



Palm Beach County
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS (CBAA)
September 12 2024 MEETING
MINUTES

I. CALL TO ORDER

Rex Kirby, Chair, called the meeting to order at 2:13 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**
Jessica Dornblaser, Architect, **Vice Chair**
Timothy Wingate, Division 1 Contractor
Bart Rasper, Plumbing Contractor

William Reicherter, Electrical Contractor

Members Absent

Steven Markel, HVAC Contractor
Manuel Oyola, Roofing Contractor

Michael Riemer

Others Present

Doug Wise, Building Director/ Building Official
Ryan Maher, Assistant County Attorney
Shannon Fox, Senior Court Attorney
Sean Bomford, Information Management Services Specialist

Michelle Carter, Recording Secretary
Bianca Filiponi, Recording Secretary
Thomas Banzhaf, Construction Services Coordinator (PBC)

B. Approval of Minutes

- ★ Mr. Wingate made a motion to approve the August 8, 2024 meeting minutes. Mr. Rasper seconded 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

None

III. OLD BUSINESS

A. 2023-05- 1115 Filer Road

- ★ Mr. Wise begins by going over the staff report. The appellant was given 30 days according to the board order to get a proposal or plan from a design professional to talk about how the structure will be brought back to code. She was given a list of 17 deficiencies on July 11th. She was to bring her architect to the next board meeting. Tom do you have anything to add.
- ★ Mr. Banzhaf states he went out to the property on September 5th, he did not go on the property as it is fenced off but can see no work has been done. As of this morning, there has been no revisions to the alterations permit.
- ★ Mr. Kirby states there looks to have been a site visit possibly after our last board meeting and there have been some work done to remove some of the added work.
- ★ Mr. Banzhaf answers yes. Me and My associate Joe Anderson went out and met with the owner Ms. Sosa and we toured each part of the building and explained what the issues were. At the time we observed that she had removed a wall between the two units to convert back to a single family dwelling and she also removed the kitchen that would've been in the original house. The carport space was converted into living space with a kitchen in it but does not comply with code.

- ✦ Mr. Rasper asks Mr. Wise what the recommendation is.
- ✦ Mr. Wise answers he would wait to see if there is anyone here to present on behalf of the appellant.
- ✦ Mr. Keith Ustler steps to the podium and goes over the staff report recommendation states to allow an additional 30 days to revise and recently issued repair permits to include removal of all existing unpermitted work and time to return the structure to the original permitted condition. The secured creditor would have no objection to that recommendation. We do have an interest in keeping this property standing and do want to work with you all and with the borrower to be able to maintain the collateral in the best possible condition as well as value.
- ✦ Discussion ensues on building safety.
- ✦ Mr. Wingate ask Mr. Ustler what state was the house in when they applied for the mortgage.
- ✦ Mr. Ustler answers that he will have to pull the appraisal that came with the first package but I can provide that to you all.
- ✦ Ms. Sandra Puerta states she has been to the property several times, this is not an unsafe structure the issues are that there are things not compliant to building code. A section of the home does not meet the building code height requirement. There was a kitchen remodel with a permit which included cabinetry and some electrical work. There was a section of a wall where a vehicle had hit which is where all the issues came from. She does not rent the property to anyone she lives here full time. When she purchased the property she didn't realize there were things done to the property, and she purchased this property under an as is condition. I have prepared drawing to remediate all the deficiencies in the home. There a part of the home where the ceiling height is 6'9 and that is the issue where we may have to ask for forgiveness.
- ✦ Mr. Kirby questions that the low ceiling height is the car port area.
- ✦ Ms. Sosa avoids the question stating one side of the house is 6'9 and the other is 6'8.
- ✦ Ms. Puerta states the property is a legal property.
- ✦ Discussion ensues.
- ✦ Mr. Banzhaf states we do have permits on file, there was a carport built back in the 60s an then shortly after that there was a screen room which at the time the carport had been closed. There is a pump house that was converted to a bathroom that there is no permit for. There's an addition to the front of the house since Ms. Sosa bought the property where the front door has been relocated to and the old front door was closed in and that became a closet for the washer and dryer.
- ✦ Ms. Sosa states she removed the washer and dryer. She updated the kitchen and changed the doors nothing else has been done. I redid the roof last year and there's a hold to close out that permit.
- ✦ Mr. Wingate asks Ms. Sosa that when she purchased the home originally an appraisal was done and survey.
- ✦ Ms. Sosa states yes the title company did all that and she even checked for violations and there was no violations.
- ✦ Ms. Puerta states the ceiling height is the only thing that cannot be changed as it has always had this ceiling height.
- ✦ Mr. Reicherter states he recalls this from the last meeting that there was a drop ceiling installed.
- ✦ Mr. Banzhaf states from previous photos there was a tongue and groove ceiling and now there is a smooth ceiling with recessed lighting.

- + Mr. Wise states that anything that can be documented and is lawfully permitted will be accepted regardless of what the ceiling height is. We're just ensuring the illegal work performed, and it was fairly extensive. Ms. Puerta has stated she has a plan to proceed and we're willing to work with them as long as they are acting in good faith.
- + Ms. Puerta states she can address every item on the list of deficiencies except for the ceiling height.
- + Mr. Kirby states the plan has yet to be submitted.
- + Ms. Puerta states no not yet.
- + Mr. Wise states we can all meet on site to review. That way we can check if a drop ceiling was installed and if the carport is for storage then to remove the kitchen.
- + Mr. Wingate asks Ms. Puerta if she has all the plans to submit now, and to address all the deficiencies.
- + Mr. Kirby states except the ceiling.
- + Mr. Rasper asks if the ceiling is going to be addressed or not.
- + Mr. Banzhaf goes over the original plans of the ceiling and the current plans.
- + Mr. Wingate asks Ms. Sosa if she would be okay with county staff inspecting the ceiling by hiring her own individual to possibly cut a portion of the ceiling to check for a drop ceiling.
- + Ms. Sosa states yes just advise when someone will be coming.
- + Ms. Puerta states she can remove one of the high hats so the county can inspect.
- + Mr. Reicherter asks if the ceiling is where it sits now and the building department lets it go, is this going to be an issue that keeps returning.
- + Mr. Wise states as long as the home returns to its original state there should be no issue.
- + Mr. Wingate states so if it says carport enclosure that means it's no longer a car port, because it doesn't determine whether it was converted to storage or habitable states.
- + Discussion ensues.
- + Mr. Reicherter makes a motion that he wants someone to go out on site to review the plans and then going forward with them submitting plans.
- + Ms. Fox states we need more concrete.
- + Mr. Reicherter motions for 30 days for all 17 items to be agreeable with the building department, so long as that's met and complies with code and plans be submitted for permit.
- + Mr. Rasper amends motion by stating 16 deficiencies, one of the deficiencies being the ceiling height that cannot be addressed as of yet.
- + Mr. Wingate seconds the amended motion.
- + Motion carries unanimously.
- + Ms. Fox asks if Ms. Puerta needs to be present for the next meeting.
- + Mr. Kirby states Ms. Puerta does not need to be here the next meeting but we do need explanation as to what's geptoing on.

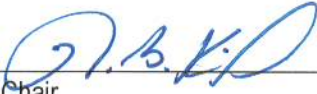
V. BOARD MEMBER COMMENTS

VI. STAFF COMMENTS

VII. ADJOURNMENT

Rex Kirby adjourned the meeting at approximately 2:51 PM.

Signed for the Board by,



Rex Kirby, Chair

Respectfully submitted by
Bianca Filiponi, Recording Secretary