



CALL TO ORDER

Ron Dixon, Chairman, called the meeting to order at 2:03 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

1. *Members Present*

Ron Dixon, Engineer, *Chair*

Steven Markel, *HVAC Contractor*

Justin McIntosh, *Alternate Public At-Large*

Fred K. Kutscher, *Electrical Contractor*

Margie Walden, *Public At-Large*

2. *Members Absent*

Manuel Oyola, *Roofing Contractor*

Bart Rasper, *Plumbing Contractor*

Rex Kirby, *Division 1 Contractor*

3. *Others Present*

Doug Wise, *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, *Administrative Assistant*

Nicole Davis, *Administrative Assistant*

Giselle Badillo, *Recording Secretary*

Craig Stein, *Attorney for The Bank of New York Mellon*

Robert Bascardi, *President of Reliable Power Systems*

Ralph Godwin, *President of YMP Real Estate Management and YMP Palo Verde, LLC*

Aaron Tyler, *Arc Development Global*

Joseph Ditto, *Contractor, I Want Propane, Inc.*

b. Approval of Minutes

Mrs. Walden made a motion to approve the minutes of January 10, 2019. It was seconded by Mr. Markel and was unanimously carried.

- ✓ **MOTION TO APPROVE THE CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS MINUTES FOR JANUARY 10, 2019 MINUTES - GRANTED**

c. Administer Oath to Witnesses

Ms. Badillo swore in all present witnesses at 2:04 pm.

ADDITIONS & DELETIONS

a. Request to Rearrange Agenda

Mr. Wise indicated that appellant for case #18-13 – 5484 Woodland Dr. – Dennis Vandercook requested that the case be heard reorder. A representative for The Bank of New York Mellon, Mr. Craig Stein, Esq., requested the rearrangement of the agenda. Mr. Stein requested the reorder with

the intention of reducing the attorney cost to his client.

Mrs. Walden made a motion to grant the request made by Mr. Stein, Esq., which was seconded by Mr. Markel.

✓ **MOTION TO GIVE FIRST CONSIDERATION OF CASE #18-13 – GRANTED**

Mr. Doug went on the record to clarify that case #18-13 will be the first case to be heard.

b. Introduction of New Board Member

Mr. Wise introduced the newly appointment board member Fred K. Kutscher, Electrical Contractor representative.

OLD BUSINESS

a. 18-13 – 5484 WOODLAND DR – DENNIS VANDERCOOK

Mr. Wise began the discussion by providing background information on the property and the previous board order. Mr. Wise asked Mr. Wells if there were any substantial changes to the property.

Mr. Wells updated the board that the property has been ply wooded but the structure remains the same. It was his testimony that the structure is salvageable but requires funds that the homeowner allegedly stated he did not have.

Mr. Wise requested that the staff report for case #18-13 be admitted into evidence.

Discussion ensued.

Mr. Stein, Esq. stated that his client plans to take care of the violations. He testified that the clients have emailed him that they are currently looking for a General Contractor to provide bids to rebuild the structure. Mr. Stein then requested additional time for his client to secure a bid and have someone go out into the property.

Mr. Markel requested clarification that Mr. Stein is representing that the mortgage holder and the mortgage servicer and their intention on whether it is to reconstruct. Mr. Stein testified that client has not filed for foreclosure and has an interest in rebuilding.

Mrs. Walden shared that in the previous hearing an extension was granted with the expectation that a plan of action was going to be presented to the board. Since there has been nothing presented, Mrs. Walden wanted more regarding time frame and outcome expectations within the time granted.

Mr. Stein, Esq. requested 60-day extension for client to secure a bid and have someone go out into the property, which he believes will give a reasonable amount of time for his client.

Discussion ensued.

Attorney Fox, Esq. questioned Mr. Stein, Esq. on whether his client has the authorization to access the property. If they do not have the authority then the request is moot. It was asked if Attorney

Stein's client has reached out to the homeowner to obtain deed in lieu of foreclosure to which Attorney Stein testified that he has no knowledge.

Discussion ensued.

A motion to grant 30 days to provide a plan of action for reconstruction or demolition of all the structures on the building with clarification of the owner of the property. In addition, a motion to ensure that the property remain secure while contractor review the site, was made by Mrs. Walden. Mr. Markel seconded the motions, which was then unanimously passed.

- ✓ **MOTION FOR 30 DAYS TO PROVIDE A PLAN OF ACTION FOR RECONSTRUCTION OR DEMOLITION OF ALL THE STRUCTURES ON THE BUILDING WITH CLARIFICATION OF THE OWNER OF THE PROPERTY; AND ENSURE THAT THE PROPERTY REMAIN SECURE WHILE CONTRACTOR REVIEW THE SITE. - GRANTED**

NEW BUSINESS

a. 18-18 – 6164 FOREST HILL BLVD, BUILDING 6238 – YMP PALO VERDE LLC

Mr. Wise began the discussion by providing background information on the property that suffered damages from a fire.

Mr. Banzhaf testified that the property was fenced off and the photos provided by PBC staff accurately presents the current condition of the location.

Mr. Wise requested that the staff report for case #18-18 be admitted into evidence.

Mr. Ralph Godwin, President of YMP Real Estate Management and President YMP Palo Verde, LLC, was present to testify on behalf of the buildings Management Company and ownership. He testified that property was boarded and secured, after being told by their engineer that the structure could be rebuilt. He advised the board that the property was mortgaged, and to demolish the structure would require the consent of CMBS mortgage pool, which would have been virtually impossible. The property was refinanced and the permit to demolish was applied at the PBC Building Division. He then requested that the board grant additional 60-days to get demolition underway after receiving the permit.

Mr. Wise confirmed that appellant provided a screenshot that accurately portrayed the Building Division website with a demolition application. c

Discussion ensued.

Mrs. Walden made a motion, which was seconded by Mr. Markel, to grant and extension of 60-days with a commencement of complete demolition. Motion passed with all present board members in favor.

Discussion ensued.

- ✓ **MOTION FOR 60-DAY EXTENSION TO OBTAIN ALL REQUIRED PERMITS AND COMMENCE WITH DEMOLITION ON THE PROPERTY - GRANTED**

b. 18-19 – 16193 ANDALUCIA LANE – RELIABLE POWER SYSTEMS OBO DANIEL KANDLER

Mr. Wise advised the board that the case #18-19 is a variance request. He continued to provide background information on the property and the appellants request to have a tank placement for propane in proximity to property line.

Mr. Wise requested that the staff report for case #18-19 be admitted into evidence.

Robert Bascardi, President of Reliable Power Systems, explained that during the underground inspection for the 1,000 gallon tank the inspector stated that they will need approval from the AHJ because it was too close to the property line. He applied that the matter come in front of the board to leave the tank in its current location.

Discussion ensued.

Mrs. Walden made a motion to grant the variance with the removal clause with the understanding that if anything happens on the other side of the property line the tanks will be removed. It was seconded, by Mr. Markel, and was unanimously carried.

- ✓ **MOTION VARIANCE REQUEST TO INSTALL AN UNDERGROUND GAS TANK WITH A 3-FOOT SEPARATION DISTANCE FROM THE PROPERTY LINE - GRANTED**

c. 19-01 – 6164 FOREST HILL BLVD, BUILDING 6140, UNIT 102 – YMP PALO VERDE LLC

Mr. Wise began the discussion by providing background information on the property that suffered damages after a vehicle drove into the building due to a shooting.

Mr. Ralph Godwin, President of YMP Real Estate Management, further testified that one of two vehicles pulled into the property, while the occupants in the second vehicle got out of their vehicle and began to shoot at the first car. The car on property ended up driving straight into the building.

Mr. Godwin indicated that an architect is working on drawings so that the apartment may be rebuilt. He has testified that the building has been shored as a precaution. He is requesting 60 days to enter the bidding process, select a contractor and submit a building permit for review.

Mr. Wise did not object to the request. The staff report for case #19-01 was then admitted into evidence.

Mr. Dixon reaffirmed that the appellant is requesting 60 days for apply for a permit. Mr. Godwin amended his request to 30 day to submit a permit application.

Discussion ensued.

Mr. Markel moved that the appellant be given a 30-day reprieve to allow him to collect the permit materials and proceed with construction. The motion was unanimously passed after being seconded by Mr. McIntosh.

- ✓ **MOTION FOR 30 DAYS TO FILE FOR ALL REQUIRED BUILDING PERMITS AND MOVE FORWARD WITH REHABILITATING. - GRANTED**

d. 19-02 – 17672 CANDLEWOOD TERRACE – JOAN RICE

Mr. Wise began the discussion by making an amendment to the to the staff report. The plans for the address were incorrectly provided in the package, and correct plans were distributed during the meeting. Once the updates were provided Mr. Wise continued to testify and provide background information on the variance request.

The staff report for case #19-02 was then admitted into evidence.

Mr. Aaron Tyler with Arc Development Global and Mr. Joseph Ditto, Contractor from I Want Propane, Inc. were present on behalf of client. Mr. Tyler testified that the tank in question is below ground therefore does not fall under ULDC but under Building Code.

Mr. Ditto testified that he was not aware that the “Tank Acknowledgment” form is no longer accepted. The tank was installed with the belief that with the signed acknowledgement form the tank could be installed in its current location. He then stated that there is no other acceptable location on the property to install the propane tank. He advise the board that the property owner is present.

Attorney Fox questioned the witness, Mr. Ditto, if a permit was obtained before the tank being installed, to which the Mr. Ditto confirmed that a permit was issued.

Mr. Wise clarified on the record that a copy of the plan was submitted and clearly marked that a 10 ft. minimum from property line was what was approved. Mr. Ditto attested that his submitted plan stated that the tank would be installed 10 ft. from the building and ignition source. At this point, Mr. Wise further elucidated that the plan reviewer corrected the plan in red ink that a 10 ft. minimum from property line before issuance.

Discussion ensued.

Mr. Wise stated that staff have done everything correctly and appellant did not follow the approved plans.

Discussion ensued.

Mrs. Walden went on record to deny the appellants requests for a variance. Mr. Markel voted in favor of the motion made by Mrs. Walden. Mr. Markel explained the reason for the denial being that alternative locations are available.

✘ MOTION FOR VARIANCE. - DENIED

OLD BUSINESS

a. 18-06 – 6074 CONGRESS AVE – ATLANTIS PLAZA INVESTMENTS, INC.

Mr. Wise began discussion by announcing that Mr. Robert Sapir, Esq. was present for the hearing on behalf of the owner. Mr. Wise gave a brief summary of the case. He then advised the board that the applicant has completed all the requirements set by the board; but it is present in front of the board because the board requested an update.

Mr. Wise stated the position of the county staff is that the case be closed and dismissed.

The staff report for case #18-06 was admitted into evidence, by Mr. Wise.

Case is closed.

b. 18-11 – 2552 BAHIA RD – MARTIN GAUTHIER

Mr. Dixon went on record to advise the board that the appellant for the case #18-11 is a friend, but it will not affect his vote.

Defendant was not present, but properly noticed for the meeting.

Mr. Wells testified that there has not been any changes nor have permits been pulled.

Mr. Wise requested that staff report #18-11 be admitted into evidence.

Mrs. Walden clarified that the previous board order specified that if the appellant did not comply with order 5 and 6 that the county will move forward with the demolition. To which, Mr. Wise responded that the building division will then order an asbestos survey and continue with the process.

c. 18-13 – 5484 WOODLAND DR – DENNIS VANDERCOOK

Case was heard at the beginning of the board meeting. Please see above for further information.

BOARD MEMBERS COMMENTS

- a. No comments.

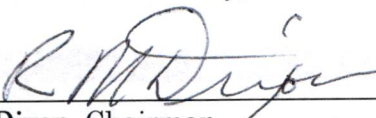
STAFF COMMENTS

- a. Next Board Meeting – MARCH 14, 2019

ADJOURNMENT

The CBAA meeting was adjourned on February 14, 2019 at approximately 3:19 pm by Chairman, Ron Dixon.

Signed for the Board by,



Ron Dixon, Chairman

Respectfully submitted,
Giselle Badillo
Recording Secretary