

MINUTES
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
September 12, 2013

1. CALL TO ORDER/CONVENE AS CBAA

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

1.A. ROLL CALL

MEMBERS PRESENT

Marc Weiner, Chair
Ron Dixon, Vice Chair
Bart Rasper

Margie Walden
Tom Donegan

MEMBERS ABSENT

Michael Walker

Peter Dzenutis

OTHERS PRESENT

Doug Wise, Building Official
Dean Wells, Construction Services Coordinator
Anne Helfant, Asst. County Attorney
Shannon Fox, Asst. County Attorney

Vickie Day, Recording Secretary & Notary
John Auten, property owner
Greg Kino of Ciklin, Lubitz, Martens & O'Connell

1.B. Approval of Minutes. *The motion was made to approve the minutes of the June 13, 2013 meeting. The motion was seconded and carried unanimously.*

2. ADDITIONS & DELETIONS – NONE

3. NEW BUSINESS Vickie Day swore in all those giving testimony.

3.A. Case #13-0003 – 2132 Indian Road West Palm Beach, FL 33409; PBC Amendments Section 116

Dean Wells provided the history of the property and showed a presentation of photographs. *Photographs and Staff Reports were submitted as Evidence A. Appellant Reports were submitted as Evidence B.*

12/1/2012 – Structure fire occurred

2/13/2013 – Code Enforcement complaint received

5/22/2013 – Initial inspection

5/24/2013- *Notices of Intent to Demolish or Substantially Repair and Inspect*, were posted on the site and at the courthouse and certified mail to the property owner.

5/29/2013- *Notices of Intent to Demolish or Substantially Repair and Inspect*, *Inspect* was published in the Legal Ad section of the Palm Beach Post.

8/19/2013 – Asbestos survey was requested

Doug Wise confirms case involves an unsafe building used as a tire store, which suffered a catastrophic fire last year. The owner and his attorney are here to request additional time. From my position as the Building Official, if I arbitrarily and administratively grant time to people to resolve these issues, it sets a precedence that I have to give to every case. Because the county is aggressively pursuing demolitions of unsafe buildings, it is better that the Board considers and grants the time. I am not opposed to the Board granting additional time to the applicant; it is my understanding that the appellant is looking to annex into the City of West Palm Beach as to rebuild in its current location will prove difficult due to the County Ordinances.

Mr. Wells points out that our concern is it is being used for storage of tires, so in essence they are still operating a business out of the building. The storage is actually contained inside the four walls and is secured with a chain link fence. A pre-demolition was done very well.

Mr. Kino – points to their timeline and how the first 5 months since the fire have been spent in the County Zoning process trying to get the approvals to rebuild the structure. Because some questions arose about non-conforming status & records were not available as they were destroyed in the fire and we would have to go through a 9 month re-zoning process; we approached the City of West Palm Beach about annexing. We submitted an Annexation application and it goes to the City's Planning Board hearing next week. He also points to an engineer letter and a County report that the building portion that remains is safe. The owner is working very hard and it is an on-going effort to get approvals to rebuild. We are asking for additional time to get the property annexed into the City of West Palm Beach; the annexation should be completed at the end of November and a five month time period for construction to be finished.

Mr. Weiner asks if they had every intention of using the existing walls in the new structure.

Mr. Kino acknowledges that they do actually have plans which include the existing structure for the new building.

Ms. Fox asks how much time they are requesting.

Mr. Kino says they need until about the end of December to get the annex complete.

Mr. Wise recommends that the additional time is granted; six months would be a reasonable amount of time to get the project annexed and completed.

Mr. Donegan asks if there are any complaints.

Mr. Wise said it was my understanding that the County received a complaint. Some statements have been made that it may have been a competitor. The issue was raised about using the structure for storage. I am not opposed to giving them six months; but I am concerned about continuing to use it.

Mr. Kino mentions there was arson involved in this situation; getting numerous complaints from a competitor. The site is secure by K9 security since within a week of the fire.

Mr. Auten states the inventory is old tires and is continuously being depleted.

Mr. Dixon – *I make a motion that we grant the applicant the time extension of six months. The site must be cleaned up within 30 days; which consists of painting the structure and cleaning up so it does not create an eyesore from the street*
Mr. Weiner - *The motion offered and seconded. All members in favor. None opposed. Motion passed*

4. OLD BUSINESS –

Case #13-0001 - 4087 Success Street West Palm Beach, FL 33406; Appellants complied with the order. Case closed
Case # 13-0002 – 4396 Cocoanut Road West Palm Beach, FL 33406; Appellants complied with the order. Follow up necessary only if permit goes inactive.

5. BOARD MEMBER COMMENTS – NONE

6. STAFF MEMBER COMMENTS –

Plaques for Al Godfrey and Dwayne Drawdy for their service on the board have been ordered.

7. ADJOURNMENT

At 2:25pm, the Chair adjourned the meeting.

Marc Weiner, Chair

Respectfully submitted,

Vickie Day
Recording Secretary