

MINUTES
PALM BEACH COUNTY
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
October 13, 2016

1. CALL TO ORDER / CONVENE AS CBAA.

Chairman Wiener called the meeting to order at 2:03 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	Bart Rasper
Margie Walden	Gary Sullivan
Justin McIntosh	

MEMBERS ABSENT:

Ron Dixon, Vice Chairman	Rex Kirby
Duane Drawdy	Peter Dzenutis

OTHERS PRESENT:

Doug Wise, Building Official / Building Division Director
Dean Wells, Construction Services Coordinator
Shannon Fox, Assistant County Attorney
Anne Helfant, Assistant County Attorney
Jacquelyn Anderson, Senior Secretary
Heather Allen, Dunay, Miskel and Backman
Lori Myer, Boynton Water Joint Venture
Reuel Lisboa, Property Owner
Frank Musa, Coastwide Services, LLC

B. APPROVAL OF MINUTES.

Mr. Sullivan made a motion to approve the minutes of August 11, 2016. Ms. Walden seconded the motion. The motion passed unanimously.

2. ADDITIONS & DELETIONS. None.

3. OLD BUSINESS.

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

A. 16-04 – Enclave at Boynton Waters – Multiple Properties – Boynton Waters JV, LP

Mr. Wise submitted the staff report into evidence for CBAA case number 16-04.

Mr. Wise stated the Appellant had returned to demonstrate progress on the project in the case that was

presented to the Board previously in which two structures were identified as unsafe structures. One structure the Appellant intended to rehabilitate, and the other structure the Appellant slated for demolition.

Mr. Wise stated a demolition permit application was filed on September 27, 2016, and has not been issued as of the hearing date, so the building is still standing and has not been demolished. The second structure will be renovated, and plans to renovate the structure were submitted on October 12, 2016, to the Building Division.

Ms. Heather Allen, of Dunay, Miskel and Backman, appeared on behalf of the Appellant. Ms. Allen stated as a matter of correction to the Board order the addresses should be reversed. The property at 6357 Esprit Way will be rehabilitated, and the property at 6341 Esprit Way will be demolished as reflected in the Staff report. The correction is to be made to item four (4) in the Board order.

Mr. Wise stated it was determined subsequent to the hearing that the engineer's reports submitted had the two addresses swapped, and staff followed that; so the Board order also got mixed up.

Ms. Allen stated at the hearing on May 12, 2016, to discuss the Notice of Intent to Demolish, it was presented to the Board that the current owner had recently acquired the properties and inherited the violations. At the time of the hearing, the Appellant requested 120 days to move forward with the rehabilitation and demolishing the structures. Ms. Allen stated that the Appellant encountered some issues with analyzing the property's history that delayed permitting. She confirmed the demolition permit had been filed on September 27, and the Appellant was also working with the Building Division for the rehabilitation permit application filed on October 12, 2016.

Ms. Allen requested additional time for the processing of the permits for the rehabilitation and demolition of the structures.

Board members questioned Staff and Appellant and discussion ensued.

Ms. Walden made a motion to require the demolition to be started within 30 days and completed in 60 days, and the renovation to be in process within 3 months and completed within one year. Mr. Sullivan seconded the motion. After discussion, the motion passed unanimously.

4. NEW BUSINESS.

A. Case # 16-07 – 9245 SW 3rd Street – Reuel Lisboa

Mr. Wise submitted the staff report into evidence for CBAA Case number 16-07.

Mr. Wells stated the property has been dormant after fire damage for about five to six years. The owner met with Staff and showed the plans to renovate and add an addition, and a permit application has been submitted and issued (B-2016-024381-0000). Mr. Wells stated the building is sealed.

Mr. Lisboa submitted paperwork into evidence on behalf of Appellant.

Mr. Lisboa stated the property was purchased in its current condition when he was single. He stated he had some life changes after the purchase of the home. He stated plans were drawn up, but trying to

obtain financing became challenging due to the condition of the property. He stated they were not initially aware of the violation due to the notice being mailed to the violation property, and he resides at another address.

Mr. Lisboa stated since becoming aware of the violation notice, he has met with the Building Division staff and obtained a building permit. He stated the purpose of the appeal is to understand what he needs to do to have the violation remove so that the financing can be approved.

Board members and Assistant County Attorney Fox questioned the Appellant and discussion ensued.

Mr. Lisboa explained that he is unable to start renovations to remedy the violation without funding; however, he is unable to obtain funding without removing the blemish on the title of the property caused by the violation.

Board members and Assistant County Attorney Fox questioned the Appellant and Staff and discussion ensued.

Mr. Wise clarified that a permit is exclusive of code violations and will be issued when an applicant is entitled to a permit. He stated the Appellants issue is not a code violation, but his inability to obtain funding due to the Notice of Intent to Demolish recorded against his property. If he is trying to get a loan, and there is a notice to demolish recorded against the property, lenders will not be willing to finance such a property.

Mr. Wise stated the only way the Board would be able to help Mr. Lisboa would be to remove the Notice of Intent to Demolish, which is in the Board's authority to do, to give him a clear title; however, the Building Division does not recommend that action due to the unsafe condition of the structure.

Board members questioned Staff and Appellant and discussion ensued.

Consensus of the Board was if the unsafe condition is remedied, the Notice of Intent to Demolish could be removed so that the Appellant can obtain funding to complete all of the renovations.

Mr. Rasper made a motion to give the Appellant 60 days to demolish the roof trusses and shore up the walls to remedy the unsafe condition, obtain an inspection and come back to the Board to report the progress. Ms. Walden seconded the motion. The motion passed unanimously.

B. Case # 16-08 – 10096 Marlin Circle – Coastwide Services LLC

Mr. Musa stated the Notice of Intent to Demolish happened when he was going through probate and trying to buy the property. When trying to pull a permit to remedy the problem, he encountered several obstacles including the requirement of survey and licensing and trying to get rid of squatter. He stated to speed things up he completed the demolition without a permit. Mr. Musa stated his has appealed to the Board to cancel the County's demolition process and allow him to make the property safe.

Mr. Wise submitted the staff report into evidence for CBAA case number 16-08.

Mr. Wells stated he visited the site of a mobile home with two illegal additions that had been vandalized on the inside. A notice was placed at the property. Mr. Wells stated the Appellant went in without demolition permit and removed the two illegal structures and cleaned the property up. He stated the Appellant wants to apply for a permit to renovate the structure. As of October 12, 2016, the property is in the condition of the photographs presented to the Board.

Board members questioned Staff and Appellant and discussion ensued.

Mr. Wise stated the County's position is that it is an older mobile home. Mobile homes tend to be lower in standards than site built structures built under the Florida Building Code, and remodeling can be problematic. HUD regulates mobile homes. To fix the building will take engineering and plans and there are no prescribed standards. Mr. Wise stated the new construction will need to meet the Zone III wind standards for this area.

Board members questioned Staff and Appellant and discussion ensued.

Mr. Rasper made a motion to direct the Appellant to meet with Building Division staff onsite within the 30 days to have the mobile home inspected, to make the plans to make the renovations, and to obtain the necessary permits for the demolition and renovation. If the Building Official determines the structure is safe, the Building Official will administratively remove the Notice of Intent to Demolish. If the structure is determined to be unsafe, the Building Official will bring the case back to the Board.

Ms. Walden seconded the motion. The motion passed unanimously.

5. BOARD MEMBER COMMENTS.

None.

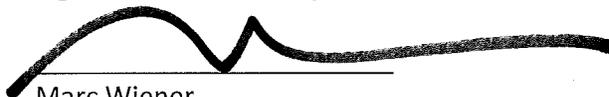
6. STAFF MEMBER COMMENTS.

None.

7. ADJOURNMENT.

Chairman Wiener adjourned the meeting at approximately 3:10 p.m.

Signed for the Board by,



Marc Wiener
Chairman

Respectfully submitted,
Jacquelyn Anderson
Recording Secretary