

MINUTES
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
August 12, 2010
2:00 PM

1. CALL TO ORDER

The Chairman, Marc Wiener called the meeting to order at 2:00 pm in the Vista Center 1st Floor Conference Room 1W-47, Palm Beach County Planning, Zoning & Building Department, 2300 North Jog Road, West Palm Beach, Florida.

A. ROLL CALL

MEMBERS PRESENT

Marc Wiener, Chair
Albert Godfrey
Bart Rasper
Michael Walker – 2:05
Duane Drawdy
Peter A. Dzenutis
Arnie Rich (Alternate)

MEMBERS ABSENT

Ron Dixon, Vice Chair

OTHERS PRESENT

Rebecca D. Caldwell, Building Official
Dawn Wynn, Asst. County Attorney
Sherita White, Recording Secretary

Dean Wells, Construction Services Coordinator
Peggy Costa, Notary
Mark Baker, Appellant

B. Approval of Minutes. Motion was made to approve the minutes of February 11, 2010. Motion was seconded and passed unanimously.

C. Ms. Peggy Costa swore in the witnesses prior to testimony.

2. ADDITIONS & DELETIONS – NONE

3. NEW BUSINESS

A. Case # 10-01 Demolition Appeal. 4898 Palm Ridge Blvd.-FBC, Section 115 Unsafe Structures and Equipment

- Ms. Caldwell apologized to the Board for not giving the typical amount of notice and explained the financial limitations that have caused delay for several cases, including this one.
- Ms. Caldwell called Mr. Dean Wells, Palm Beach County Construction Services Coordinator.
- Ms. Caldwell asked Mr. Wells if he was the Construction Services Coordinator that will be testifying on this case to the Board today.
- Mr. Wells responded yes, he is.
- Ms. Caldwell asked how and when this case came to his attention.
- Mr. Wells stated it came to him on February 4, 2010, by request of a Code Enforcement Officer to review for possible condemnation.
- Ms. Caldwell asked when visited the site and what conditions he found.
- Mr. Wells stated he visited the same day, 2004, and found that it was basically a burnout structure with collapsed walls and roof, with debris all over the place, as well as fire damage.
- Ms. Caldwell asked him to correct his statement regarding the date he first visited the site.
- Mr. Wells said February 4, 2010.
- Ms. Caldwell asked what action he took as a result.
- Mr. Wells stated he posted a red placard signifying that the property was unsafe and a case file was started. He explained that part of the case file requests that a title search is done to find and notify interested parties.

Page 2 of 3
Construction Board of
Adjustments and Appeals
August 12, 2010

- Ms. Caldwell asked when he received the title search and what the findings were.
- Mr. Wells stated that the title search was received February 15, 2010 and the findings were that Mr. Baker was the primary owner of the property and that there are two other interested parties: Paradise Bank and US Bank National Association.
- Ms. Caldwell asked what actions he took based on these findings.
- Mr. Wells stated that he sent out a "condemnation package", which includes a notice of condemnation, an affidavit of condemnation, an HCD form, an electric disconnect, and an assistance form. In order to inform the parties, the package is sent out to each interested party by both certified and regular mail and there are also postings in the courthouse and a legal ad taken out in the Palm Beach Post.
- Ms. Caldwell repeated for confirmation that Mr. Baker and both banks were sent these notices.
- Mr. Wells agreed.
- Ms. Caldwell asked for the dates of the mailings and postings for the legal ads.
- Mr. Wells stated that the legal ad in the Palm Beach Post was posted on February 28, 2010, the courthouse posting was on February 23, 2010, and that the mailings were sent out on February 18, 2010.
- Ms. Caldwell asked what additional actions were taken.
- Mr. Wells stated that he ensured that it was not a historical landmark.
- Ms. Caldwell also stated that we check to ensure that it is not within a redevelopment area.
- Mr. Wells agreed that it is standard procedure to ensure that it does not belong to one of the Countywide Community Redevelopment Team areas, and that this property was not one of these areas.
- Ms. Caldwell asked Mr. Wells if he was aware that Mr. Baker had requested the appeal.
- Mr. Wells stated that yes, he was aware, though the appeal goes to the Senior Secretary, not him.
- Ms. Caldwell stated that at that point, she asked the Senior Secretary to contact Mr. Baker to inform him of the fee for appeals, which he then paid on May 18, 2010.
- Ms. Caldwell, however, explained that there was a lapse in communication when the Senior Secretary left shortly after. Ms. Caldwell felt that with the combination of potential danger from the approaching hurricane season and the amount of time lapsed since Mr. Baker chose to appeal, it was appropriate to bring the case in front of the Board to resolve as soon as possible.
- Ms. Caldwell pointed out that the condition of the structure, which could be seen in provided photographs, is definitely in need of demolition, because debris could become projectiles in the case of a storm. She noted an additional issue: the removal of the house, without a permit to rebuild it, leaves the garage as a nonconformity. In that case, it needs to be referred to code enforcement.
- Mr. Baker expressed that he was experiencing financial hardship with his properties / waiting on a pending short-sale, but he does have a contract with a contractor for \$6200, for demolition upon approval.
- Mr. Rich asked if there was anything preventing the County from demolishing the house.
- Ms. Caldwell explained that due to possible danger in this situation, the house needs to be demolished, regardless of risk. Ms. Caldwell said she would give Mr. Baker an owner-builder permit to demolish the house, himself.
- Mr. Rich asked who would need to give permission for the building to be knocked down.
- Ms. Caldwell explained that the building permit process is the only permission necessary. She stressed that the most important thing would be to, at the very least knock it down, and then deal with further action in the next six (6) months during the active permit.
- Mr. Baker asked for clarification, if he can apply for an owner-builder permit to demolish the current structure and then apply to rebuild a structure on the existing slab.
- Mr. Wiener stated that ultimately, Mr. Baker's choices are to obtain an owner-builder permit to demolish the current structure or the county will demolish it, and put a lean on the property.
- Ms. Caldwell explained that in order to obtain a permit, Mr. Baker must apply for an owner-builder permit or have his contractor apply.
- Mr. Walker made a motion to give Mr. Baker fifteen (15) days to pull a permit and an additional 15 days to demolish the house. If not, the county will knock it down. The motion was seconded by Mr. Rich. Discussion followed. Ms. Caldwell clarified that upon pulling the permit, Mr. Baker will have 6 months to determine if he will be applying for reconstruction upon the same slab. The motion

carried unanimously.

- Ms. Caldwell noted that there will be six (6) months between the preliminary and final inspections, to be rid of debris. Additionally, she offered to refund his appeal fee if he pulled a permit.
- Ms. Caldwell noted that if Mr. Baker demolished everything and retained the slab, he must apply for a permit for reconstruction, as well. Her ultimate suggestion is to apply to demolish everything and make a decision within the 6 months to either rebuild or remove the slab.
- Mr. Baker asked if the garage would be in violation.
- Ms. Caldwell said that if he chose to rebuild the structure, then the garage would not be in violation, but if he did not rebuild the structure, then the garage would be in violation.
- Mr. Wiener called the question. The motion carried unanimously.

4. OLD BUSINESS

A. Information on new Code of Ethics – Dawn Wynn

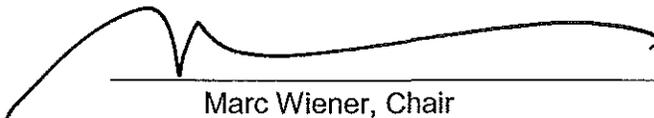
- Ms. Wynn stated that since the last meeting where the question was raised, all members have returned an ethics form. When asked about a possible conflict due to employment, Ms. Wynn said that in some instances, if an explanatory e-mail was written to Ethics Attorney Lenny Berger a waiver could be issued.

5. BOARD MEMBER COMMENTS – NONE

6. STAFF MEMBER COMMENTS – NONE

7. ADJOURNMENT

The Chairman, Marc Wiener, adjourned the meeting at 2:35 p.m.



Marc Wiener, Chair

Respectfully submitted,
Ashley Salvati
Recording Secretary