

**MINUTES**  
**PALM BEACH COUNTY**  
**CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS (CBAA)**  
**August 9, 2018**

**1. CALL TO ORDER**

Vice Chair Ron Dixon 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:**

Ron Dixon, Engineer, Vice Chair  
Manny Oyola, Roofing Contractor  
Rex Kirby, Division I Contractor

Bart Rasper, Plumbing Contractor  
Steven Markel, HVAC Contractor  
Justin McIntosh, Alt - Public At-Large

**MEMBERS ABSENT:**

Marc Wiener, Architect, Chair

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  
Tom Banzhaf, Construction Services Coordinator  
Shannon Fox, Assistant County Attorney  
Anne Helfant, Assistant County Attorney  
Jacquelyn Anderson, Recording Secretary  
Kostas Pilkionis, Property Owner  
Marcin Kowalczyk, Property Owner  
AJ Pellach, Property Owner  
Andrew Radmin, Attorney

**B. APPROVAL OF MINUTES**

Mr. Oyola made a motion to approve the minutes of June 14, 2018. Mr. Kirby 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. 18-04 – 17674 38TH LANE N – MARCIN KOWALCZUK**

Mr. Wise stated the case was heard previously, and the Appellant was granted three months to come back with a plan. The Appellant has complied with the Board Order.

Mr. Wells stated he and John Blake met with the Appellant. The engineer's analysis shows that the building does not meet Level 3 alteration, but meets Level 2 under the 2017 Florida Building Code. The Appellant is pursuing finding the appropriately licensed contractors. The Appellant did not proceed with the permit because he was under the impression that the Board must grant permission to proceed with a permit.

Mr. Wise requested to enter the County Staff Report into evidence.

Mr. Kowalczuk stated he provided the copy of the engineer's analysis. He has hired the general contractor and subcontractors. He hired an architect is working on the plans and should have them ready in two to three weeks, then he will be able apply for permit.

Mr. Wise stated the Staff recommendation is to grant the Appellant the additional time he is requesting because the engineer's report indicates the structure can be rehabilitated.

Board members questioned Staff and Appellant and discussion ensued.

Mr. Oyola made a motion to grant 60 days for permitting.

Discussion ensued.

Mr. Oyola amended the motion to grant 90 days (3 months).

Discussion ensued.

Mr. Oyola made a second amended motion to grant 3 months to obtain a permit and 6 months to have the job totally completed.

Mr. Rasper and Mr. Kirby seconded the second amended motion. The motion passed unanimously as amended.

**4. NEW BUSINESS**

**A. 18-07 – 6008 LE LAC – ESTATE OF LEIF MYHRE**

There was discussion off the record between Appellant's attorney and County Staff.

Mr. Wise stated the case involves a property where the power had been off for a long period. When the customer came in to get the power restored, staff discovered that the house had

never received a Certificate of Occupancy since the 1980s. The house is in disrepair.

Mr. Wells stated the code enforcement officer took the photographs of the disrepair. Mr. Wells stated the occupant denied him access to the property when he attempted to conduct an inspection. The roof is in disrepair. There are holes throughout the roof. There is water intrusion. The structure is falling apart. The tile on the second-floor patio has popped off and a beam is falling down.

Discussion ensued.

Mr. Wise requested to enter the County Staff Report into evidence.

Mr. Radmin stated the Appellant supports the position the County has taken regarding the property. The administrator of the Estate of Leif Myhre has been attempting to sell the property. The Appellant was unaware the property did not have a CO. The obstacle involves a person occupying the structure who does not have rights to the property. Appellant requested extension of time.

Board members questioned Staff and attorney for Appellant and discussion ensued.

Mr. Markel made a motion to deny the Appellant's request for an extension.

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

**B. 18-08 – 22751 N BAY CIRCLE – ARNOLD PELLACH**

Mr. Wise stated the case involves a mobile home. Mr. Wise requested to enter the County Staff report into evidence.

Mr. Wells stated the mobile home has been subdivided into two units. The current owner stated he purchased the structure that way as it was previously used as a temporary structure for firefighters while their fire station was being built. Mr. Wells advised the owner of the violation according to DOT a mobile home cannot be subdivided. A permit and architectural/engineering detail was required to return the mobile home to its original configuration.

Mr. Pellach stated the unit was purchased in its current condition. He stated it passed inspections. He received notification that an engineered plan was required and was submitted at the time of hearing. Appellant requested extension of time.

Board member questioned Staff and Appellant and discussion ensued.

Mr. Kirby made a motion to grant 3 months to obtain the permit and 6 months to complete construction, with a follow up in 3 months at the CBAA hearing to provide the status of the permit.

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

**5. BOARD MEMBER COMMENTS - NONE**

**6. STAFF MEMBER COMMENTS**

Mr. Wise thanked the Board.

Mr. Markel inquired about the status of the Boynton Waters case.

Mr. Wise advised that asbestos surveys have been ordered for five of the structures that had unsatisfactory engineer reports. An administrative complaint is being prepared for disciplinary action to be heard before the Local Construction Regulation Board.

The next meeting scheduled is September 13, 2018.

**7. ADJOURNMENT**

Vice Chair Dixon adjourned the CBAA meeting at approximately 2:43 p.m.

Signed for the Board by,



Ron Dixon  
Vice Chairman

Respectfully submitted,  
Jacquelyn Anderson  
Recording Secretary