

MINUTES
PALM BEACH COUNTY
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS (CBAA)
October 12, 2017

1. CALL TO ORDER / CONVENE AS CBAA

Chair Marc Wiener called the meeting to order at 2:00 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, Architect, Chair
Milton Grey, Division I Contractor
Steven Markel, HVAC Contractor
Margie Walden, Public At-Large

Ron Dixon, Engineer, Vice Chair
Manny Oyola, Roofing Contractor
Rex Kirby, Division I Contractor
Justin McIntosh, Alt - Public At-Large

MEMBERS ABSENT:

Bart Rasper, Plumbing Contractor

Gary Sullivan, Electrical Contractor

OTHERS PRESENT:

Doug Wise, Building Official, Palm Beach County
Dean Wells, Construction Services Coordinator
Shannon Fox, Assistant County Attorney
Anne Helfant, Assistant County Attorney
Diane Burress, Building Permit Tech II
Dr. Steve Keehn, Resident, Boynton Waters
Ira Rappaport, Resident, Boynton Waters
Ellen Rappaport, Resident, Boynton Waters
Anthony Diaz, Mr. Tax 1111, LLC
Alan Hess, Resident, Boynton Waters
Tom Miko, Resident, Boynton Waters
Stephan Dermangian, KIR Boynton
Daniel Tubb, 7-11
John Kennelly, Aspen Homes
Chris Antle
Terry Lee, Aspen Homes
Doug Plean, Resident, Boynton Waters
John Glennon, Resident, Boynton Waters
Lisa Glennon, Resident, Boynton Waters
Steve Young, P.E., Resident, Boynton Waters
Jeri Young, Resident, Boynton Waters
Joel Shuster, Resident, Boynton Waters
Curt Eppley, Resident, Boynton Waters

B. APPROVAL OF MINUTES

Ms. Walden made a motion to approve the minutes of August 10, 2017. Mr. Oyola seconded the motion. The motion carried unanimously.

2. ADDITIONS & DELETIONS - NONE

3. OLD BUSINESS

Ms. Burress administered an oath to all witnesses who planned to testify.

Mr. Wiener requested the public limit their comments to two minutes.

A. 16-03 – Estates of Boynton Waters

Mr. Wise requested to enter the updated County Staff Report into evidence.

Mr. Wells gave a summary of the status inspections. The Board ordered that lots 108 and 131 comply with what the Board defined as reasonable exterior completion: exterior doors and windows, stucco, paint and roof. On 10/5 Mr. Wells inspected lot 108 and found it to be in compliance with the Board's order. Lot 131 is in the same condition as it was in 2015 with paint, doors and windows, but the roof has not been installed.

Board members questioned Staff and discussion ensued.

Mr. Kennelly submitted a status report to the Board, which was entered into evidence. He also presented photos of the lot by PowerPoint presentation. Mr. Kennelly summarized the progress made on each lot.

Lot 85 had partially installed trusses prior to the hurricane, but the storm knocked the trusses down and damaged them.

Lot 95 is awaiting truss design and installation of structural upgrades.

Lot 108 has a fully complete exterior. Mr. Kennelly requested the Board allow the fence and dumpster to be removed. He also requested the structure be removed from the list of subject properties.

Lot 131 needs roof tile, and will likely need new underlayment before the installation. The rest of the exterior is complete.

Lot 112 is awaiting stucco. Roof, hurricane windows and doors are installed. It needs stucco, paint, front doors and garage doors.

Lot 115 and Lot 123 are awaiting truss design and installation of structural upgrades.

Lot 125 has trusses, sheathing, hurricane windows and doors installed. It is awaiting stucco and roof tile.

Lot 136 has new trusses, sheathing, new roof, hurricane windows and doors. It is awaiting stucco.

Lot 138 and 139 have the trusses of Lot 85 in front of them. The lots are in progress.

Construction was delayed by the hurricane, but progress continues.

Board members questioned Mr. Kennelly and Mr. Lee and discussion ensued.

Chairman Wiener allowed residents of the community to comment, and requested they limit their comments to two minutes.

Discussion ensued.

Mr. Wise stated he and other qualified staff members would meet with Mr. Steve Young to review possible unsafe conditions Mr. Young identified at some of the properties.

Discussion ensued.

Ms. Walden made a motion to have Mr. Kennelly come back before the Board in February to report if everything is on schedule for completion, with Certificate of Occupancy for all the buildings by the May 11, 2018. If at that point he states that he is not on schedule and will not complete the structures by the deadline, the Board will discuss that at that time.

Mr. Oyola seconded the motion. The motion passed unanimously.

Mr. Oyola made a motion to have Mr. Wise report to the Board at the next CBAA meeting his findings at the site meeting regarding the safety issues and concerns.

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

Discussion ensued.

B. 17-11 – 9803 S Military Trl – KIR BOYNTON

Mr. Wise requested to enter the County Staff Report into evidence.

Mr. Wise summarized the case involves a sagging soffit on the front of the building. The discussion at the previous meeting centered on demolition or getting an engineer's report and putting a fence up.

Mr. Wells stated the fence was installed at the September 5 inspection. Currently there is no application for permit to rebuild or tear down the structure. The hurricane did not tear the mansard down. It is still intact.

Mr. Dermangian stated the fence was installed. Engineers inspected the site and confirmed the mansard roof is independent of the block structure. The engineer recommended the mansard roof be taken down. There is a letter of intent with 7-11 to demolish the building and redevelop the corner of the

shopping center.

Mr. Tubb stated 7-11 has gone through the board hearing for all variances for Off the Board DRO. The hearing will be December 13. If the hearing has a positive result, the lease will be signed with Kimco Realty and 7-11. The anticipated date to submit a demo permit application is December 15. There is a provision in the lease that if the Board recommends taking down the mansard roof, Kimco Realty will pay for that. Once the lease is finalized and the permit is approved, 7-11 will demolish the rest of the building.

Mr. Dermangian requested an extension until after the DRO hearing. If approved, 7-11 will demolish the whole building. If not approved, Kimco will take down the mansard roof.

Mr. Wise stated the Board of County Commissioners has approved the preliminary plans. The final DRO approval is pending, and will likely go forward.

Ms. Walden made a motion to give a continuance until December 15.

Discussion ensued.

Ms. Walden amended the motion to grant a continuance until December 30.

Mr. Dixon seconded the motion. The motion passed unanimously.

4. NEW BUSINESS

A. 17-12 – 2727 Genessee Ave – Mr. Tax 1111, LLC

Mr. Wise requested to enter the County Staff Report into evidence.

Mr. Wells read the County staff report to the Board. Mr. Wells stated the building is not fenced. There is a piece of plywood covering an opening. There is a kindergarten type of institution across the street. It has been reported that people have been seen going in and out of the structure.

Mr. Wells stated the roof is starting to sag. The vertical column is starting to sag and is no longer supporting the members. There are no permit applications submitted. Seven years ago, a previous owner applied for a demolition permit that was never finalized.

Board members questioned Staff and discussion ensued.

Mr. Diaz stated his office was unaware the accident happened. Their office is Miami Beach. They acquired the property by tax deed about five years ago. The house was secure before the accident in June. They have contacted the insurance company of the person that hit the property. They obtained estimates to renovate the property to rent it out right before the accident that happened in June.

Mr. Diaz requested a 90-day extension as they try to resolve the claim with the insurance company. They have installed supports on the inside of the property to prevent any further damage. The inside of the

house is shelled out, and all the electrical and plumbing have been removed.

Board members questioned Staff and Appellant and discussion ensued.

Mr. Wise suggested they complete the demolition as the building cannot be rehabilitated and does not have historical significance.

Discussion ensued.

Mr. Dixon made a motion to grant a 90-day extension to the demolition with a provision that the property be secured by fencing and boarding up to prevent access to the structure. At the end of 90 days if the demolition has not been taken care of, then demolition will proceed.

Discussion ensued.

Mr. Dixon modified the motion to require the fencing be done within a two-week time frame.

Mr. Oyola seconded the motion. The motion carried unanimously.

5. BOARD MEMBER COMMENTS

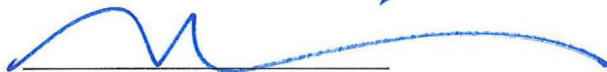
6. STAFF COMMENTS

Mr. Wise invited the Board to attend the PZB Carnival event to fundraise for charity. More information about the event will be sent to the Board.

7. ADJOURNMENT

Chairman Marc Wiener adjourned the meeting as the Construction Board of Adjustments and Appeals at approximately 3:40 p.m.

Signed for the Board by,



Marc Wiener
Chairman

Respectfully submitted,
Jacquelyn Anderson
Recording Secretary