



### I. CALL TO ORDER

Ron Dixon, 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, **Chair**  
Bart Rasper, *Plumbing Contractor*  
Manuel Oyola, *Roofing Contractor*  
Jessica Dornblaser, *Architect*

Rex Kirby, Division 1 Contractor, **Vice Chair**  
Steven Markel, *HVAC Contractor*  
Fred K. Kutscher, *Electrical Contractor*  
Justin McIntosh, *Alternate Public At-Large*

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##### ii. Members Absent

Margie Walden, *Public At-Large*

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##### iii. Others Present

Doug Wise, *Building Official, Palm Beach County*  
Chelsea Koester, *Assistant County Attorney*  
Dean Wells, *Construction Services Coordinator*  
Jose Toro-Rivera, *Owner*  
Schalimar Toro-Ortiz, *Daughter of Owners*  
Kenneth Zerkowski, *Owner*  
Richard Torrence, *Senior Code Enforcement Officer*

Giselle Badillo, *Recording Secretary*  
Anne Helfant, *Assistant County Attorney*  
Caryn Kraus, *Secretary*  
Lourdes Ortiz-Guzman, *Owner*  
Craig Stein, Esq., *Attorney*  
Robert Santos-Alborna, *Code Enforcement Director*

#### B. APPROVAL OF MINUTES

Mr. Oyola made the motion to approve the May 9, 2019 Minutes. Mr. Rasper seconded the motion, which was approved unanimously by the Board.

✓ **MOTION TO APPROVE THE CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS MINUTES FOR MAY 9, 2019 MINUTES - GRANTED**

#### C. ADMINISTER OATH TO WITNESSES

Ms. Badillo swore in all present witnesses at 2:01 pm.

### II. ADDITIONS & DELETIONS

#### A. INTRODUCTION OF NEW BOARD MEMBER – SEAT 4 – ARCHITECT, JESSICA DORNBLASER

Mr. Dixon introduced Jessica Dornblaser from American Institute of Architects as a new CBAA Board member.

No other additions or deletions were brought forth to the Board for consideration.

### III. OLD BUSINESS

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

Mr. Dixon opened the floor to begin the hearing regarding CBAA Case 18-10.

Defendant was not present for the hearing.

Mr. Wise requested that the case be table to the next CBAA hearing in September.

Mr. Oyola made a motion to that effect. Mr. Markel seconded motion. Motion passed unanimously.

#### ✓ **MOTION TO TABLE CBAA CASE 18-10 UNTIL SEPTEMBER - GRANTED**

#### B. 18-13 – 5484 WOODLAND DR. – BANK OF NEW YORK MELLON

Mr. Dixon called CBAA Case 18-13 to begin the hearing.

Attorney Craig Stein, representing the Bank of New York Mellon, was present for the hearing.

Mr. Wells testified that he visited the property on August 1, 2019 and that there has been no changes to the property. The defendants did not submit any permit applications. He also testified that in the previous Board Meeting contractors from Texas stated that they were going to hire local contractors and secure the property, which has not been done to date.

Attorney Stein testified that a letter was submitted to Palm Beach County Planning and Zoning by his client. An architect provided the letter to his client, which requested more time to submit all the documents and drawings needed for the approval of a permit.

Mr. Wise stated during the hearing that he never received the letter brought forth by Attorney Stein. He requested that a copy of the letter at the time of hearing.

#### **DISCUSSION ENSUED.**

Mr. Kirby asked Attorney Stein how much additional time his client is requesting.

Attorney Stein stated that he was able to give a specific request regarding time from his client, but he would request an additional 90 days.

Mr. Dixon requested verification on the permit application status for the property. Mr. Wells responded that there are no current permit applications filed for the property.

Mr. Oyola made a motion to proceed with the demolition, which was seconded by Mr. McIntosh.

Mr. Rasper requested PBC Building Division's recommendation on the case.

Mr. Wise requested a 30-day extension for the defendant in place of the 90-days requested.

#### **DISCUSSION ENSUED.**

Assistant County Attorney wanted clarification on the motion that made by Mr. Oyola.

Mr. Oyola amended his motion to include the demolition of the structure unless there is work done on the structure(s) then the order to demolish will be placed on hold.

Mr. Wise testified that if there were progress then the matter would be brought in front of the Board.

✓ **MOTION TO PROCEED WITH DEMOLITION OF STRUCTURE UNLESS WORK BEGINS ON THE PROPERTY, WHICH WILL PLACE A HOLD ON DEMOLITION. - GRANTED**

**C. 18-16 – 4988 CANTON RD. – LOURDES O. GUZMAN & JOSE TORO RIVERA**

Mr. Wise began the discussion on CBAA Case 18-16 by briefly summarizing the results of the hearing on January 10, 2019. Mr. Wells testified that he inspected the property on August 1, 2019. He did not see any changes that were physically visible, from the exterior of the structure.

The defendants, Lourdes O. Guzman and Jose Toro-Rivera, along with their daughter, Schalimar Toro-Ortiz, who assisted in explaining the situation since her parents do not speak English.

Ms. Schalimar Toro-Ortiz testified that the A/C and the lights have been repaired. She explained that there has been some issues with the finding a contractor. According to Ms. Toro-Ortiz, the family has found a Contractor but they are waiting for the contractor to provide an estimate.

Mr. Kirby wanted clarification on whether the defendants have a set of plans or if plans need to be illustrated. Ms. Toro-Ortiz interpreted Mr. Toro-Rivera's words and said that the architect drew the set of plans and they are waiting for the contractor to provide the estimate.

Mr. Dixon recalled that the defendants expected an insurance settlement in previous hearing. Ms. Toro-Ortiz went on to testify that the previous contractor hired was charging more than the insurance settlement and that is the reason why they had to search for a new contractor.

An A/C change out permit along with an electrical sub-permit was provided by defendants at the hearing and was reviewed by Building Official, Mr. Wise.

**DISCUSSION ENSUED.**

Mr. Kirby made a motion to give the defendants 30 days to secure a contractor and an estimate. In addition, to meet with the Building Department to understand the scope of work.

Mr. Rasper wanted it to be clear that if the defendants do not comply then the Building Division will proceed with the demolishment.

Ms. Toro-Ortiz interpreted Mr. Rasper words and received confirmation that Mr. Toro-Rivera understood the motion.

Mr. Markel seconded the motion. Mr. Dixon clarified the motion that the defendants will be meet with the Building Division onsite. The motion passed unanimously.

✓ **MOTION TO PROVIDE 30 DAYS TO HIRE A CONTRACTOR, RECEIVE AN ESTIMATE, AND MEET WITH BUILDING DIVISION ONSITE – GRANTED.**

**D. 18-17 – 16825 89TH PLACE N – KENNETH ZERKOWSKI**

Mr. Dixon called the CBAA case 18-17.

Mr. Zerkowski was present at the hearing.

Mr. Wise updated the Board with issued at the previous Board hearing regarding the property 16825 89th Place N.

Mr. Wells attested that there are no active permits for the accessory structures. The permit for the main house remains open.

He affirmed that a final mechanical and plumbing inspection have been done. According to Mr. Wells, Mr. Zerkowski has almost completed the main structure but until this date, the structure does not have a TCO or CO.

Mr. Zerkowski testified that he has had made substantial progress and is very near to completing the main structure on his property.

**DISCUSSION ENSUED.**

Mr. Santos-Alborna, Director of Code Enforcement was present for the hearing. He testified on the code violations and the facts of the case.

**DISCUSSION ENSUED.**

Mr. Torrance, Senior Code Enforcement Officer informed the Board that in the last year there has been no further complaints from neighbors and he does not have any objection to granting Mr. Zerkowski an extension to complete the main structure.

Mr. Zerkowski requested until the November deadline previously mentioned to complete the work on the property.

Mr. Wise stated that the Building Division was willing to grant the defendant an additional 90 days. He also went on to clarify that there will be no further extensions granted. If the work is not completed by the date of extension, the Building Division will continue with the demolition process.

**DISCUSSION ENSUED.**

Mr. Oyola made a motion to grant 90 days to complete primary structure. Mr. McIntosh seconded the motion.

**DISCUSSION ENSUED.**

Mr. Oyola withdrew his motion.

Mr. Markel made a motion for the defendant to obtain a Certificate of Occupancy ("CO") by November 1, and to have the accessory structures permitted or removed from the premises. Mr. Kirby was the second to the motion

✓ **MOTION FOR THE DEFENDANT TO OBTAIN A CERTIFICATE OF OCCUPANCY ("CO") BY NOVEMBER 1, AND TO HAVE THE ACCESSORY STRUCTURES PERMITTED OR REMOVED FROM THE PREMISES. – GRANTED.**

**IV. BOARD MEMBERS COMMENTS**

A. NONE

**V. STAFF COMMENTS**

A. NEXT BOARD MEETING

*Thursday, September 12, 2019.*

B. BOAPBC ANNUAL JOINT LUNCHEON

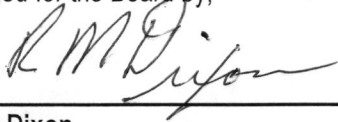
Mr. Wise announced to the Board the 2019 Annual Joint Luncheon Meeting, scheduled on August 22, 2019 at the Lantana Branch Library. He invited the members of CBAA to attend if they are inclined.

**VI. ADJOURNMENT**

The CBAA meeting was adjourn on August 8, 2019 at approximately 3:00 pm by Ron Dixon.

August 8, 2019

Signed for the Board by,

A handwritten signature in black ink, appearing to read "R. M. Dixon", written over a horizontal line.

Ron Dixon  
Chair

Respectfully submitted,  
Giselle Badillo  
Recording Secretary