

**MINUTES**  
**PALM BEACH COUNTY**  
**CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**  
**August 11, 2016**

**1. CALL TO ORDER / CONVENE AS CBAA.**

Chairman Wiener called the meeting to order at 2:05 p.m. The meeting was conducted in Room 1W-47, Palm Beach County Planning, Zoning and Building Department, 2300 North Jog Road, West Palm Beach, Florida.

**A. ROLL CALL.**

**MEMBERS PRESENT:**

Marc Wiener, Chairman	Ron Dixon, Vice Chairman
Bart Rasper	Gary Sullivan
Duane Drawdy	Peter Dzenutis
Margie Walden	
Justin McIntosh	

**MEMBERS ABSENT:**

Rex Kirby

**OTHERS PRESENT:**

Doug Wise, Building Official / Building Division Director  
Robert Nicholls, Construction Services Coordinator  
Robert Banks, Chief Land Use County Attorney  
Anne Helfant, Assistant County Attorney  
Jacquelyn Anderson, Senior Secretary  
YiLong Li, Representative of CCMutual, Inc

**B. APPROVAL OF MINUTES.**

Ms. Walden made a motion to approve the minutes of May 12, 2016. The motion was seconded and passed unanimously.

Board Member Justin McIntosh clarified for the record that when introduced to the Board, it was stated he represented IBEW; however, he represents the citizens of Palm Beach County.

The motion to approve the minutes passed unanimously.

**2. ADDITIONS & DELETIONS. None.**

**3. OLD BUSINESS. None.**

**4. NEW BUSINESS.**

Board Secretary Jacquelyn Anderson swore in all witnesses who planned to testify.

Building Official Doug Wise introduced the Palm Beach County Building Division Staff Report into evidence.

**A. Case # 16-06 – 4594 Hibiscus Ave – CCMutual, Inc., Owner**

Construction Services Coordinator Robert Nicholls presented the staff report on behalf of the County. On May 13, 2016, Mr. Nicholls received a complaint from Code Enforcement Officer Dennis Hamburger. Mr. Nicholls

followed up with a physical inspection of the property on May 18, 2016. He found there were two structures on the property: the main house dwelling unit and an accessory structure in the back that had been illegally converted into an accessory dwelling unit. No permits were ever pulled to convert the structure to an accessory dwelling unit. Inspection of the main unit revealed it had been damaged by a fire approximately one month earlier, and the damage involved most of the rooms in the main structure.

Mr. Nicholls stated the structure is a wood-frame structure made of Dade pine and was built in 1935. It has knob and tube wiring in it. There was extensive damage to the roof structure, and the roof structure is in failure. The roof covering is no longer functioning and is allowing significant amount of water intrusion into the building. There is also termite damage to the main structure, roof beams, and wall framing.

Mr. Nicholls stated that due to the home being built in 1935 and the extent of damage to the lateral wind and gravity force components of the home, it would require an engineer's re-evaluation of the property to bring it up to current codes per the Florida Existing Building Code. Mr. Nicholls stated due to the amount of damage done, it is the opinion of the Building Division that it is not likely the property can be repaired. He stated the illegal structure in the back would also require considerable engineering and revamping of it to bring it into compliance.

Mr. Nicholls stated an inspection of the property earlier in the day (8/11/2016) revealed a lot of the trash had been cleaned up and foliage removed; however, much of the trash was moved inside the structure. The property has been secured mostly in the front, but the back is still accessible and all the trash, debris, and loose foliage are in the rear of the property.

Mr. Nicholls stated that due to the findings, the Building Division has moved for demolition of the property. He also stated that during his onsite visit to the property earlier in the day, he met two perspective investors looking to purchase the property.

Board members questioned Mr. Nicholls and discussion ensued.

Mr. Li testified the property was in disrepair because one of the owners, Mr. Chen, was killed in a car accident. He was killed November 19, 2015, and was the manager of the property. The family has been looking for someone else to manage the property after Mr. Chen's death. Mr. Li stated that now the owner is trying to sell the property, and it is currently under contract with a potential new owner because the family cannot take care of the property. Mr. Li requested the Board give them more time so the new buyer can repair or come up with new plans. The transaction is scheduled to close on September 1, 2016.

Board members questioned Mr. Li and Staff and discussion ensued.

Mr. Sullivan made a motion to uphold the decision of Staff and deny the appeal. The motion was seconded by several Board members and passed unanimously.

Mr. Wiener explained the Board's decision. Board Members and Staff encouraged Mr. Li to tell the new owner of the property to contact the Building Division to work out a plan of action to demolish or rehabilitate the property.

## **5. BOARD MEMBER COMMENTS.**

Board Member Duane Drawdy requested an update regarding the case heard in July 2016.



Mr. Nicholls stated he received a phone call the day before, on August 10, 2016, from an attorney for the mortgage holder inquiring how they could stay the order of the CBAA to repair the structure. Mr. Nicholls stated he left a non-specific voicemail message that it was a little too late to appeal to the Board, but they can come in with a plan to repair. He had not yet received a return call.

Mr. Wise stated that Staff is willing to set up a meeting with the parties involved to discuss a plan of action.

Board Member Margie Walden requested an update on the Florida Screen Builders case, Mr. Cantin.

Mr. Wise stated Mr. Cantin filed an appeal with the local Circuit Court.

Assistant County Attorney Helfant stated the case is in Circuit Court and it is an appeal of the judgment.

Ms. Walden asked about the status of the homeowners who were affected.

Mr. Wise stated homeowners who contacted the Building Division were being assisted to understand what is happening. There has been no official action taken while the appeal is on-going. Some permits re-opened by Mr. Cantin in 2015, but were never completed, are now expired and are clouding the titles on the properties hindering property sales. Once the case is settled in courts, a new notice will be sent to homeowners again to make them aware of the situation of the screen enclosures.

**6. STAFF MEMBER COMMENTS.**

None.

**7. ADJOURNMENT.**

Chairman Wiener adjourned the meeting at approximately 2:20 p.m.

Signed for the Board by,

  
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Marc Wiener  
Chairman

Respectfully submitted,  
Jacquelyn Anderson  
Recording Secretary