

MINUTES
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
March 10, 2011
2:00 PM

1. CALL TO ORDER/CONVENE AS CBAA

The Chairman, Marc Wiener called the meeting to order at 2:05 pm in the Vista Center 1st Floor Conference Room 1E-60, Palm Beach County Planning, Zoning & Building Department, 2300 North Jog Road, West Palm Beach, Florida.

A. ROLL CALL

MEMBERS PRESENT

Marc Wiener, Chair
Ron Dixon, Vice Chair
Bart Rasper
Michael Walker – 2:05
Margie Walden

MEMBERS ABSENT

Albert Godfrey
Duane Drawdy
Peter Dzenutis

OTHERS PRESENT

Rebecca D. Caldwell, Building Official
Dawn Wynn, Asst. County Attorney
Ashley Salvati, Recording Secretary
Sherita White, PBC Administrative Assistant

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

B. Approval of Minutes. Motion was made to approve the minutes of August 12, 2010. Motion was seconded and passed unanimously.

2. ADDITIONS & DELETIONS – NONE

3. NEW BUSINESS

1. Introduction of New Member, Margie Walden

➤ Ms. Walden was introduced to the Board as she passed around her resume.

4. OLD BUSINESS – NONE

5. BOARD MEMBER COMMENTS – NONE

6. STAFF MEMBER COMMENTS – NONE

A. Rebecca Caldwell reported that Mr. Baker did not follow up with a demolition permit, and that the county has submitted a permit to demolish it.

7. ADJOURNMENT

The Chairman, Marc Wiener, adjourned the meeting at 2:10 p.m.

8. CONVENE AS FLOOD DAMAGE PREVENTION BOARD

The Chairman, Marc Wiener called the meeting to order at 2:10 pm in the Vista Center 1st Floor Conference Room 1E-60, Palm Beach County Planning, Zoning & Building Department, 2300 North Jog Road, West Palm Beach, Florida.

A. ROLL CALL

MEMBERS PRESENT

Marc Wiener, Chair
Ron Dixon, Vice Chair
Bart Rasper
Michael Walker
Margie Walden

MEMBERS ABSENT

Albert Godfrey
Duane Drawdy
Peter Dzenutis

OTHERS PRESENT

Rebecca D. Caldwell, Building Official
Dawn Wynn, Asst. County Attorney
Ashley Salvati, Recording Secretary

Dean Wells, Construction Services Coordinator
Mark Baker, Appellant

A. Approval of Minutes – NONE

2. ADDITIONS & DELETIONS – NONE

3. NEW BUSINESS

2. Case # 11-01 Variance Request. 3301 Karen Dr. – PBC Unified Land Development Code Article 18

- Ms. Caldwell summarized the case by saying there was a permit issued for the addition of a three car garage to a residence, that subsequently was the subject of a revision to include additional square footage of air conditioned space, as well. Because it was a significant amount of additional air conditioned space, it required more detail than the previous plan did. In this case, the substantial improvement creates additional vertical square feet, which requires that the entire structure be brought up to meet the base flood elevation by FEMA standards. As a result of the determination, the local flood damage prevention ordinance requires that the entire structure be raised to 12" above the base flood elevation. Mr. Colnon, the president of Signature Builders, wanted to appeal the decision.
- Ms. Caldwell continued that she suggested the next step for Mr. Colnon was to ask this board for a variance from the freeboard requirements of 12" above the base flood elevation requirements; that way he would meet the National Flood Insurance Program requirements under FEMA, but it would be a variance from our local flood damage prevention ordinance. Because of the existing construction, it would be difficult to raise the structure 12", and she would therefore not object to a variance, if the Board approves.
- Mr. Wiener asked what the difference between the FEMA and local ordinances are.
- Ms. Caldwell said that FEMA's rules on substantial improvements refer to improvements of 50% or more of the value of the structure, prior to the improvements being made, which this construction exceeds. If it was a lateral substantial improvement, FEMA says only the addition would have to meet the base flood elevation. However, in this case, a vertical plane, or a second floor, is being added, and FEMA says that the entire structure needs to be at base flood elevation.
- Ms. Caldwell continued that Palm Beach County requires an additional 12" above the base flood elevation established by FEMA. This house, by FEMA standards, would need to have its' lowest base flood floor elevation at 7' NGVD. Local ordinance requires it to be at 8', which the county takes very seriously and has produced excellent flood ratings, and in turn, excellent flood insurance rates. This is the first variance in five years, which is testament to the uniqueness of the situation. FEMA requirements are non-negotiable but the subject of the variance is the local ordinance of 8'.

Mr. Dixon made a motion to grant the variance. It was seconded. Discussion.

- Ms. Wynn reminded the Board about the condition Rebecca had proposed.
- Ms. Caldwell elaborated on the condition -- requesting that the variance be granted with the condition of an engineered drainage plan being produced with the plans.
- Mr. Colnon said there is a storm drainage system directly in front of the house on the road.
- Mr. Dixon asked where the home is located.
- Mr. Colnon said directly on the intracoastal in Delray.
- Mr. Dixon said he was not sure how much value a storm drain system would be for a home that would simply empty its water into the canal.

- Ms. Caldwell said she is not asking for a system, just simply a plan.
- Mr. Rasper asked if Palm Beach County would be liable if damage occurred.
- Ms. Caldwell said she does not believe so, because it still meets FEMA regulations and she believes this variance is appropriate as is referred to in Article 18.

Mr. Dixon amended his motion that a drainage plan be submitted for review with plans. It was seconded and carried unanimously.

4. OLD BUSINESS
5. BOARD MEMBER COMMENTS – NONE
6. STAFF MEMBER COMMENTS – NONE
7. ADJOURNMENT

The Chairman, Marc Wiener, adjourned the meeting at 2:51 p.m.



Marc Wiener, Chair

Respectfully submitted,
Ashley Salvati
Recording Secretary