



CALL TO ORDER

Ron Dixon, Vice Chair, called the meeting to order at 2:00 pm. The meeting was conducted in Room 1W-47, Palm Beach County Planning, Zoning and Building Department, 2300 N Jog Road, West Palm Beach, FL.

a. **ROLL CALL**

i. **Members Present**

Ron Dixon, Engineer, *Vice Chair*

Rex Kirby, *Division 1 Contractor*

Justin McIntosh, *Alternate Public At-Large*

Bart Rasper, *Plumbing Contractor*

Margie Walden, *Public At-Large*

ii. **Members Absent**

Fred K. Kutscher, *Electrical Contractor*

Manuel Oyola, *Roofing Contractor*

Steven Markel, *HVAC Contractor*

iii. **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*

Giselle Badillo, *Recording Secretary*

John Blake, *Assistant Deputy of Inspections*

Caled Hamend, *Property Owner*

Harlington Hanna, *Property Owner*

Alfons Newbold, *Contractor*

Maria Cordero, *Property Owner Representative/Interpreter*

Lourdes Ortiz-Guzman, *Property Owner*

Richard Torrance, *Senior Code Enforcement Officer*

Kenneth Zerkowski, *Property Owner*

Lisa Forman, *Property Owner*

Gino Rivera, *Contractor*

a. **Moment of Silence**

Mr. Dixon called for a moment of silence in memory of Mr. Marc Weiner, who has recently passed away.

b. **Approval of Minutes**

- i. Mrs. Walden made a motion to approve the minutes of November 8, 2018. It was seconded by Mr. McIntosh and was unanimously carried.

✓ **MOTION TO APPROVE THE CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS MINUTES FOR NOVEMBER 8, 2018 MINUTES - GRANTED**

c. **Administer Oath to Witnesses**

Ms. Badillo swore in all present witnesses.

ADDITIONS & DELETIONS

- a. DELETION - 18-13 – 5484 WOODLAND DR – DENNIS VANDERCOOK
- b. DELETION - 18-19 – 6193 ANDALUCIA LANE – RELIABLE POWER SYSTEMS (O/B/O DANIEL KANDLER)

Mr. Wise stated that cases were removed from the agenda. Both cases will return to the Board at a later date.

NEW BUSINESS

a. Election of New Chair and Vice Chair

Mr. Dixon opened the discussion of appointing a new Chair and Vice Chair.

Mr. Wise indicated that traditionally that current Vice Chair would assume the role of Chair, when the Chairman is unable to complete their term.

Attorney Fox declared that there is no current policy. She deferred to the Board to make the decision.

Mr. Kirby nominated Mr. Dixon to move from Vice Chair to Chairman, which was seconded by Mrs. Walden. The motion carried unanimously.

✓ MOTION FOR MR. DIXON AS THE NEW CHAIR OF CBAA – GRANTED

Mr. Rasper nominated Mr. Kirby for Vice Chair. Mrs. Walden seconded the motion. No additional nominations. The motion passed with a unanimous vote.

✓ MOTION FOR MR. KIRBY AS VICE CHAIR OF CBAA - GRANTED

b. 18-14 – 4861 CLINTON BLVD – CH76 INESTMENT LLC

Mr. Wise began discussion.

Mr. Wells testified that the property has a new owner and that they intend to rebuild. No current permits have been currently issued. Staff report was admitted into evidence as 18-14 Exhibit PBC-1.

Appellant, Caled Hamed, President of CR76 Investment, was present for hearing. He stated that the property has been brought up to code in the last month that he has owned the property.

Mr. Wells verified that current owner, Mr. Hamed, has been diligent in keeping the property clean and secure.

Mrs. Walden requested clarification on how much time appellant needs to begin the permitting process.

Appellant, Mr. Hamed requested 90 days.

Discussion ensued.

Mrs. Walden called a motion to provide appellant 90 days to begin permitting.

Attorney Fox requested clarification on the motion.

Discussion ensued.

Mrs. Walden amended motion to provide 90 days for the permit application to be submitted. Mr. Kirby seconded the motion, which was unanimously passed.

✓ MOTION TO PROVIDE 90 DAYS FOR THE PERMIT APPLICATION TO BE SUBMITTED – GRANTED

c. **18-15 – 1091 CLYDESDALE DRIVE – HARLINGTON L. HANNA JR**

Mr. Wells inspected the structure on January 9, 2019. Mr. Wells was shown the plans for future construction the same day.

Owner, Harlington L. Hanna and Contractor, Alfons Newbold from Newbold Construction were present for meeting.

Mr. Wise entered staff report into evidence as 18-15 Exhibit PBC-1.

Mr. Hanna requested 90 days to obtain permits. Mr. Hanna submitted conceptual plans as 18-15 APP –1 and 18-15 APP – 2 into evidence.

Discussion ensued.

Mrs. Walden carried a motion to provide 90 days to clean up property and to apply for permit.

Discussion ensued.

Mrs. Walden amended motion to provide 90 days to clean up property, to apply for permit with engineering report.

✓ **MOTION TO PROVIDE 90 DAYS TO CLEAN UP PROPERTY, TO APPLY FOR PERMIT WITH ENGINEER REPORT - GRANTED**

d. **18-16 – 4988 CANTON RD – JOSE RIVERA AND LOURDES GUZMAN**

Mr. Wise began the discussion stating that a vehicle ran into a single-family home dwelling.

Mr. Wells further clarified that a vehicle lost control and hit the side of the structure. The main concern for the County is that the wall was separated from the tie beam and the house appears to have shifted. Mr. Wells spoke to an insurance representative, at the site, and was told that they were going to do an evaluation but no permit has been pulled.

Mr. Wise entered staff report into evidence as 18-16 Exhibit PBC-1.

Owners, Mr. Rivera and Mrs. Guzman were present for the meeting. They were accompanied by a Ms. Cordero who served as an interpreter/representative. Mrs. Cordero stated that the owners need an additional 90 days. They have recently received payment but need further endorsement, and then will need to deposit the payment to begin repairs.

Discussion ensued.

Mrs. Walden carried a motion to give owners 120 days to complete repairs. Mr. Kirby seconded motion. Motion was unanimously carried.

✓ **MOTION TO PROVIDE 120 DAYS TO COMPLETE REPAIRS - GRANTED**

e. **18-17 – 16825 89TH PL N – KENNETH A ZERKOWSKI**

Mr. Wise began discussion by explaining that Mr. Zerkowski applied for a single-family permit in 2010 as Owner/Builder but allowed the permit to go inactive twice. In addition, the permit has been advertised on Air BnB, which creates another issue.

Mr. Torrance, Senior Code Enforcement for Palm Beach County was sworn in to provide testimony. Mr. Torrance stated that Code Enforcement has received over 14 complaints by neighbors and residents concerning the continued construction over the last several years. Code Enforcement noticed storage units were divided into three separate units and that several RVs were on site. The Building Division were notified due to no certificate of occupancy issued.

Mr. Wise requested that the Board set a hard deadline for Mr. Zerkowski that coincides with deadlines that Code Enforcement have set.

Mr. Torrance stated that owner currently has two adjudicated violation. The first is for building an accessory structure without a primary structure. The owner has until July 19 to build the primary structure or be fined \$250 a day. The second adjudication is for accessory structures without a permit. The second violation has a deadline for November 7, 2018, which requires the removal of accessory structures, if permits are not obtained and primary structure is not constructed.

Mr. Wise entered case package into evidence as 18-17 Exhibit PBC-1.

Discussion ensued.

Mr. Rasper carried motion to give owner until July 19 for completion and if not completed to authorize demolition. Mrs. Walden seconded motion. Attorney Fox requested clarification on the motion.

Discussion ensued.

Attorney Fox suggested that Mr. Wise recommend a motion. Mr. Wise suggested that by July 19 the main house be substantially complete with a TCO or CO, and have the accessory permits be active with a contractor; and by November 7, 2019 have the accessory structures complete, or Building Official may proceed with demolition.

Mr. Rasper wanted to revise motion to Mr. Wise recommendations. Mrs. Walden seconded and the motion carried unanimously.

Mr. Zerkowski submitted into evidence as 18-17 Exhibit PBC-1.

- ✓ **MOTION THAT MAIN HOUSE BE SUBSTANTIALLY COMPLETE WITH A TCO OR CO BY JULY 19, 2019 AND HAVE THE ACCESSORY PERMITS BE ACTIVE WITH A CONTRACTOR; AND BY NOVEMBER 7, 2019 HAVE THE ACCESSORY STRUCTURES COMPLETE OR BUILDING OFFICIAL MAY PROCEED WITH DEMOLITION. – GRANTED**

f. **18-18 – 6164 FOREST HILL BLVD. BUILDING 6238 – YMP PALO VERDE LLC**

Mr. Wise began discussion. Case is a multifamily building that was damaged due to a fire.

No one was present on behalf of the Appellant. It was confirmed that appellant received proper service.

Mr. Wise entered staff report into evidence as 18-18 Exhibit PBC-1.

Attorney Fox requested that the motion be tabled until next meeting.

Discussion ensued.

Motion to table case was voiced by Mrs. Walden, and seconded by Mr. Kirby.

- ✓ **MOTION TO TABLE - GRANTED**

OLD BUSINESS

a. **18-09 – 7588 SIERRA TERRACE EAST – LISA FORMAN**

Mr. Wise entered staff report into evidence as 18-09 Exhibit PBC-1.

Ms. Forman, Owner, and Mr. Rivera, Contractor were present for the hearing. Mr. Rivera stated that the property has been cleaned up. They have been delayed two weeks due to the holidays. They expect to have the permit applications as well as the architectural drawings. Mr. Rivera requested 60 days to submit application for the permits.

Discussion ensued.

Mr. Kirby to grant 60 days for permits to be submitted to the Palm Beach County Building Division. Mrs. Walden seconded the motion. Motion passed.

- ✓ **MOTION TO PROVIDE 60 DAYS FOR THE PERMIT APPLICATION TO BE SUBMITTED – GRANTED**

b. 18-10 – 1189 ROSEBUD LANE – MIA REAL HOLDINGS LLC

Mr. Dixon began discussion.

No one was present on behalf of the Appellant.

Mr. Wise stated that structure suffered significant water damage and needed shoring. He also reminded the Board that CBAA requested that the owner obtain an engineer's letter, which was provided, and a permit was issued for shoring. The shoring was inspected, but the rehab-building permit will be issued Friday, January 11, 2019. Mr. Wise believe that progress is being made.

Discussion ensued.

Mr. Wise suggested that the matter return in six months to follow up.

Mrs. Walden made motion that an update be made in six months that they are moving along with the repairs. Mr. McIntosh seconded the motion, which was pass unanimously.

- ✓ **MOTION THAT AN UPDATE TO THE BOARD BE MADE IN SIX MONTH . – GRANTED.**

BOARD MEMBERS COMMENTS

a. Donation to the MDS Foundation in memory of Marc Wiener – Margie Walden

Mail donations to: 4573 S. Broad Street, Suite 150, Yardville, NJ 08620

Website: [MDS Foundation](#)

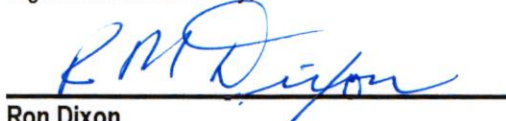
STAFF COMMENTS

a. Sympathy Card for Marc Wiener's widow and family

ADJOURNMENT

The CBAA meeting was adjourn on January 10, 2019 at approximately 3:19 pm by newly appointed Chair, Ron Dixon.

Signed for the Board by,



Ron Dixon
Chairman

Respectfully submitted,
Giselle Badillo
Recording Secretary