

MINUTES
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
March 13, 2014

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 Hearing 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

Duane Drawdy

Peter Dzenutis

Michael Walker

Bart Rasper

Tom Donegan

Margie Walden

MEMBERS ABSENT

Ron Dixon, Vice Chair

OTHERS PRESENT

Doug Wise, Building Official

Mr. Francisco Santa

Anne Helfant, Asst. County Attorney

Ms. Brenda Matos

Shannon Fox, Asst. County Attorney

Mr. Jerry Cancio

John Blake, Construction Services Coordinator

Mr. Julian Rogers

Vickie Day, Recording Secretary & Notary

1.B. Approval of Minutes. *The motion was made to approve the minutes of November 14, 2013 meeting. The motion was seconded and carried unanimously.*

2. ADDITIONS & DELETIONS – NONE

3. OLD BUSINESS – Vickie Day swore in all those giving testimony.

3.A. Case # 13-0002 – 4396 Cocoanut Road West Palm Beach, FL 33406; Appellants complied with the order. Periodic follow up to ensure permit remains active.

3.B. Case #13-0003 – 2132 Indian Road West Palm Beach, FL 33409; Appellants complied with the order. Clean up of the lot completed, painted the structure. City of West Palm Beach annexation process was approved on February 18th.

3.C. Case #13-0004 – 15694 89th Place Loxahatchee, Florida 33470: Appellant must secure new drawings to construct a structure on the premises and financing to pay for the construction by January 13, 2014.

Mr. Wise – The Board Order was not completely adhered to. Brenda Matos and Francisco Santa brought in plans to the Building Division as requested; however, the permit application was not filed. They made a good faith effort, so they are here to present where they are in the process and request additional time from the Board.

Mr. Santa – we have the blueprint to build the house and we just closed on the property yesterday so it is now in our name. Now we will apply for the permit.

Ms. Walden – asks if the septic system is secured

Mr. Santa – yes, it is not brand new, but it is cleaned and I checked it

Mr. Dzenutis – is there any financing involved in order to move ahead at this point?

Mr. Santa – yes, we have financing

Mr. Donegan – have you started the drawings so you can submit for a permit?

Mr. Santa – yes

Mr. Wise – I can attest to that, we have looked at their plans. I did not do a complete review, but it was sufficient to submit for a permit. It was a real set of plans.

Mr. Drawdy – what we are looking at is how long it will take to get a permit. Once he gets a permit, then he will be in compliance is that right?

Mr. Wise – Yes Sir. 60-90 days would be sufficient to get a permit.

Ms. Fox – for the Boards' consideration, in the last order we had given them until January 14, 2014 for the new drawings and financing and at that time the Building Official's decision to demolish the remaining structure on the property will be upheld, and Appellants will be responsible to pay all costs associated with such demolition by the County. Would the Board like to keep this kind of language in the order?

Mr. Drawdy – it would be appropriate to extend that order for 90 days. And keep that language in the order.

Mr. Drawdy - *makes a motion to extend the initial order for 90 days from today to obtain a permit.*

Mr. Donegan *seconds the motion and it was carried unanimously.*

Ms. Fox – asks appellants if they understand, they replied yes and thank you very much.

4. NEW BUSINESS

4.A. Case #14-01 – 4830 Badger Avenue West Palm Beach, FL; PBC Amendments Section 116

Mr. Wise – this case involves a report we received from Code Enforcement; apparently at the end of last year they contacted a member of the building staff and requested an inspection. What we found in December 2013 was that the building occupancy had been modified to a 16-17 bed rooming house in what had been permitted in 1983 as a 5 bedroom house. The County felt very strongly that this is a serious violation of codes; there are numerous hazards at this location. I and John Blake personally hand delivered a notice to condemn the building. Ms. Willis is not here, but there are two gentlemen here alleging to represent her. The building itself it not an unsafe building, it is what has been done to the inside of it. It is a CBS structure in fairly decent condition, but the interior has been so intensely modified it cannot be safely occupied until it is put back to the original permitted structure or get permits to complete it the way the owner wants it to be. The County position is the building is unsafe, we prefer to not have to demolish it. The representatives of the owner are here today to present a plan about how they want to rehabilitate the structure.

John Blake provided the history of the property and showed a presentation of photographs.

Exhibit A was put into evidence.

Mr. Weiner – asks Board Council if they have any opinion as to the validity of this testimony.

Ms. Fox – states we do have a letter we received from Ms. Willis which is not signed but she did say Julian Rogers is her consultant and will be representing her today. Gentlemen please state your name and your authorization to represent Ms. Willis.

Mr. Rodgers – I am Julian Rogers and the one who drafted the letter for her. She did not understand she had to sign the letter above her name.

Mr. Cancio – I am Jerry Cancio, a Certified General Contractor and a State Certified Home Inspector. I work with Julian Rogers and we know Mary Willis through her Pastor.

Ms. Fox – and she asked you to represent her at this hearing.

Mr. Rodgers – yes she has

Ms. Fox – if you can make sure we get a signed copy of the letter to us. We will supplement the file with the signed copy.

Mr. Rodgers – we will get a signed copy of the letter to Building Division. Mary's Pastor had asked Jerry to inspect the building and he did so. He came to me and said we have a problem. Mary wanted to fight the issue, but unfortunately we could not support her in the fight because we believe that everything that is alleged in this case, is true. I advised her and even though she wanted to provide housing for disabled and the low-income people; she did not get any permits and did not have any inspections. When we realized how it was, we asked Jerry Cancio to secure the building, you will see all window opening are secure, the utilities are cut off and the building is vacant. We did that so we could get a handle so we can decide what we can do with this structure. We got involved too late to

come up with new plans because we have to work with staff to ascertain what is the proper use of the building. She Asked us what we recommend, I said let's take it step-by-step; work with Zoning & Planning to see what proper use is, lets evaluate the structure, hire an architect and we'll see what it should be, we'll follow all the rules and we'll make it into something that can provide an income for her. We all know the process and she agreed this is the way she wants to go. Jerry Cancio is here today and will say a few words on the condition of the structure.

Mr. Cancio – Mr. Wise already pretty much described the condition of the structure. It is a CBS structure, tie beam construction. The building is sound, it has no leaks and all the doorways are functional. But I agree completely with the assessment the Building have made, it's like a third-world situation there. What we want to do is make it livable for her and an income for her.

Mr. Wiener – what is your expertise?

Mr. Cancio – I started in the College of Business at University of Florida; five years as a Land Developer; Re-developed the Palm Beach Hotel properly; re-opened Palm Beach's only low-income housing project. So I was involved in many zoning and re-development issues.

Mr. Rogers – IN summary we just need time, we do not feel the building is at risk of hurting anyone now it's vacant and it is not in danger of falling down. She understands no one is allowed inside the building. The appeal was originally done by Mrs. Willis to overturn the decision of Building Official; however that is not the case today. We agree with the decision 100%. We have secured the building and done everything we can physically to make the building safe. We would like a 90 day period to keep the process at hold so we can we work with staff, find an architect and proceed. We are asking for the time to first, determining the use, secondly if feasible and thirdly, financing.

Mr. Weiner - What does staff recommend

Mr. Wise – recommends to contact zoning to see if what Mrs. Willis wants to do is feasible; if not, a permit to keep at the original 5 bedroom structure. I think the 90 days is a reasonable request.

Ms. Fox – It is for this Board to decide if the Building should be demolished or to give an extension so the respondent can come up with other options.

Mr. Drawdy - I make a motion that we grant the applicant 90 days to work with The County and provide a status report to the Board of their progress. The motion was seconded and carried unanimously.

5. **BOARD MEMBER COMMENTS – NONE**

6. **STAFF MEMBER COMMENTS –**

Mr. Wise – advises that we may have a meeting next month whereby the Board will be sitting in as the Local Construction Regulation Board. This Board actually sits as three (3) different Boards in accordance with the Statutes: Construction Board of Adjustments and Appeals, Flood Board of Appeals, Local Construction Regulation Board.

7. **ADJOURNMENT**

At 3:10pm, the Chair adjourned the meeting.



Marc Weiner, Chair

Row Nixon, VICE CHAIR

Respectfully submitted,

Vickie Day
Recording Secretary