

MINUTES
PALM BEACH COUNTY
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS (CBAA)
May 10, 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

Ron Dixon, Engineer, Vice Chair
Steven Markel, HVAC Contractor
Justin McIntosh, Alt - Public At-Large

MEMBERS ABSENT:

Rex Kirby, Division I Contractor
Margie Walden, Public At-Large

OTHERS PRESENT:

Doug Wise, Building Official, Palm Beach County
Brad Brown, Deputy Building Official, Palm Beach County
Dean Wells, Construction Services Coordinator
James Law, Mechanical Inspector, Palm Beach County
Shannon Fox, Assistant County Attorney
Anne Helfant, Assistant County Attorney
Jacquelyn Anderson, Recording secretary
John Cramer, Contractor

B. APPROVAL OF MINUTES

Mr. Oyola made a motion to approve the minutes of April 12, 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. 18-03 – 5239 SUFFOLK DR – HENRY AND CO obo HERBERT STEIN

Mr. Wise gave a summary of the case tabled from the previous board meeting to allow Staff to meet the owner to look at the site.

Mr. Law stated at a site visit on April 26 and took measurements. It appears the tank can be installed below

the paver deck and does not have to be 2 1/2 feet from the property line. There is room below the pavers. Pavers would have to be removed. The tank can be installed without a variance.

Mr. Wise stated Staff cannot support a variance. There is room beneath the pavers.

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

Mr. Cramer stated he was never notified when the County inspector would be on site. He stated the pool plumbing is under the pavers. He stated he can move pavers and place the tank about four feet from the property line. The next door neighbor is willing to sign a document stating he will not put anything as a source of ignition. Both homeowners are in agreement except the building department.

Mr. Rasper made a motion to not accept the variance request per Palm Beach County's recommendation. Mr. Oyola seconded the motion.

Ms. Fox clarified the motion is to deny the variance.

Discussion ensued.

Ms. Helfant requested the Board clarify the motion that the variance is denied due to not meeting the requirements found in Section 113.6.2, Palm Beach County Amendments to the Florida Building Code, 6th Edition (2017).

Mr. Rasper amended the motion to deny the variance per Palm Beach County's recommendation due to the variance request not meeting the requirements of Section 113.6.2.

Discussion ensued.

Mr. Wise stated he was willing to have Staff meet the Appellant on site a second time to determine if the pool plumbing will interfere with installation of the gas tank.

Mr. Rasper withdrew his motion.

Mr. Dixon made a motion to table the variance request. Mr. Markel seconded the motion. The motion carried 5 to 1.

4. NEW BUSINESS

A. 18-04 – 17674 38th LANE N, LOXAHATCHEE – MARCIN KOWALCZUK

Mr. Wise stated the case involves a catastrophic fire in which the structure was significantly damaged. Mr. Wells investigated. The Appellant is seeking additional time to proceed.

Mr. Wells stated he did the initial inspection of the house that was damaged by fire. He met with the owner who wants to repair the structure and live in it.

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

Mr. Kowalczyk stated he lives in Stamford, Connecticut. He purchased the house six weeks prior through an internet auction on the Palm Beach Clerk website. When he purchased the house, he did not know the condition of the house. After purchasing, he came to Florida to see what he bought and to clean it up. While he was on site, men came and placed demolition papers on the home.

Mr. Kowalczyk stated he would like to save the house and repair it so that his family can live there. He requested the Board stop the demolition process and grant him permission to fix up the house.

Mr. Kowalczyk requested his packet of pictures be entered into evidence.

Board members questioned Staff and Appellant and discussion ensued.

Mr. Oyola made a motion to grant the Appellant three months to get permits in order, engineering in order, and go back to the Building Division to salvage his home.

Mr. Markel seconded the motion.

Discussion ensued.

Mr. Oyola amended the motion to give the Appellant three months to get his affairs in order and come back to the Board to give an update.

Discussion ensued

Mr. Dixon recommended the motion be modified to require documentation be ready and submitted at least one week prior to the hearing date to allow Staff an opportunity to review the documentation.

Mr. Oyola accepted the recommended amendment.

Discussion ensued.

It was recommended the motion state necessary documents to facilitate rehabilitation of the property.

Mr. Oyola accepted the recommended amendment to the motion.

Mr. Markel seconded the amended motion.

The motion carried unanimously as amended.

B. 18-05 – 17089 W ALAN BLACK BLVD, LOXAHATCHEE – KOSTAS PILKIONIS

Mr. Wise stated the case involves a catastrophic fire, and the structure was identified as unsafe in March 2017. The owner of the property applied for an interior demolition permit in October, but no inspections on it and no progress on the project. In November, they made an application to repair the building, but that has not moved forward.

Mr. Wise stated Staff met with the Appellant in April to discuss the project and the lack of progress. The Appellant indicated he was trying to sell the property. The building is an attractive nuisance and poses a

hazard to the general public.

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

Mr. Wells stated a complaint was received that a neighbor's kid was inside the structure after someone pulled the plywood off the windows. Although the child was trespassing, he cut himself while in the structure and the neighbors are very concerned. The structure has been secured several times, but the kids are going into it.

Mr. Pilkionis stated he purchased the property at an auction and did not see it. He is working to remodel it. The fire was bad, and the trusses have to be replaced. He had an engineer and an architect make plans which were submitted to the building department. There is a demolition permit, and he is working on the reconstruction permit. There are financial issues. It will take more than three months to get plans.

Mr. Pilkionis stated he is trying to sell the house, and the property is under contract. The closing is scheduled for May 24, 2018. They are investors. He requested an extension.

Board members questioned the Appellant and Staff and discussion ensued.

Mr. Wise stated he would like a copy of the contract the Mr. Pilkionis has with the potential buyer so that if the Board grants more time, Staff will be able to contact the new owner to move forward with the project.

Discussion ensued.

Mr. Rasper made a motion to grant the Appellant three months to apply for permit or demolish.

Discussion ensued.

Mr. Rasper amended the motion to grant the Appellant three months to begin renovation with a permit or demolish.

Discussion ensued.

Mr. Rasper withdrew the motion.

Discussion ensued.

Mr. Markel made a motion to honor the Building Division request to be supplied a copy of the contract so the new buyer can be notified of what they are getting into and grant an extension of 30 days.

Mr. Rasper seconded the motion.

Mr. Wiener amended the motion to require the owner of the house return at the next CBAA meeting, whoever the owner may be.

Mr. Markel accepted the amendment to the motion.

Discussion ensued.

Mr. Rasper maintained his second to the amended motion.

The motion carried unanimously as amended.

5. BOARD MEMBER COMMENTS

A. APPELLANT EXHIBITS – RON DIXON

Mr. Dixon stated that in the last meeting there were two cases, which the Board required the applicant to provide certain documents, and the appellants showed up with the documents at the meeting. Staff had no opportunity to review the documents prior to the meeting. Mr. Dixon suggested when giving an extension of time that the data be provided to Staff a week or ten days before.

Discussion ensued.

Ms. Fox stated it is the Board's prerogative and discretion, and the Board orders can specifically state in the order.

Discussion ensued.

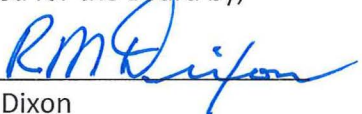
6. STAFF MEMBER COMMENTS

A. The next meeting scheduled is June 14, 2018.

7. ADJOURNMENT

Chair Marc Wiener adjourned the CBAA meeting at approximately 3:02 p.m.

Signed for the Board by,



Ron Dixon
Vice Chairman

Respectfully submitted,
Jacquelyn Anderson
Recording Secretary