There is a statement in the report that the structure is very far from collapsing, and there is no emergency.

Mr. Wiener asked Mr. Wise if he had enough time to review the letter.

Mr. Wise stated the letter is brief and does not go into much detail, just describes the damage. The letter does not provide guidance on overall safety of the building. There needs to be more detail and a concrete plan of what is going to happen with the building. Trying to demolish one unit of a four-unit building is a problematic, but there needs to be some urgency to some action. The letter is not signed and sealed.

Board members questioned Appellant and Staff and discussion ensued.

Appellant's letter was entered into evidence.

Discussion ensued.

Mr. Oyola made a motion to grant the Appellant 60 days to come back with engineering, a signed contract for demolition and a plan.

Ms. Walden appended the motion to include a plan for financing.

Mr. Rasper seconded the motion with addendum.

Discussion ensued.

The motion passed unanimously.

D. 17-14 – 6104 CHIPEWYAN – EMERSON RAMIREZ

Mr. Wise requested the County Staff Report be entered into evidence. The case was previously heard. The roof was taken off the building. There are no permits for any of the work. The Appellant is present to present his case for additional time.

Mr. Ramirez stated he has the prints and the general contractor gave him everything to permit, but he is in the process of selling the property. He has a buyer who is present at the hearing to see what is happening with the property. Mr. Ramirez stated if the Board is willing to grant more time, the closing for the sale of the home will take place the following day.

Board members questioned the Appellant, Staff and Mr. Santiago Lopez and discussion ensued.

Ms. Walden made a motion to grant Mr. Ramirez and Mr. Lopez 60 days to submit a set of plans to Mr. Wise for approval and permitting; and Mr. Lopez must return in 60 days to give an update to the Board.

Discussion ensued.

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

Discussion ensued.

Ms. Helfant stated if there is a new owner, and he is not moving forward, there would have to be a new notice of intent and he would have to appeal the new notice of intent.

4. NEW BUSINESS

A. 18-03 – 5239 SUFFOLK DR – HENRY AND CO obo HERBERT STEIN

Mr. Wise requested the County Staff Report be entered into evidence. The appeal is for a propane tank location being too close to the property line. Mr. Wise met with the applicant prior to the appeal being filed. The request is for a 2 1/2-foot separation from the property line.

Mr. Wise stated Staff is not recommending approval of the variance because Staff believes there are other locations on the property where the tank can be located. However, if the Board decides to grant the variance, Staff is requesting the Appellant get approval from the adjacent property owner in writing, and that it be recorded along with a removal agreement in the records of Palm Beach County.

Mr. Cramer stated the generator is required for the medical device for the property owner's wife, which requires a generator. The tank must be 10 feet from a property line that can be built upon. There is a zoning set back of 7 1/2 feet of the adjoining property line. Sources of ignition must be kept from the valve of the tank, not the tank itself. The tank must be 10 feet from the source of ignition and 10 feet from adjoining property line.

Board members questioned Staff and Appellant and discussion ensued.

Ms. Walden made a motion that a Staff inspector go to Mr. Stein's property to meet with Mr. Cramer to measure and see if there is any other possible location for the tank.

Mr. Markel seconded the motion.

Mr. Dixon stated a tabling motion was required.

Discussion ensued. The motion died on the floor.

Ms. Walden made motion to table the variance request.

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

5. BOARD MEMBER COMMENTS - NONE

6. STAFF MEMBER COMMENTS

A. The next meeting scheduled is May 10, 2018.

7. ADJOURNMENT

Chair Marc Wiener adjourned the CBAA meeting at approximately 3:33 p.m.

Signed for the Board by,



Marc Wiener
Chairman

Respectfully submitted,
Jacquelyn Anderson
Recording Secretary