



Palm Beach County  
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS (CBAA)  
August 8, 2024 MEETING  
**MINUTES**

**I. CALL TO ORDER**

Rex Kirby, Chair, called the meeting to order at 2:42 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**

*Members Present*

Rex Kirby, Division 1 Contractor, **Chair**  
Manuel Oyola, Roofing Contractor  
Steven Markel, HVAC Contractor

Timothy Wingate, Division 1 Contractor  
Michael Riemer, Engineer

*Members Absent*

Jessica Dornblaser, Architect, **Vice Chair**  
Bart Rasper, Plumbing Contractor

William Reicherter, Electrical Contractor

*Others Present*

Doug Wise, Building Director/ Building Official  
Ryan Maher, Assistant County Attorney  
Bianca Filiponi, Recording Secretary  
Thomas Banzhaf, Construction Services Coordinator (PBC)

Shannon Fox, Senior Court Attorney  
Michelle Carter, Notary  
Robin Barrack, Customer Service Specialist

**B. Approval of Minutes**

Mr. Oyola made a motion to approve the July 11, 2024 meeting minutes. Mr. Markel second the motion. The motion carried unanimously.

**C. Administer Oath to Witnesses**

Ms. Carter administered an oath to the witnesses testifying in the proceedings.

**II. ADDITIONS AND DELETIONS**

**III. NEW BUSINESS**

**A. 2024-01 – 6271 17<sup>th</sup> Dr. S. TRLR 718**

- ♦ Mr. Banzhaf begins by stating this is a mobile on a leased lot in a mobile home park. Code compliance called him to come out. They found the mobile home divided into three apartment with an unpermitted addition which is another apartment. We were able to get inside two apartments, each apartment seemed to have their own kitchen and bathroom. Interior was unsanitary, plumbing did not comply with code, panel cover missing therefore live wires were exposed. The residence was boarded up. We did send a request for an electrical disconnect and the meter was pulled, however, the service lines were coming in from underground. So even if the meter was pulled there was still live power. We spoke with the home owner and explained that they need a professional or engineer.
- ♦ Mr. Oyola asks Mr. Banzhaf when the last site visit was.
- ♦ Mr. Banzhaf answers July 29<sup>th</sup>.
- ♦ Mr. Oyola asks if the conditions have not changed since the initial visit.
- ♦ Mr. Banzhaf answers correct.

- ♦ Mr. Fredy Sandoval states he purchased this mobile home as is. He called FPL multiple times to have power cut off but nobody came by. He attempted to keep them informed on what's been going on. He is having difficulty getting an architect/ engineer to draw out plans. Currently not living at this resident until the issues are resolved.
- ♦ Mr. Wise states staff could not find a name plate for this mobile home so it may be a pre-HUD home, and as you can see it has been extensively modified.
- ♦ Mr. Oyola asks when Mr. Sandoval purchased this mobile home.
- ♦ Mr. Sandoval answers 2019.
- ♦ Mr. Oyola asks if it was in the same conditions that the county has found it.
- ♦ Mr. Sandoval answers yes.
- ♦ Mr Oyola asks has he lived there.
- ♦ Mr. Kirby asks if there are any tenants.
- ♦ Mr. Sandoval answers yes to both questions.
- ♦ Mr. Sandoval states he was unaware of the extensive work needed and safety concerns on this mobile home.
- ♦ Mr. Banzhaf states staff recommendation is to obtain permits from a design professional to convert the mobile home to its intended use and permit or remove the addition. The addition, after viewing the exterior, it may not meet code so it would be better to remove it.

Discussion ensues.

- ♦ Mr. Markel motions for 90 days to find an engineer and to produce a written plan for bringing the occupancy back into its original ostaces as a mobile home and removal of all the extraneous additional cooking appliances, plumbing, and everything that was not originally there.
- ♦ Mr. Oyola seconds motion.
- ♦ Motion carries unanimously.

B. 2024-02 – 7123 Hidden Gem Lane

- ♦ Mr. Wise begins by stating this case involves two applications for permits for a single family dwelling and an accessory structure. Mr. Baranes is challenging the interpretation of ULDC section 11.A.A.B.2. That is not within the purview of this particular board, we do not interpret the ULDC here. With that being said, we have met the requirements of 105.2 which is time limitations of the application of the FBC. We sent Mr. Baranes a letter of denial stating 6 months of no response and inactivity on the permit.
- ♦ Mr. Maher asks Mr. Wise in regards to the 6 responses, this is where the permit got held up in land development.
- ♦ Mr. Wise answers yes.
- ♦ Mr. Maher asks Mr. Wise if the first comment land development had was on February 21<sup>st</sup> 2023, is that correct.
- ♦ Mr. Wise answers yes.

- ♦ Mr. Maher asks Mr. Wise if the second comment was in March 13<sup>th</sup> of 2023.
- ♦ Mr. Wise answers yes.
- ♦ Mr. Maher asks Mr. Wise if there were any responses from Mr. Baranes on any of those dates.
- ♦ Mr. Wise answers he believes there was responses on each review when something was submitted.

Discussion ensues on dates of when comments were made.

- ♦ Mr. Maher asks Mr. Wise so the six months had passed and there were no additional activity after that August 18<sup>th</sup> 2023 date, is that correct.
- ♦ Mr. Wise answers yes.
- ♦ Mr. Maher asks Mr. Wise in your determination what would be good faith activity to pursue a permit.
- ♦ Mr. Wise answers to submit a correction, a letter, something. The last two submittals were comments.
- ♦ Mr. Maher asks Mr. Wise if Mr. Baranes apply for this permit on his own.
- ♦ Mr. Wise answers yes, as an owner builder.
- ♦ Mr. Maher asks Mr. Wise if it is typically his job to notify the applicant of every code and timeline of the application.
- ♦ Mr. Wise answers no, he does not train contractors.
- ♦ Mr. Maher asks Mr. Wise if nine months was more than reasonable enough time for Mr. Baranes to pursue this application in good faith.
- ♦ Mr. Wise answers he had more than adequate time to pursue this permit. January 1<sup>st</sup> of 2024 the FBC has changed and impact fees have changed.
- ♦ Mr. Kirby asks if there are going to be multiple facilities on this site and whether the lot was illegally combined or an easement to allow access to the parcels.
- ♦ Mr. Wise answers there is a long skinny parcel for the access and the next parcel abuts that.
- ♦ Mr. Baranes objects to Mr. Wise and proceeds to ask if he is able to cross examine him and ask questions.
- ♦ Mr. Baranes asks Mr. Wise if he sent Mr. Baranes an appeal notice with the denial letter.
- ♦ Mr. Wise answers no.
- ♦ Mr. Baranes asks Mr. Wise so he didn't send Mr. Baranes an appeal process, even a parking ticket can obtain an appeal process, but you never sent any information to appeal with this board, is that correct.
- ♦ Mr. Wise answers no.
- ♦ Mr. Baranes asks Mr. Wise when he said the last activity was in April and you stated you knew about litigation, when did you know about litigation.



- ♦ Mr. Wise answers he is unsure about when that was.
- ♦ Mr. Baranes asks Mr. Wise if he attempted to contact the legal department.
- ♦ Mr. Wise answers no.
- ♦ Mr. Baranes asks Mr. Wise that he stated last activity was on April, so that means four months of inactivity, is that correct.
- ♦ Mr. Wise answers incorrect, that the last recorded submittal from Mr. Baranes into the permit portal was August 18<sup>th</sup>, 2023.

Mr. Baranes ensues in topic of litigation

- ♦ Ms. Fox makes a statement stating we are in questioning currently and cannot tell if Mr. Baranes is asking any questions.
- ♦ Mr. Wise states on April 15<sup>th</sup> non-responsive comments were entered into our permit system in regards to an extension, that is not how an extension is applied for.
- ♦ Mr. Baranes asks Mr. Wise if in the system is there any guidance on how to apply for an extension or that extension can be applied for.
- ♦ Mr. Wise states the system presumes that you are competent when you take on the process as an owner builder that you know the code and requirements that you have to meet, which is in the application.
- ♦ Mr. Baranes asks Mr. Wise if there is any guidance in the system.
- ♦ Mr. Wise answers I'm unsure, I don't believe so.
- ♦ Mr. Baranes asks Mr. Wise why did you insert bad faith on the denial letter, why did you not simply deny due to inactivity.
- ♦ Mr. Wise answers that's what the code says. The specific language of the code clearly states has not been pursued in good faith, found in section 105.3.2.
- ♦ Ms. Fox reiterates to Mr. Baranes that this is the time to ask questions.
- ♦ Mr. Baranes begins presenting his case. In the packet is the denial letter, dated May 30<sup>th</sup>. Primary reasons for the denial were cited for inactivity and acting in bad faith. I am here to provide evidence that these reasons are unfounded and the permit denial should be reversed. The denial letter issued by Mr. Wise claims the applications will not pursue in good faith and will remain inactive, however, records and multiple communications with county staff as well as with the legal department indicate continuous efforts to address all requirements and response to all comments. I was in constant contact with legal representatives in active court cases and with county employees trying to resolve this standoff caused by the county, illogical and unreasonable demands which I will address as well. The applications have numerous reviews and resubmissions, over 90 comments all of which have been responded to. The last demand by the county was for us to create a public easement which essentially amounts to eminent domain. This demand was met with issue regarding the necessity for such demand, clearly demonstrating active and persistent engagement in permit process. Our last comment in the system April 8<sup>th</sup> 2024 I called into Mr. Wise and stated if you do not comply with government demands you are acting in bad faith and no one should ever question anything. Bad faith, the accusation of acting in bad faith is unfounded and is not explained in the notice which is a serious allegation in which I do not see in the denial letter.

Mr. Baranes continues to express "bad faith" in more detail.

- ♦ Mr. Baranes states main argument is interpretation 11A.8B.2 can we just upload this to the screen if anyone can upload the ULDC interpretation.

- ♦ Mr. Maher objects as the board has no authority over the ULDC, the board has no power to interpret the ULDC. That issue is not before the board, the issue is Mr. Wise denying your permit.
- ♦ Mr. Baranes states the ULDC is referenced in the denial letter.
- ♦ Ms. Fox sustains the objection as this board does not interpret article 11 of the ULDC.
- ♦ Mr. Baranes states he received no guidance as an owner builder. I'm only an owner builder to save money and have spent nearly 80% of my income because of that. Every person in the county tells me to hire a contractor. I hired my contractors, architects, engineers, and possibly spent \$50,000 on plans for a house. You heard from Mr. Wise that the county is against owner builders, and I think this is where all complications come from.

Mr. Baranes ensues in discussion.

- ♦ Mr. Maher objects again stating Mr. Baranes is getting into the ULDC interpretations.
- ♦ Ms. Fox sustains objection, also states it is hearsay whenever anyone speaks on an individual who is not present.
- ♦ Mr. Kirby questions Mr. Baranes that is he opposed to combining the two properties that you seem that you own or is that not an option.
- ♦ Mr. Baranes answers there is an option but every option the county gives it changes the characteristics. Right now I own a farm and the back parcel if you change the width of the land and the characteristics because it is becoming one property then your changing some of the aspects of what you can do on that land. That means if you don't have enough width, I have about 60 feet on the main road with that parcel, and if you conjoin it then you no longer have the width that you can use to state it as a farm on a main road. Other things can apply, other rights that you lose, so every change that you do is changing the characteristics of your land.

Mr. Baranes ensues in discussion.

- ♦ Mr. Markel asks Mr. Wise if the issue at hand is regarding the permit.
- ♦ Mr. Wise answers the issue at hand is the application. There has never been a permit and that is the whole point. The application was basically abandoned for a period of 6 months and no responsive submittals were made. Based upon the inactivity we sent a letter and advised he start over.
- ♦ Mr. Markel states to Mr. Baranes that a permit is allowed to age out and it has now expired. So in the shortest of commentary if you can, what would you like the board to do.
- ♦ Mr. Baranes answers that the system does not show that you need to ask for an extension, we filed for the last notice on April 8<sup>th</sup> and we did explain the situation and from what I can see...
- ♦ Mr. Markel interrupts Mr. Baranes stating what is it that you would want, you are describing what you think has happened but I am asking what you want.
- ♦ Mr. Baranes answers he would like the board to reverse the denial that if we need to apply for an extension I will be happy to do so. I just don't want to spend thousands of dollars again for all the changes that were just brought up.
- ♦ Mr. Kirby states is the reason that someone needs this road designated for public access is it because multiple people are using it to access that property.



- ♦ Mr. Wise answers he is unable to speak on that and that is a ULDC provision that is not within his purview. My purview, is, was the application pursued in good faith, were resubmittals submitted in a timely manner, and were documents submitted. We did a lot of reviews on this application, six reviews in building and more in land development.
- ♦ Mr. Markel asks legal counsel if the board is able to either issue or deny building permits.
- ♦ Ms. Fox states I don't believe the board can issue a permit.
- ♦ Mr. Wise states the board is able to overturn the building official decision, which is what Mr. Baranes is asking.

Discussion ensues.

- ♦ Mr. Maher states in order for the board to make a determination to turn over the building officials decision they have to find one of the four conditions have been met the building official rejected or refused to approve the motive or manner of construction proposed to be followed or materials to be used for the installation or alteration of a building, structure or service system. The provisions of this do not apply to this specific case than equally good or more desirable form of installation can be implored in any specific case or that any meaning of this code or any of the regulations hereunder can be misconstrued or incorrectly interpreted.
- ♦ Mr. Baranes questions if they had oversaw the code, the language can be interpreted.
- ♦ Mr. Maher states this is in reference to Florida Building Code 105.3.2, did he operate in good faith or did he not respond to corrections within the six months.
- ♦ Mr. Wingate questions the reason to not conform to what the building official is asking as it relates to your easement.
- ♦ Mr. Baranes states he tried that route for a year and a half and he did submit to try and the language that they tried to correct previous mistakes with the neighbor that he doesn't have an easement. They wanted me to change it to add language to state that anyone can drive on that street. I was willing to do certain names but they said it had to be general, and I paid for that road. Then they stated the language was not enough.
- ♦ Mr. Wingate asked Mr. Wise if an easement means that anyone can drive on that property.
- ♦ Mr. Wise answers that it is a legal question.
- ♦ Mr. Maher also answers that it depends on the type of easement that is.

Discussion ensues.

- ♦ Mr. Kirby states bottom line Mr. Barnes will have to resubmit a new permit, pay new fees and start over or we say we would like to override that and grant the extension but either way he still not going to be able to get a permit because he still hasn't solved the problem.
- ♦ Mr. Wise states yes that is correct. I cannot issue a permit until the issues have been resolved. Holding up his permit has no benefit to the building division.
- ♦ Mr. Baranes asks Mr. Wise if he is friends with Brian Eler.
- ♦ Mr. Wise answers he unfortunately does not have friends.
- ♦ Mr. Baranes states the reason he asks and is so excited about this is because back then when he had over ninety comments he attempted to point out the issues that he just want to build.

Mr. Baranes ensues in discussion in regards to insurance.

- Mr. Markel interrupts Mr. Baranes stating none of this is on topic.
- Mr. Baranes states with the name that was brought up the sheriff showed up at my house unannounced. That guy told me you mess around with the county you will never get permit. He told me to get a GC, a lot of people told me to get a GC and if not there will be a lot of problems. Since then two days later that specific guy popped out, then six months later they didn't see the ULDC issue. That means in 2023 six months after I filed for the permit after that complication with that employee, two days later a nice lady named Michelle Bellevue sent me a letter stating I have issued with my property.
- Mr. Markel asks Mr. Wise that as of right now is there no way to issue this permit until this easement issue gets addressed.
- Mr. Wise answers that he is not authorized to issue permits that are not approved by the land development division on unrecorded lots of record. In order to get that approval they need to have legal access, and according to engineering they do not have legal access to that lot.
- Mr. Riemer asks the comments that were entered, were they unresponsive comments.
- Mr. Baranes asks for two weeks extension to check on the board's abilities to issue permits.
- Mr. Kirby states we do not have the ability to issue any permits
- The board agrees they are unable to issue permits.

Discussion ensues.

- Mr. Wingate motions to accept staff's recommendation.
- Mr. Oyola seconds motion.
- Motion carries unanimously.

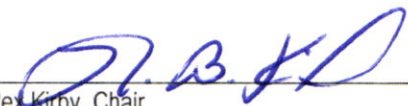
## V. BOARD MEMBER COMMENTS

## VI. STAFF COMMENTS

## VII. ADJOURNMENT

Rex Kirby adjourned the meeting at approximately 4:12 PM.

Signed for the Board by,

  
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Rex Kirby, Chair

Respectfully submitted by  
Bianca Filiponi, Recording Secretary